

Licensing Sub-Committee – Meeting held on Tuesday, 1st February, 2022.

Present:- Councillors R. Davis and Strutton.

Officers Present:- Mrs Ali (Legal Services), Mrs Kauser (Democratic Services) and Mrs Sagar (Licensing)

Apologies for Absence:- Councillor Brooker.

PART 1

14. Election of Chair

Resolved – That Councillor R. Davis be elected as Chair for the duration of the meeting.

15. Declarations of Interest

Agenda Item 4: Application for a Premises Licence, Tesco, 88 Windsor Road. Councillors Davis and Strutton declared that they knew Mr Langworth - an Interested Party who had made representations to the application – in his capacity working at the Council. Both Councillors declared that they would consider the matter on its merits in an open and fair manner.

16. Guidance on Predetermination/ Predisposition - To Note

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

17. Minutes of the Meetings held on 29th September 2021 and 2nd December 2021

Resolved - That the minutes of the meetings held on 29th September 2021 and 2nd December 2021 be approved as a correct record.

18. Application for a Premises Licence - Tesco Stores Limited for Crossways, 88 Windsor Road, Slough, SL1 2NE

The Chair welcomed all parties to the meeting and outlined the procedure for the hearing. It was confirmed that all parties had received a copy of the paperwork.

Introduction by the Licensing Officer

The Licensing Officer introduced the report stating that an application for a premises licence had been submitted by Crossways for a Tesco Express store at 88 Windsor Road. The licensable activities and times applied for were the supply of alcohol (off sales) Monday to Sunday 06:00 – 00:00hours and

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late night refreshment (indoors) Monday to Sunday 23:00 hours – 00:00 hours.

Following consultation, 8 representations had been received from local residents objecting to the application on grounds of prevention of crime and disorder, prevention of public nuisance and public safety. No representations to the application were made by any of the responsible authorities.

The Legal Officer to the Sub-Committee clarified that references made in representations by Interested Parties relating to any covenant on the Crossways site was not relevant for the purposes of the hearing and would be disregarded.

Representations by the Applicant

Ms Burton, legal representative and Ms Purewal, Licensing Manager for Tesco, outlined details of the application, stating that Tesco was a large national operator and the company had devised policies, procedures, systems and training to ensure that alcohol was sold in a responsible manner. A detailed programme ensured that comprehensive training was provided to employees having regard to their role and the responsibilities and such training was regularly reviewed and records kept.

Measures taken to promote the licensing objectives were highlighted as:

Prevention of Crime and Disorder - a digital CCTV system that covers the premises, including the main area which will be used for display of alcohol. Images will be retained for 31 days. A member of the management team will be on the premises all the times the store is open and this colleague would be responsible for the premises and the initial point of contact for any issues that may arise.

Public Safety - The premises licence holder was fully aware of its responsibilities under a range of health and safety related legislation and had policies and procedures in place to be confident of complying with the relevant obligations which arise.

Prevention of Public Nuisance - The company has a “good neighbour” ethos which sought to ensure that the premises played an active part in the local community.

Protection of Children from Harm - Think 25 policy in place. The checkouts to be programmed to prompt the customer assistant when an alcohol product is scanned at the checkout to follow the Think 25 policy. All colleagues would receive training in relation to the underlying law and Tesco policy, systems, and procedures. This training would be documented, and refresher training provided on a regular basis.

It was submitted that Tesco was a responsible operator and that this was a local store for local residents. The hours requested were standard hours for

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express stores. Members were also reminded that no responsible authorities had objected to the application.

Questions

Responding to concerns about rough sleepers congregating outside the main Tesco store in the town centre and the issue not being managed, it was submitted that homelessness was a national issue and not specific to Tesco stores. Nonetheless, proactive engagement with the individuals outside the Tesco store in the town centre had resulted in job offers being made to them.

A Member asked about prohibiting the sale of single cans of alcohol and whether the Applicant was willing to consider adopting this as an additional condition in an effort to discourage street drinkers. The Licensing Manager confirmed that the applicant would be willing to impose this condition, subject to it not being applicable to premium products.

Referring to comments made about the lack of parking at the store, the legal representative explained that this was a parking/highways consideration and thus not relevant for the purposes of the application for a premises licence.

Representations by Interested Parties

Following consultation, eight written representation had been received by Interested Parties – three of whom were in attendance at the hearing.

