

Licensing Sub Committee

Tuesday 11 January 2022

PRESENT:

Councillor Jordan, in the Chair.
Councillor Patel, Vice Chair.
Councillor Rennie.

Also in attendance: Ann Gillbanks (Senior Lawyer), Helen Prendergast (Democratic Advisor), Marie Price (Senior Enforcement Officer) and Ian Wills (Lawyer).

The meeting started at 10.00 am and finished at 10.55 am.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

22. **Declarations of Interest**

Councillor Jordan declared a private interest with regard to minute 24, as his daughter was employed by Tesco (but not in a managerial role within the organisation).

23. **Chair's Urgent Business**

There were no items of Chair's urgent business.

24. **Grant of Premises Licence - Tesco Stores Limited, Mount Wise Crescent, Devonport, Plymouth, PL1 4GU**

The Committee having –

- (a) considered the report from the Director of Public Health;
- (b) heard from the applicant's Licensing Manager as follows -
 - Tesco had 2800 stores and 300,000 colleagues across the UK, made up of Extra stores, Superstores and Express convenience stores; this application was for a convenience Express store; it would be used as a top up shop with small baskets rather than a full shop, so it would hold a limited and targeted range of goods which would reflect the local community; alcohol was a small part of this range; the shop would have 20 colleagues and three managers, consisting of full and part time staff; roles were offered to the local community prior to going out to the wider area, so the store would have a mixed of experienced and new colleagues;
 - the store would stock a selected range of alcohol with spirits kept behind the counter; the manager of the store had yet to be recruited;
 - Tesco operated a Good Neighbour policy and had been involved in 50 projects; £180,000 had been given through its community grants which had delivered 128,000 meals;

the store manager would be happy to join the local resident groups and would hope that the resident who had made the objection could contact them, once the store opened in order to discuss their concerns;

- there had been no representations from any of the responsible authorities; Tesco worked closely with Mr Seymour, Police Licensing Officer in Plymouth, who would contact the applicant if there were any problems in the area; nationally they had great relationships with the responsible authorities and other retailers and had also produced alcohol sales and product guidance for use by smaller independent retailers to promote the responsible sale of alcohol by all;
- Tesco supported the Portman drink awareness initiative; the company's training records were endorsed by BII and had a documented and audited compliance route of induction training which also included check out and age restricted sales training, as well as training on the licensing objectives; the training was refreshed on a twice yearly basis;
- Tesco operated a challenge 25 policy and also an 'eyes wide open' policy whereby the manager would support the cashiers in any decision they made to refuse a sale of alcohol; training was also included conflict training; there was a check out till prompt which locked the screen to prevent further purchases until ID had been verified (only Home Office approved ID was acceptable);
- sales staff training included what to look out for when an individual was buying alcohol for younger people outside of shops; there was an internal communications system which had the ability to send a message to all stores in Plymouth if there was an incident; security in the stores would be an up to date CCTV system which linked to a monitored office based hub; there was the provision to make safeguarding announcements and staff were equipped with panic alarms;
- target, high value items were security tagged and staff teams would wear bodycams and headsets for communication; store managers had discretion to close the store, in the even to any serious problems (for example the store at Wembley may close when there was a football match until the match crowds had dispersed);
- the company worked closely with children's groups and would carry out test purchases four times a year in this store which it tested with 18 or 19 year olds trying to purchase alcohol; if alcohol was sold then the store would have failed and more regular testing would be undertaken;

- deliveries of alcohol to the store would be include with the rest of the deliveries; the pricing of alcohol was set nationally;
- Tesco had applied for a late night refreshment licence to cover sales from the Costa machine in the store;
- with regard to the written representation, the applicant understood the concerns of the resident and could put up notices in the store to remind customers to leave quietly; the applicant was not expecting many people to drive to the store and would expect that customers would mainly walk to the store; the applicant would be happy to be involved with any local residents association;
- the applicant was not aware of any issues in the area;
- each application was granted on its own merits, so the representation relating to the Co-op closing hours should not be taken into account by the Committee;

