

Licensing Act Sub-Committee - Record of Hearing held on Thursday 29 October 2009 at 4.00pm

MEMBERS: Councillor Mrs HEAPS (Chairman); Councillors Mrs GOODALL and Mrs SALSBURY.

1 Declarations of Interest.

None were received.

2 Application for New Premises Licence – Tesco Express, 56-60 Meads Street.

The Chairman introduced members and officers present and detailed the procedure to be followed. The Licensing Manager outlined the report detailing the application for a new premises licence for Tesco Express, 56-60 Meads Street.

Mr J Bark, Barrister for Tesco Stores advised the Sub-Committee that the hours for the sale of alcohol had been amended to 08.00 in response to the concerns of local residents and that a number of conditions had been offered to promote the licensing objectives.

The applicant operated 1,000 premises as express stores and experience indicated that customers in the main would be from the local area and that the primary use of such stores tended not to be solely for the purchase of alcohol. Alcohol was a small but essential part of the product range and represented between 7-9% of total sales.

Alcohol would be located away from the entrance door and high value alcohol would be located behind the tills. The separate delivery of alcohol was not proposed and all deliveries and the operation of the premises would be designed to minimise the impact on local residents.

Tesco operated robust training policies and programmes for staff, which included an in-house DVD and all training and refresher materials were regularly reviewed. A "Think 25" policy had been introduced in all stores in June 2009, which would be brought to customer's attention through the point of sale material at the checkout and where alcohol is displayed. A till prompt appeared on the initial sale of alcohol to remind staff of their responsibilities and external companies were used to make random purchases at 250 stores every quarter.

A digital CCTV system covering many areas of the shop floor including the proposed area for alcohol displays would be installed and made available for enforcement purposes. Close liaison with local resident groups, schools and the police would be established and risk assessments would be undertaken by managers on a weekly basis. A condition was offered to commit to additional crime prevention and security measures if assessed as necessary during the

operation of the licence, although it was stated that in reality few stores required such a condition.

An experienced manager, Mr Barrow, would oversee the operation of the new store. The store recycled 98% of its refuse which kept waste collection to a minimum and the outside area was kept free of litter by staff.

Mr Bark stated that no objections had been received from responsible authorities in respect of the application.

Written representations had been received from a number of local residents as detailed in the report.

Councillor N Goodyear addressed the Sub-Committee and stated that Mr Bark's submission had answered the majority of his concerns. He made reference to the potential closure of Thresher's in the area and that this may increase the use of the premises for the purchase of alcohol.

Mr J Roe addressed the Committee on behalf of the Meads Community Association. Concerns had been raised that the availability of alcohol during the hours proposed would encourage vagrants in the area and students to buy alcohol.

The Licensing Manager reported on Columbus which was a project operated by Sussex Police which provided a wide range of guidance and advice to language schools including the age restrictions for the purchase of alcohol.

The Sub-Committee acknowledged and took into account the letters of representation submitted from interested parties who were not present at the hearing.

The Sub-Committee then considered the application having regard to the representation submitted and the further evidence presented at the meeting, the four licensing objectives and the Council's Statement of Licensing Policy. Having taken into account all the relevant considerations the Sub-Committee announced the decision as follows.

RESOLVED: That the new premises licence application in respect of Tesco Express, 56-60 Meads Street be granted as set out in the attached appendix.

The meeting closed at 5.35p.m.

**Mrs C Heaps
Chairman**

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Thursday 29 October 2009

- Applicant: Tesco Stores Ltd
- Premises: Tesco Stores
Meads Street
Eastbourne
- Reasons for Hearing: Relevant representations received from interested parties under the public nuisance, prevention of crime and disorder, public safety and the protection of children from harm licensing objectives.
- Parties in attendance: Applicant and representatives: Mrs L Crow, Mr M Beddow and Mr J Bark (Barrister).
- Interested Parties: Mr J Roe (Meads Community Association) and Councillor N Goodyear.
- Licensing Authority:
Miss K Plympton (Licensing Manager) and Mr G Johnson (Regulatory and Litigation Lawyer).
- Decision made: To grant the new premises licence as follows:
- Sale of Alcohol:**
- Monday – Sunday 08.00 – 23.00 hours
- Open to the Public**
- Monday – Sunday 06.00 – 23.00 hours
- Subject to the following conditions (in addition to applicable mandatory conditions prescribed by section 19 of the Licensing Act 2003):
- i) A digital CCTV system, monitors and appropriate recording equipment shall be installed, operated and maintained at the premises. Images will be retained for a minimum of 28 days
 - ii) The Designated Premises Supervisor will provide written consent for the sale of alcohol on their behalf within the premises.
 - iii) All members of staff receive training on Tesco's Challenge 25 Policy. Staff will be trained to ask customers to provide adequate and acceptable proof of age. Proof of age accepted will be either photo card driving licence, National Identity Cards, Passport, Official HM Armed Forces Identity Card and recognised identification bearing the official PASS logo.

- iv) Spirits will only be displayed or sold from behind the counter.
- v) The operator shall remain an active member of Nightwatch/ShopWatch.
- vi) The need for registered Door Security shall be assessed by the premises licence holder/designated premises supervisor on a regular basis and SIA door staff shall be employed when it is considered that assessment requires it.

Reasons for Decision: The Sub-Committee has granted the application for a new Premises Licence subject to the conditions and hours specified having given due weight to the evidence placed before it, as well as the regulations and guidance under the Licensing Act 2003 and the licensing objectives.

The Sub-Committee acknowledged the concerns of local residents but were satisfied with the submissions made in support of the application and the measures offered by the applicant to promote the licensing objectives.

Date of Decision: 29 October 2009

Date decision notice issued: 18 November 2009

A written or electronic copy of this Notice will be publicly available to all Parties and published on the Council's website.

RIGHT OF APPEAL

Under the provisions of S.181 and Schedule 5 of the Licensing Act 2003, there is a right of appeal against the decision of the Licensing Sub-Committee, should you be aggrieved at the outcome.

This right of appeal extends to the applicant in the case of refusal or restrictions on the licence, or the imposition of conditions to the licence. The right of appeal also extends to persons who have made representations where the licence has been granted, or that relevant conditions have not been imposed on the licence.

Full details of all the rights of appeal can be found within Schedule 5 of the Act. If parties wish to appeal against the Sub-Committee's decision, this must be made to the Magistrates Court, Old Orchard Road, Eastbourne, BN21 1DB within 21 days of receipt of this decision notice.