The Sub-Committee noted that whilst the application was generally welcomed, concerns relating to the hours the premises were open and sale of alcohol were highlighted. Given that this was a predominantly residential area it was requested that the operating hours for the store be 8am to 10pm. Furthermore, the closing time should coincide with the closing time of public houses in the area; which would alleviate concerns regarding public nuisance and noise nuisance in the area. A condition restricting the sale of single cans of alcohol was also requested to discourage street drinkers and anti-social behaviour in the immediate vicinity of the premises.

The legal advisor to the Sub-Committee advised Members to disregard any submissions made regarding parking concerns outside the premises as these were not a licensing consideration.

Summing Up

In summing up, the Licensing Officer outlined the options available and reminded the Sub-Committee Members of the relevant guidance.

Ms Burton reiterated that Tesco was a responsible operator and any conditions imposed on the premises licence would need to be reasonable and proportionate. No objections were submitted by any responsible authorities and a review process could be initiated should there be concerns in the future after the store had opened.

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Decision

The Sub-Committee considered all the written information and representations made at the hearing by the Applicant and their legal representative as well as the written representations received and heard from the residents at the hearing.

With regard to parking, the Sub-Committee noted that whilst there may be potential concerns relating to parking including the 3 spaces allocated for Tesco and the close proximity of one of the gates leading the Crossway development, these were planning issues which the Sub-committee could not consider.

In relation to the representations made in connection with a restrictive covenant relating to whether or not the premises could sell alcohol as the Crossways property is built on holy land, the Sub-Committee was informed by the legal adviser that the covenant should be disregarded as it is a planning issue and therefore, it was irrelevant for the purposes of application for the grant of a premises licence which the Licensing Sub-Committee were being asked to consider. Furthermore, if there was a covenant restricting the sale of alcohol, then the Applicant would need to directly liaise with the Planning team to resolve the issue.

The Sub-Committee resolved to **grant** the premises application as follows:

(a) Hours

The licensable activities and times granted are:

- (1) **Sale of alcohol – Off sales:**
Monday to Sunday 06:30am to 23:00pm
- (2) **Opening hours:**
Monday to Sunday 06:30am to 23:00pm

The Sub-Committee decided to grant the application with reduced hours taking into account the licensing objectives, namely for the prevention of public nuisance, considering that the premises is located in a predominantly residential area.

The Sub-Committee considered the reduction of the hours granted for the licensable activities to be reasonable and proportionate.

(b) Conditions

The Sub-Committee decided to add the following condition to the Premises Licence:

- (1) No sale of single alcohol, cans, bottles, sprits including miniatures.

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Members of the Sub-Committee considered this condition to be reasonable and proportionate in promoting the licensing objectives for the prevention of public nuisance and public safety.

(c) Recommendations

The Sub-Committee also made the following recommendations:

- Regular litter picks on a daily basis;
- Provide at least 2 bins outside the store and ensure the bins are emptied regularly to prevent overflow;
- Provide contact details to resident in close in close proximity to the store; and
- Have regular meetings with the local residents of Crossways Development.

The recommendations were made to ensure that the Applicant would maintain its Good Neighbour Policy and to ensure Tesco continues its works with its community.

19. Exclusion of the Press and Public

Resolved - That the press and public be excluded from the remainder of the meeting as the item to be considered contained exempt information relating to an individual as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 (as amended)

20. Private Hire Driver Licence Application (Reference 04-21)

The following is a summary of the discussion held in Part II.

Following introductions and confirmation that all parties had received a copy of the paperwork, the Licensing Officer introduced the report. It was explained that an application for a private hire driver (PHD) licence had been made and that Members had to consider whether the applicant was a fit and proper person to be granted a PHD licence in light of relevant convictions from 2015 and that it had not been 10 years since the conviction, as per the guidance on convictions and cautions. Furthermore, a false declaration was made on the application form where it was stated that no other application had been made with any other licensing authority.

Options available to the Sub-Committee were outlined and Members were reminded that it was the applicant's responsibility to ensure information provided to the licensing team was correct and accurate.

The Applicant was in attendance with his representative and made representations as to why he was applying for a PHD licence. Copies of two

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references in support of the application were submitted to the Sub-Committee. The Applicant explained that he understood the duty of care drivers had towards their passengers and whilst acknowledging he had made mistakes in the past, these should not stop him from being granted a licence as he was now a reformed character. Details of the Applicant's current employment and family circumstances were noted.

The Sub-Committee considered all the written information and verbal representations made at the hearing and

Resolved - That Applicant Reference 04-21 be refused a private hire driver licence.

Chair

(Note: The Meeting opened at 10.58 am and closed at 1.45 pm)