

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING SUB-COMMITTEE B - 13 APRIL 2015

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE
16 JULY 2015

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr Elizabeth Cable
Cllr Patricia Ellis

Cllr Peter Isherwood

Apologies

Cllr Andrew Wilson

1. ELECTION OF CHAIRMAN (Agenda item 1.)

Cllr Elizabeth Cable was elected Chairman for this meeting of Sub-Committee B.

2. MINUTES (Agenda item 2.)

The Minutes of the Meeting held on 19 January 2015 were confirmed and signed.

3. DISCLOSURE OF INTERESTS (Agenda item 3.)

No interests were declared.

4. LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE - TESCO, MEADOW, GODALMING GU7 3HY (Agenda item 4.)

Solicitors acting on behalf of Tesco Stores and the Store Manager for the new Tesco Godalming store attended the meeting. The Solicitor acting as spokesperson confirmed that the agenda papers had been received and understood.

Waverley Borough Council Environmental Health Officers were in attendance as Responsible Authority making objection to the application.

The Applicant's Solicitor summarised the application and said that the new store already had planning permission to trade from 0600-2300 hours and the application to sell alcohol corresponded to this time.

The Applicant's Solicitor told the Sub-Committee that there would be a limited range of alcohol and 95% of alcohol sales was linked to the purchase of other goods. The Company operated an 'Age 25' Policy and all new staff had to undertake training for the sale of alcohol that was refreshed throughout their employment. Processes were also in place at checkouts that prompted staff to check underage restrictions when alcohol was purchased. The Company would not tolerate antisocial behaviour and training was given in conflict management. CCTV would be present within the store, but unless requested by the Police would not be installed to record outside activity.

The Applicant's Solicitor brought attention to the fact that there had been no objection to the application from the Police and under the Licensing Act very good evidence had to be presented in order to impose restrictions to an application and that any complaints in the future could lead to a possible review of the licence. Some complaints received regarding traffic were not covered under the Licensing Act and came under the remit of public highways.

Responding to questions from the Sub-Committee the Applicant's Solicitor said that external CCTV could only be directed onto land belonging to the Company and not onto the highway. A cashpoint would not be available at the store and unless the Police had requested external CCTV there was not a requirement to install it outside the premises. Additionally, the voluntary restriction on the sale of alcohol that the Milford store had undertaken was not something that the Applicant's Solicitor could agree to without taking instructions from the Company Head Office.

Environmental Health Officers then outlined their objections which were based on the Licensing Objective relating to the Prevention of Nuisance. The store was immediately adjacent to residential properties and Environmental Health were concerned that Tesco Stores had not taken enough preventative measures to ensure that local residents were not disturbed by noise nuisance.

The Council's Solicitor advised the Sub-Committee that the Licensing Act allowed for conditions to be imposed to promote the prevention of public nuisance through representations based on evidence. The Applicant's Solicitor said that there should be very clear evidence on imposing restrictions and there was no evidence to suggest restricting the hours for the sale of alcohol would make any difference to the prevention of public nuisance.

Godalming Chamber of Commerce, speaking on behalf of other objectors, then gave reasons for their objections. Their main concerns were to prevent noise nuisance and suggested it could be appeased by a voluntary restriction to the hours for the sale of alcohol, CCTV monitoring the outside area to prevent consumption of alcohol and associated potential for crime and disorder and litter. The objectors would also feel reassured to learn there would be a manager on the premises at all times when alcohol was for sale.

The Chairman responded to reassure the objectors that should there be any cause for concern in the future a review of the licence could be called and all licensed premises had to be supervised by a Designated Premises Supervisor or responsible person nominated by the DPS.

Following summing up the Sub-Committee withdrew at 11.20am.

Following the Sub-Committee's deliberation the meeting resumed at 12.25pm. The Council's Solicitor had been asked to advise the Sub-Committee during their deliberation on the wording of their decision.

The Sub-Committee noted that representations had been received on the four Licensing Objectives and made the following observations:

The Sub-Committee had not received any evidence from the Police of any anti-social behaviour or issues of under-age drinking in the immediate area. Guidance states that licensing authorities should look to the police as the main source of advice on crime and disorder. The Sub-Committee recognised the fears of the local residents that these problems could arise, and the fears of residents and Environmental Health that noise problems could arise, but the Sub-Committee feels there is insufficient evidence to refuse the application or impose additional conditions.

On the balance of probabilities the Sub-Committee found that on the evidence before them the application could be granted.

Whilst the evidence did not support additional conditions being added by the Sub-Committee, the Sub-Committee strongly recommended that as mentioned at the meeting by the Solicitor representing Tesco Stores an arrangement is volunteered by Tesco to limit the sale of alcohol to 0700 – 2200 hours, and to introduce external area CCTV as a goodwill gesture and to address the deeply felt concerns of the local residents.

The Sub-Committee was conscious that should there be any cause for concern in the future, legislation allowed for members of the community and responsible authorities to contact their licensing authority and Environmental Health with complaints over the operation of the premises, leading to a possible review of the licence.

The Sub-Committee advised that any person who made relevant representation may appeal against the decision within 21 days of the date of notification by the licensing authority of the decision writing.

The meeting commenced at 10.00 am and concluded at 12.28 pm

Chairman