

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 25 October 2022

PRESENT: Councillors David Barker (Chair), Lewis Chinchen and Henry Nottage

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 In relation to Item 5 on the agenda (Licensing Act 2003 – Tesco Express, Basement, Ground and First Floor, 42-46 Fargate, Sheffield, S1 2HE), (Item 4 of these minutes), Councillor Henry Nottage stated that whilst representations to the application had been raised by fellow Members of the Green Group, he had not been involved in any way.

4. LICENSING ACT 2003 - TESCO EXPRESS, BASEMENT, GROUND AND FIRST FLOOR, 42-46 FARGATE, SHEFFIELD, S1 2HE

4.1 The Chief Licensing Officer submitted a report on an application made under Section 17 of the Licensing Act 2003, for the grant of a premises licence in respect of the premises known as Tesco Express, Fargate, Basement, Ground and First Floor, 42-46 Fargate, Sheffield, S1 2HE (Ref No. 149/22).

4.2 Present at the meeting were Jeremy Bark (Bryan Cave Leighton Paisner, LLP, for the applicant), Hardish Purewal (Licensing Manager, Tesco), Adam Wallhead (Store Manager, Tesco Express), Emma Rhodes-Evans (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).

4.3 Samantha Bond outlined the procedure which would be followed during the hearing.

4.4 Emma Rhodes-Evans presented the report to the Sub-Committee, and it was noted that representations had been received from three City Ward Councillors, and were set out at Appendix "C" to the report. It was also reported that during the consultation, a condition requested by South Yorkshire Police regarding CCTV had been agreed by the applicant. The three City Ward Councillors had been invited to the meeting, but did not attend.

- 4.5 Jeremy Bark, for the applicant, stated that planning permission had already been granted, with no restriction being placed on the opening hours, which were 06:00 to 00:00 hours, Monday to Sunday. The store, as with all other Tesco Express stores across the country, was less than 3000 square feet in size, and its target clientele were mainly people who either lived or worked in the city centre. Alcohol sales represented a very small proportion of total sales, with around 80 different products available, mainly comprising wines. Expected alcohol sales would be between 5 to 11% of total sales, with around 95% of alcohol sales being linked to the sale of other goods. There would be no promotions with regard to alcohol sales, other than through meal deal offers, and it was expected that alcohol sales between 06:00 and 08:00 hours would be very low. Mr Bark reported that, within the surrounding area, there were Tesco Express stores on West Street and Eyre Lane, which had licences to sell alcohol from either 06:00 hours or 07:00 to 00:00 hours, Monday to Sunday, and there had been no reported problems linked to the sale of alcohol at these stores. Tesco had a Good Neighbour Principle, meaning that it operated on a small footprint, and had a positive attitude on the surrounding area. He made reference to the fact that there had been no representations from the responsible authorities. The store would operate using a Think 25 policy regarding the sale of age-restricted goods, which was advertised in the store, and meant that whenever such goods were scanned or sold at a till, there would be an alert which would require intervention from a member of the sales staff. In addition to this, Tesco regularly used mystery shoppers in its stores and adopted a safe and legal policy, which comprised looking at all facets in its stores to ensure everything was safe and legal. The Company would also ensure that the terms of all premises licences were fully adhered to, and would ensure that there were at least three personal licence holders in its stores at all times. All new members of staff would receive induction training, and management would receive additional training.
- 4.6 Mr Bark stated that Tesco adopted a number of policies which included, amongst others, the Responsible Retailer of Alcohol, which related to all aspects of the sale of alcohol, including the refusal to sell alcohol if it was deemed inappropriate for any reason. As part of this policy, management would always back any decisions made by sales staff in this regard. All Tesco Express stores had extensive CCTV systems, covering all areas of its stores. Mr Bark referred to the layout plans in the report, highlighting the position of the main entrance, checkout tills and alcohol display points. There would be no deliveries to the store between 22:00 and 06:00 hours and around 99% of waste produced in the store would be recycled. In terms of staffing, it was stated that Mr Wallhead, who had worked for Tesco for 15 years, and had been a store manager for the last three years, would be manager of this store, and would be supported by three Team Leaders and between 16-20 sales staff. Tesco had a zero tolerance towards anti-social behaviour in its stores, and had regular contact with the local police in this regard. The Company was well aware of the problems caused by street drinkers in the city centre area, and liaised closely with the police on this issue.
- 4.7 Mr Bark responded to the representations made, which related mainly to concerns regarding the sale of alcohol between 06:00 and 08:00 hours, stating