(c) responded to questions from Members of the Committee as follows -

- the applicant could work with the Salvation Army to identify individuals to work with, if required; the company had made contact with similar organisations in relation to other stores across the country; it was also able to operate a self-exclusion policy to support any particular individuals identified from this work;
- the company had a strong challenge 25 policy for the sale of alcohol and would work closely with Mr Seymour (Police Licensing Officer) to identify any trends for anti-social behaviour but was unsure how much it could do about this issue but Tesco took pride in its branding and being a responsible retailer;
- the applicant would be happy to reduce the hours to close of 11pm;
- the applicant could liaise with the relevant officer in the Council and other community alcohol partnerships in order to reduce underage drinking and any projects in this area; Tesco was a recognised excellent retailer and had policies and practices in place; there was no evidence not to grant the licence applied for and there had been no objections from the police to this application;

(d) the Committee considered the written representation from another party, as follows -

- the late night opening hours which would include the sale of alcohol, would inevitably lead to an increase in both footfall and traffic along Charles Darwin Road and Mount Wise Crescent late at night; there was a Co-op store in very close proximity to this location which already sold alcohol;

this store regularly had people loitering outside until late at night, drinking and leaving litter; as the new Tesco store plan to sell alcohol for two hours after the Co-op store closed, there was a high likelihood that people would migrate to Charles Darwin Road in order to continue;

- this would result in an increase in litter along the street, evidenced by the high number of cigarette ends on the road, paths and benches outside of the Co-op, despite the provision of bins outside the store;
- with the shop opening until midnight, noise and light pollution on Charles Darwin Road would significantly increase, in comparison to the current conditions which would affect the ability of residents in close proximity to experience quiet enjoyment of their property; there was a number of children living in houses on the street, who would be prevented from sleeping properly due to the increased vehicle noises (driving past, engines starting, doors opening and closing, parking sensor, etc) and people talking in the street as well as coming and going from the shop; due the design of the houses, noise did travel well along the street, including to the top floor of the houses;
- late night alcohol sales could also encourage increased instances of anti-social behaviour within the site itself; unfortunately, alcohol consumption and anti-social behaviour could often go hand in hand together; the objector was concerned that this could lead to damage to both public property (benches etc) and private property (cars and homes);
- to reduce these factors the sale of alcohol could be stopped at the same time as the nearby Co-op and to further reduce noise nuisance and light pollution to local residents, the store should close at the same time as the nearby Co-op (22:00 hours).

The Committee considered these representations as relevant concerns under the licensing objectives of public nuisance and prevention of crime and disorder.

The Committee noted the resident's concerns about the potential effect the application would have on the local residential community in respect of encouraging people to the store who may linger in the area after closing time, causing noise nuisance and affecting residents' sleep and particularly young people going to school and noted the applicant's indication that they were willing to place signs in the shop to ask customers to respect local residents when leaving.

The Committee was concerned that the store would be selling alcohol in an area where there was a known problem with drink related anti-social behaviour. The Committee recognised that the applicant was a nationally responsible alcohol retailer and accepted the assurances that they would work with the police and Salvation Army but would also expect the applicant to make contact and work closely with the Council's Community Connections team when the store opened for business.

In light of the Committee's concerns and the concerns raised by the resident, the Committee considered that it was reasonable and appropriate for the promotion of the licensing objectives to –

Agree to grant the application subject to the conditions consistent with the applicant's operating schedule and the mandatory conditions as set out in the Licensing Act, 2003 and with the following additional conditions –

- (1) the sale of alcohol could take place between 06:00 and 22:00 hours, Monday to Sunday for a trial period of six months from the opening date of the store;
- (2) if, during the six month period any objection or representation was received by the Licensing Authority from any resident or responsible authority about the premises, the application would be referred back to the Committee;
- (3) if no representations were received during this time, then the hours applied for (06:00 to 00:00 hours Monday to Sunday) would become permanent;
- (4) the Premises Licence Holder or nominated person shall ensure that suitable signage was positioned at the exits to request the co-operation of customers, in particular to make as little noise as possible when leaving the premises; customers would be asked not to stand around talking in the street outside the premises or any car park and asked to leave the vicinity quickly and quietly.