

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE held at
Surrey Heath House, Camberley on 5
October 2012**

+ Cllr Rodney Bates
+ Cllr Ian Sams

+ Cllr Valerie White

+ Present

In attendance: Cllr David Hamilton (as substitute)
Cllr Judi Trow (for part of the hearing)
Cllr Pat Tedder

Legal Adviser to the Sub-
Committee

Mrs Helen Riglia (Legal Representative for Surrey
Heath Borough Council as Licensing Authority)

Democratic Services Officer

Mrs Lee Brewin

Surrey Heath Borough Council
as Licensing Authority

Miss Jessica Harris (Licensing Officer)
Miss Leena Gurung (Licensing Administrator)

Applicant – Tesco

Mr Jeremy Bark – Berwin Leighton Paisner - Solicitor
for Tesco Stores Ltd.,
Mr Ian Heard – Area Manager for Tesco Stores Ltd.,
Mr Richard Joyce – Store Manager for Tesco Stores
Ltd.,

Any Other Persons

Mr Darren Rees (local resident)
Mrs Jennifer Smith (local resident)
Mrs Victoria Wheeler (local resident)

05/LS Election of Chairman

**RESOLVED, that Councillor Rodney Bates be elected as Chairman for
the meeting.**

PART I
(public)

06/LS Tesco Stores Ltd., 27 Station Road Chobham.

The Sub-Committee considered a new application in respect of Tesco Stores Ltd., 27
Station Road, Chobham.

The Licensing Officer presented her report to the Sub-Committee and notified
Members of the parties who had the right to speak at the meeting.

Mr Bark, on behalf of Tesco Stores Ltd., discussed the details of the application for
a new licence to sell alcohol on the premises.

Mr Bark explained to the Sub Committee that there had been no objections raised by
any statutory authorities and emphasised that Tesco would not be selling alcohol as

an off-licence but as a convenience store. It was noted that in similar Tesco Express Stores, the majority of alcohol sold had been linked with the sale of other goods, such as food. Alcohol would be sold during the opening hours of the store of Monday to Sunday from 6am to 11pm.

Mr Bark also advised the Sub Committee that Tesco Stores Ltd., as with all their other stores, would provide extensive continuous training for employees and adopt the 'Think 25' policy. There would also be CCTV placed at the entrance to the store, at the tills and at the alcohol section.

The Sub Committee was advised that there would be bins placed outside the store and cleaning operatives employed by Tescos would clean inside and outside the store.

The Sub-Committee was addressed by Mr Darren Rees, Mrs Jennifer Smith and Mrs Victoria Wheeler, residents of Chobham, who made representations relating to the area being poorly lit and issues regarding public nuisance and security. There were concerns regarding the lack of fencing to the rear of the car park. It was also noted that the location of the new store was on a dangerous bend which was also poorly lit. It was noted that the proposal was located in the conservation area.

The Sub Committee was advised by the residents present that with several similar stores in the area also selling alcohol, the licence at Tescos would impact on the anti-social behaviour already experienced by neighbours.

Mr Bark advised the Sub Committee that Tescos would be willing to investigate the installation of fencing at the rear of the car park. It was emphasised that there would be a member of the management team on site at all times.

Clarification was sought by the Sub-committee regarding the wording in Tescos application which stated 'ordinarily, a member of the management team will be on the premises whilst the premises are open'. In addition, the Sub-committee sought clarification from the applicant about their storage of training records and confirmation as to when the licence should commence should the Sub-committee grant the licence."

Mr Bark explained that 'ordinarily' was used to cover any genuine emergencies which would result in a member of the management team not being present on the premises. Also, Tescos agreed to relevant training records being made available at at reasonable notice for inspection. Mr Bark advised the Sub-committee that should the licence be granted the commencement date was required before January 2013.

The Sub Committee considered the information above against the four licensing objectives and agreed subject to additional wording to clarify 'ordinarily', a condition that training records be available for inspection and the training manual to be on site at all times and conditions as set out in the decision notice at annex A, to grant the premises licence to Tesco Stores Ltd., as set out in the application.

RESOLVED that Tesco Stores Ltd., licence be granted, as set out in the decision notice at Annex A.

CHAIRMAN

Note 1: The hearing commenced at 10.00. The meeting was adjourned between 11.25 and 13.40. The Sub-Committee retired at 13.45 to reconvene at 14.00 to give its decision. The hearing concluded at 14.05.

Decision Notice

We have considered the written and oral representations from the applicant and other parties and have noted that the responsible authorities have not made representations. We have had regard to our policy and to the statutory guidance.

We have considered the licensing objectives.

Prevention of crime and disorder.

No representations have been received from the responsible authorities. Representation has been made by other parties that by granting a licence there will be an impact on crime and disorder. We heard in some detail from Mrs Smith, Mr Rees and Mrs Wheeler of the likelihood of crime in the recreation area. There is no evidence in the Committee's view that crime and disorder will increase if the licence is granted, and we are satisfied that the attachment of a condition to the licence regarding installation and operation of CCTV at the premises (as mentioned in the applicant's application) would be appropriate and proportionate. We therefore attach the following conditions:

- Premises to have installed a digital CCTV system covering the front entrance area, the till area and alcohol display area. CCTV images to be retained for a minimum of 21 days and be made available on enforcement request.
- A member of the management team to be scheduled to be on duty at the premises during opening hours.

We have considered the representations made regarding lighting. We encourage the applicant's expressed desire to enter into discussions with local residents about their concerns.

Public Safety

It has been argued that staff who walk home (in response to Tesco's encouragement of walking to work) may not wish to refuse to sell alcohol to under-18s because of fear of encountering those under-18s on their way home. We are not satisfied that this is sufficient grounds to refuse this application as it is based on assumption rather than evidence.

It has been argued that those who have consumed alcohol may be at risk when crossing the road. Highway safety will have been considered at the planning stage, and we are not satisfied there is an additional risk to persons who have just purchased alcohol from the store crossing the road.

Prevention of Public Nuisance

Representation has been made that the after-effects of consuming alcohol, e.g. discard of cans and bottles, already has an impact in the area. Based on evidence we have heard today, we attach the following conditions:

- An adequate number of waste receptacles for use by patrons shall be provided in positions agreed with the responsible authority and it shall be the responsibility of the

licensee to empty and dispose of the collected refuse at a frequency to be agreed with the responsible authority.

- Prominent signage to be displayed to read, "Please respect our neighbours and leave quietly and safely, and dispose of any litter in bins."

Protection of Children from Harm

The company's policies together with the following conditions are sufficient to protect children from harm:

- All staff to be trained and regularly refreshed in the corporate "Think 25" Policy.
- Staff to be trained to look at the customer and "Think 25" when selling alcohol.
- Tills to be operating so that prompts appear on the initial sale of alcohol to remind the seller of their responsibilities including not to sell alcohol to anyone under the age of 18.
- Signage to be displayed around the premises informing staff and customers of the "Think 25" policy on alcohol.
- All training records and materials relating to the Licensing Act 2003 to be made available for inspection by the Licensing Authority, and/or police on reasonable request.

In summary, we have decided that we will grant the licence forthwith with the proportionate conditions already outlined.