

IN THE CAMBRIDGE MAGISTRATES' COURT
IN THE MATTER OF AN APPEAL UNDER THE LICENSING ACT 2003

B E T W E E N : -

TESCO STORES LTD

APPELLANT

- and -

CAMBRIDGE CITY COUNCIL

RESPONDENT

ORDER

**In respect of Tesco
Express, 5 Christs Lane,
Cambridge CB1 1NP**

UPON :-

- 1 The Appellant having laid a complaint following the determination on 4 February 2019 of an application for a new Premises Licence at Tesco Express, 5 Christs Lane, Cambridge CB1 1NP.
- 2 The Appellant having applied under section 181 of the Licensing Act 2003 for the application which is the subject of the appeal to be remitted back to Cambridge City Council for redetermination by the Licensing Committee on the basis of the attached document setting out the revised hours and conditions proposed.
- 3 The Respondent not opposing that application.

IT IS HEREBY ORDERED:-

1. That the appeal be remitted back to the Cambridge City Council under section 181 of the Licensing Act 2003 for redetermination by the Licensing Committee on the basis of the attached document setting out the revised hours and conditions proposed.
2. That the remitted application shall be considered and determined by a different councillors forming a Licensing Sub-Committee to those who determined the original application on 4 February 2019.

3. That the new hearing date for the hearing before a new Licensing Sub-Committee shall be set and notified in line with the Licensing Act 2003 (Hearing) Regulations 2005.

AND IT IS FURTHER ORDERED:-

4. That there be no order for costs.

Signed
District Judge/Justice of the Peace
Cambridge Magistrates' Court

Dated 9th day of May 2019

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**ORDER IN RESPECT
OF Tesco Express,
5 Christs Lane, Cambridge**

Bryan Cave Leighton Paisner LLP
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(Ref: JIB)

Tel: 020 3400 2122

Solicitors for the Appellant

**BASIS OF THE APPLICATION FOR A PREMISES LICENCE TO BE
REMITTED BACK TO CAMBRIDGE CITY COUNCIL GRANT UNDER
SECTION 181 OF THE LICENSING ACT 2003**

– TESCO EXPRESS, CHRISTS LANE, CAMBRIDGE

1. Hours of Operation

1. Hours for the sale of alcohol

11am to 8pm daily

2. Opening Hours (although it may be these do not need to be specified on the licence given it is a convenience store)

6am to 11pm daily

2. Proposed Conditions

1. A member of the Management team will ordinarily be on the premises all the time the store is open and this person will have responsibility for the premises whilst the premises are open.
2. The premises will operate a Think 25 policy. The checkouts will be programmed to prompt the checkout assistant when an alcohol product is scanned at the till to follow the Think 25 policy.
3. All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol. No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training. In addition, they will receive training in relation to Tesco's policies, systems and procedures. This training will be documented and repeated as often as Tesco believes to be appropriate.
4. Digital CCTV with appropriate recording equipment shall be installed. The CCTV to cover areas of the store including the alcohol section, checkouts and the entrance and exit to the premises.

- i. The CCTV system shall record footage when the premises is open for licensable activities.
 - ii. CCTV equipment must be maintained in good working order, be correctly time and date stamped and must be retained for a minimum period of 31 consecutive days.
 - iii. The CCTV at exit points will record a clear facial image of every person entering or exiting in any light condition.
 - iv. An appointed member of staff will be present when the premises is conducting a licensable activity, who is capable and competent at using the CCTV system and downloading CCTV footage on their own recordable media, and be able to hand this footage over to the Police / Local Authority on request. The operator will stock their own downloaded media. The recording equipment and discs/USB pen drives must be kept in a secure environment.
5. A security officer shall be on duty at the premises whenever licensable activities are taking place.
 6. A member of staff shall be present in the checkout area whenever licensable activities are taking place.
 7. Beers lager or cider products with an AVB content of 5.5% or above shall not be sold at the premises except for specialist branded premium priced, or craft, products or such other products specifically agreed for sale by the police.
 8. Cider products shall not be stocked in containers greater than 1 litre in volume.
 9. The store shall join the Cambridge Business Against Crime and operate a CAMBAC radio (or any similar scheme which succeeds CAMBAC).
 10. There shall be no self-service of spirits or sherry at the premises.
 11. Alcohol shall not be stored or displayed within 3 meters of the entrance/exit to the premises.

12. A representative of the premises licence holder shall attend meetings of the City West Neighbourhood Policing Panel (or any similar panel which may succeed this panel) when requested to do so by the police.
13. Signage shall be displayed at the exit to the premises requesting customers leaving the premises to do so quietly and considerately.
14. The premises licence holder shall maintain adequate levels of staff at the premises. Such staff levels shall be disclosed, on reasonable request to the licensing authority and the police.
15. A maximum of 10% of the trading floor area to which the public have access shall be used for the display of alcohol at any one time.
16. The premises shall operate an incident log (whether electronic or physical) and shall record all significant incidents of crime and disorder or refusals of the sale of alcohol within it. Such log shall be made available for inspection by the police upon reasonable request.