that such issues related mainly to public health, which was not one of the licensing objectives, therefore should not be considered by the Sub-Committee as part of this application. He highlighted again the fact that neither the police, Environmental Health or Trading Standards had raised any objections to the application. Tesco was well aware of both the fact that there were alcohol treatment services in the surrounding area and the issues surrounding vulnerable people within the city centre area.

- 4.8 In response to questions raised by Members of the Sub-Committee, Mr Bark stated that if the Sub-Committee was minded to restrict the hours of the sale of alcohol, it was not envisaged that there would be a need to cordon off areas where alcohol was on display as any sale of alcohol was restricted at either the self-service checkouts or the manned tills. Whilst the majority of Tesco Express stores' opening and licensing hours were aligned, there were examples, across the country, and generally following the advice of the police, where such times differed. Whilst Tesco was aware of the agreement of independent shops not to sell alcohol until 08:00 hours, Mr Bark stated that the Company already had stores selling alcohol from 06:00 hours in the city centre, without any problems, mainly as a result of the numerous systems and policies in place. In addition, there was no such requirement in the Licensing Act, nor had there been any objections from the police. As a further security measure, all shop floor staff were required to wear body cameras and headsets, and the company had a system called Safeguard, which allowed staff to communicate with colleagues in the CCTV room and liaise with representatives of the statutory authorities. In terms of physical security measures, every effort was made to ensure that there was a member of the management team on duty at all times, and the store manager would discuss security arrangements with the Area Manager on a weekly basis. Security risk assessments were carried out in respect of all Tesco Express stores, and reviewed, at a minimum, every eight weeks. Other than where additional security had been identified as a requirement, very few Tesco Express stores across the country would have additional security staff present.
- 4.9 Mr Bark stated that whilst Tesco would be aware of the problems of street drinking around the lower end of Fargate and Exchange Street, he believed that with the policies and systems in place, there would be no serious problems with the application. In terms of alcohol sales, customers would not be able to buy single cans or small bottles of spirits. Hardish Purewal stated that the Company worked very closely with the local police, and would identify any individuals causing particular problems, and refuse them entry to their stores. Ms Purewal added that she was a Board Director of the Community Alcohol Partnership, which comprised representation from all the large retailers, and which looked at all issues regarding responsible drinking. The Partnership would offer training and support for smaller, independent traders if particular problems were identified. In terms of community engagement, Tesco had community notice boards, which contained information on local initiatives, and the Company would contact local facilities within the surrounding area, such as schools and alcohol/drug treatment centres, asking them to inform them of any problems associated with the operation of their stores. Each store had a community budget, from which charitable donations were made, either to facilities in the area or to vulnerable individuals. The Company always welcomed dialogue with

the local facilities and businesses, as well as customers. Also, as part of the Company's Good Neighbour Policy, deliveries to the store would be kept to a minimum in order to reduce its carbon footprint, and any equipment would be fixed with noise attenuation measures to minimise any noise nuisance on neighbours.

- 4.10 Jeremy Bark summarised the case on behalf of the applicant.
- 4.11 Emma Rhodes-Evans reported on the options available to the Sub-Committee.
- 4.12 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.13 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.15 RESOLVED: That, further to the information contained in the report now submitted, the representations now made and the responses to the questions raised, the application for a premises licence in respect of the premises known as Tesco Express, Basement, Ground and First Floor, 42-46 Fargate, Sheffield, S1 2HE Ref. No. 149/22) be granted in the terms requested and subject to the further condition agreed with South Yorkshire Police.

(The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)