

LICENSING SUB COMMITTEE

3 June 2019
10.30 am - 1.15 pm

Present: Councillors Bird, McQueen and Moore

Officers

Licensing Enforcement Officer: Luke Catchpole

Legal Adviser: Paul Weller

Committee Manager: Sarah Steed

Present for the Applicant

Tesco Licensing Manager: Hardish Purewal

Solicitor BCLP: Jeremy Bark

FOR THE INFORMATION OF THE COUNCIL

19/1/Lic Appointment of a Chair

Councillor Bird was appointed as Chair for the meeting.

19/2/Lic Declarations of Interest

No declarations of interest were made.

19/3/Lic Meeting Procedure

All parties noted the procedure.

19/4/Lic Remitted Premises Licence - Tesco, 5 Christs Lane

The Licensing Enforcement Officer presented the report and outlined the application.

Applicant's Representative

Mr Bark made the following points on behalf of the Applicant:

- i. Confirmed that members had access to documentation which had been provided by Tesco and also had a copy of an A3 colour plan of the premises, which was just a large colour version of a plan included with the application.

- ii. The application was for a Tesco Express.
- iii. Referred to paragraph 5.13 of the statement of Licensing Policy, which stated that a cumulative impact policy was not absolute and each application should be judged on its own merits.
- iv. Submitted that the premises (the subject of the application) would not add to the cumulative impact.
- v. Referred to Appendices 1 and 3 of the Cumulative Impact Policy and that before a Cumulative Impact Policy was adopted it had to be justified by the Police.
- vi. Noted figures provided within the policy for 2014-16 and that there had been a significant reduction in the number of incidences.
- vii. Noted that the police had not objected to this application.
- viii. There were significant discussions that had taken place with the Police prior to the submission of the premises application.
- ix. The Cumulative Impact Policy was adopted because of Police representations and the Police had not objected to this application.
- x. Two objections had been received by Ward Councillors but no other statutory authorities had made objections to the application. He asked members to place great weight on this fact.
- xi. Referred to amendments made to the application which were detailed on p49 of the committee agenda and conditions detailed on pages 51-53.
- xii. Referred to the representation made by Councillor Martinelli that the hours proposed in the original application were longer than other existing licensed premises in the area. The licensing hours for the sale of alcohol were amended to be in line with the local Sainsbury's and Waitrose.
- xiii. The representation from Councillor Bick referred to the hours of operation and asked for further information regarding what Tesco did. Commented that if Tesco sent every policy document they had that this would be boxes of information.
- xiv. Commented that Tesco had looked at other existing licensed premises in the area and had proposed similar conditions to those premises in their application.

The Legal Officer asked for confirmation that condition 4 (regarding CCTV) reflected the condition which had been agreed with the Police, Mr Bark confirmed that this was correct.

Mr Bark made the following points on behalf of the Applicant:

- i. Referred to the extra documentation which had been provided by Tesco.
- ii. Document 1 was a visual representation of the Tesco Express structure, support, training and audit overview.
- iii. Document 2 was an extract from a larger document called 'Safe and Legal' which was distributed to all stores regarding quarterly licensing checks; this had to be signed off and sent back to Head Office. He did not think that competitors went into the same level of detail.
- iv. Document 3 contained details about third party auditors.
- v. Document 4 contained the induction training pack which Checkout Assistants received. This gave guidance on age restricted sales and their enforcement policy to ensure a co-ordinated and consistent approach.
- vi. Document 5 was an example of training cards for Head Office trainers.
- vii. Referred to third party sales and a video on this topic which had been circulated via email to the Sub Committee members.
- viii. Document 8 was a guidance document for Checkout Assistants on till prompts and what the prompts are meant to trigger and guidance on age restricted sales.
- ix. Document 9 was a Store Manager Skills assessment package.
- x. Document 10 was an example of staff training cards, which would need to be signed off.
- xi. Document 11 provided examples of signage at stores.
- xii. Document 12 was a photograph of a screen prompt for the sale of an age restricted product.
- xiii. Document 15 was an example of a letter which was sent out when a store passed a third party audit.
- xiv. Document 16 and 17 were Tesco policies on underage sales and the sale of age restricted products.
- xv. Document 18 was guidance from the Retail of Alcohol Standards Group. Tesco's Licensing Manager was Chair of the group and Tesco was also involved in setting the organisation up.
- xvi. Document 19 was an Annual Report from the Community Alcohol Partnerships (CAP). Tesco's Licensing Manager also sat on this group.
- xvii. Tesco Express was the smallest type of Tesco store, there were 2000 stores nationally and 99% of these had alcohol licences.
- xviii. Before Tesco acquired a site they would look at certain statistics for example crime and disorder. If Tesco did not feel that they could operate

a store from the site, then Tesco would not purchase it. These considerations formed part of their acquisition process.

- xix. The sale of alcohol was a small part of Tesco's business and equated to about 6% of their sales.
- xx. Over 95% of the sales of alcohol were linked to the purchase of other goods; a person would leave with just under two bags of shopping.
- xxi. When a store got an alcohol licence, sales of non-alcoholic products would increase by 25%.
- xxii. In a Tesco Express store the alcohol range was small; the vast majority was red and white wine, there was a limited range of spirits. Compare this to a larger store which would have over 1600 products.
- xxiii. 90% of sales were not alcohol sales.
- xxiv. Till blocks would be imposed so that alcohol could only be sold during licensed hours. Tesco had been doing this for a long period of time.
- xxv. Tesco had a 'Think 25' policy and had signage around their stores detailing that customers would need to be prepared to show proof of age when buying alcohol.
- xv. If an age restricted product was scanned at the till, it required a member of staff to override this either by confirming that ID was shown or that the person was clearly over 25. The till would also display the date of birth for a person who would be 18 on that date, so that it was easy for staff to carry out an ID check.
- xvi. There were 3 types of audits done which included 'Safe and Legal' checks, mystery shopping and each week Area Managers met with Store Managers. If they needed to do something better, then they would do.
- xvii. Every member of staff had training every 6 months, but this could be done on a more frequent basis as and when required.
- xviii. Managers had additional training which was over and above the training that store operators got, they also undertook conflict training.
- xix. There were two key policies: one was the responsible retail of alcohol policy, which would train, encourage and empower staff where they had any concerns about the sale of alcohol. The second was the 'you say no, we say no' which meant that Managers supported the decision of a member of staff who refused to sell alcohol to a customer even if they would have made a different decision themselves.

- xx. Referred to discussions about the CCTV conditions. The store would have fixed CCTV cameras on the main entrance, the tills and alcohol and then there would be other cameras which could sweep around the store to follow people as required.
- xxi. Referred to the floor plan; the alcohol display was located behind the tills; there weren't any spirits on the shop floor.
- xxii. Referred to condition 7 (on p51 of the agenda) which restricted the ABV (alcohol by volume) of alcohol products and condition 15 (on p53 of the agenda) which restricted the trading floor area which could be used for the display of alcohol.
- xxiii. Stated that cleaners not only cleaned inside the store but also the outside of a store on a daily basis.
- xxiv. Tesco expected customers to behave themselves in the store, if they didn't they would be asked to leave and if they still persisted with anti-social behaviour they would be banned from the store and images of the individual/(s) would be provided to the Police.
- xxv. Risk assessments were undertaken every 8 weeks. Tesco would consider if they could be doing things better or should be doing things better.
- xxvi. Commented that the Police were happy with the previous application and the amended application. If the Police had objected to the application then, Tesco would not have proceeded with it.
- xxvii. Believed that the concerns raised by Councillor Martinelli regarding the premise's licensable hours had been addressed and Councillor Bick's concerns about licensable hours, training and the conditions attached to the licence had been addressed and this was why the Magistrates Court had been asked to remit the decision back to the Licensing Sub Committee.
- xxviii. The premises were not likely to add to the cumulative impact. There had been no objections from the statutory authorities, if the police had objected then he would have expected them to be present at the Sub Committee hearing.
- xxix. Crime figures had reduced by a third.
- xxx. Licensing was not the primary tool to control anti-social behaviour; it was relevant but was not the primary tool.

Member Questions

Mr Bark made the following statements in response to Members' questions:

- i. Tesco used a third party security company to man their stores. It was likely that there would be one security guard working but this could straddle two Tesco staff shifts.
- ii. It was anticipated that there would be 24 members of staff. This would comprise a store manager, 3 Team Leaders and 20 members of staff. It was expected that there would be a dedicated team of 2-3 security guards to cover the store.
- iii. If a risk assessment was carried out and it was felt that more security staff were required then they would arrange for more security staff.
- iv. The Sunday trading restrictions would not apply to the store as it was under 3000 square feet.
- v. Within the Head Office Team, Tesco employed ex police officers who looked at the external security contracts. The security company used by Tesco was carefully reviewed and went through a stringent audit and vetting process. Tesco required security officers to undergo a certain level of training.
- vi. If you looked at the incident reports to the Police, Tesco tended to be higher than their competitors.
- vii. In terms of shrinkage (ie: the loss or theft of products from stores) Tesco regularly reviewed what products were going missing, how many and where the products were placed in store.
- viii. Referred to a Primary Authority relationship that Tesco had with North Herts Council to review their policies.
- ix. Commented that security guards should intervene where necessary if they felt unable to act then they must contact the police. They were aware of the local circumstances at Christs Lane and appropriate measures had been put in place.
- x. The reference to the crime data reducing was a general point that the trend in Cambridge around licensed premises was decreasing.
- xi. Had taken into account the Ward Councillor's objections and had tried to address these.
- xii. If it was found that there was an issue there was a power to be able to review a licence. They could not guarantee that there would be no

issues. If the Police had concerns then they would be at the Sub Committee hearing.

The Tesco Licensing Manager commented that Tesco staff (or third party contractors) should never put themselves at risk. Tesco will look at the top 10 products that tended to go missing and would security tag these. Tesco were currently trialling body cams on security officers as this can drastically impact on the way that people behaved.

Members withdrew at 12:00 pm and returned at 13:10 pm. Whilst retired, and having made their decision, Members received legal advice on the wording of the decision.

Decision

The Sub Committee resolved to grant the application.

Reasons for reaching the decision were as follows:

The Sub Committee took the view that the Applicant had addressed the various issues raised within the representations and had taken into account the issues surrounding the Cumulative Impact Policy.

The meeting ended at 1.15 pm

CHAIR