

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 11 May 2015

PRESENT: Councillors David Barker (Chair), Geoff Smith and Joyce Wright

.....

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 There were no declarations of interest.

4. LICENSING ACT 2003 - TESCO, SHARROW LANE, SHEFFIELD, S7 1LJ

4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Tesco, Sharrow Lane, Sheffield, S7 1LJ.

4.2 Present at the meeting were Nicholas Firkins (Tesco Stores Ltd, Applicants), Christopher Rees-Gay (Solicitor for the Applicants), Councillor Sarah Jane Smalley (Objector), Tabarak Sadiq (Objector), Georgina Hollis (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

4.4 Georgina Hollis presented the report to the Sub-Committee and it was noted that one Councillor objection and five public objections had been received. One of the public objectors attended the meeting with his wife. The objector in attendance also submitted a petition containing 33 signatures, objecting to the application. Details of the representations, including the petition, were attached at Appendix 'B' to the report. Ms Hollis also stated that the applicants had requested the addition of two further conditions to the Operating Schedule, as follows:-

- (a) The sale of alcohol be allowed only between 07:00 hours and 23:00 hours; and
- (b) There shall be no high strength beer/cider/lager, with an avb of over 5.5% sold from the premises, unless approved by the police.

- 4.5 Tabarak Sadiq stated that the main basis for his objections were that granting a licence would not promote the licensing objectives, particularly the prevention of crime and disorder, and anti-social behaviour. There was a high level of concern from local residents and business owners with regard to crime and disorder on London Road, which was very close to the premises, and mainly linked to alcohol. Mr Sadiq considered that the addition of a further premises selling alcohol in the area, from 07:00 hours to 23:00 hours, would add to the existing problems. Mr Sadiq made reference to the small boundary wall around the premises, expressing concerns that people will sit and drink on the wall, creating further problems for residents living within the immediate vicinity. He also raised concerns with regard to the premises' location, referring specifically to the single entry and exit point from, and onto, an already busy road. Particular problems would be caused by the delivery lorries which, due to the turning circle required, would only be able to access the site by coming down Sharrow Lane, and would cause further noise pollution, nuisance and create safety risks for customers, local residents and young children attending the school nearby. Mr Sadiq stated that there was a large student population in the area, thereby increasing the potential for noise nuisance and anti-social behaviour linked to the sale and consumption of alcohol, and referred to potential problems with regard to the sale of alcohol to underage children. He also pointed out that there were problems regarding drug use and drug dealing in the flats opposite the premises. Mr Sadiq concluded by stating that the local MP and all three local Councillors had objected to the application for planning permission in respect of the premises.
- 4.6 Councillor Sarah Jane Smalley stated that the premises were located in an area designated as residential in the Unitary Development Plan. She also referred to the problems of anti-social behaviour and crime and disorder in the area, referring to three incidents she had witnessed recently, and which she believed were all alcohol-related. She expressed concern that a further store in the area selling alcohol was likely to exacerbate the problems. Councillor Smalley also expressed her concerns at the fact that she, as local Councillor for the area, had not been approached by anyone from Tesco in connection with the application. Reference was also made to evidence of drug use in the community park in the area and the fact that there were a number of halfway houses in the area, the residents of which had drug or alcohol problems. Councillor Smalley concluded by referring to the fact that delivery lorries and customers driving to and from the premises would create safety risks in terms of the walking buses operated by Sharrow Lane Primary School nearby.
- 4.7 In response to questions from Members of the Sub-Committee, it was accepted that, although there were existing problems of anti-social behaviour and crime and disorder in the area, which were alcohol-related, it was only possible, at this stage, to speculate in terms of such problems increasing when there was to be a further premises selling alcohol in the area. It was pointed out, however, that a number of the alcohol-related problems centred around other licensed premises in the area, particularly on London Road. It was not expected that the staff at the new store would have the same kind of relationship with local residents as local stores, such as Mr Sadiq's, do, and the checking of ID could be compromised. It was believed that the reason as to why the police had not made any representations was partly

due to the major cuts to their budget, which had resulted in them targeting only the bigger stores. The main concern of residents was that as Tesco was a large company, it would be likely to sell alcohol at a lower price, thereby attracting more people to the area, and creating a potential for increased anti-social behaviour and crime and disorder. Councillor Sarah Jane Smalley stated that, to her knowledge, there had been no engagement or consultation by Tesco with local residents in connection with the application.

- 4.8 Christopher Rees-Gay provided a brief history of Tesco's operation. He referred specifically to the Company's staff training procedures, stating that the Company had written training policies and formal training programmes, which ensured that staff were equipped to meet all licensing objectives. All training and revision/refresher materials were reviewed regularly, and all stores currently complied with the 'Think 25' policy, which was brought to customers' attention through point of sale material within stores. Tesco took legal compliance very seriously and, in addition to local training, the Company employed a central Alcohol Licensing Compliance Manager and had a Compliance Committee. Store Managers made every attempt to ensure that the Company was an active member of the local community where their stores were based, and there would be 20 members of staff working at the store, all sourced from the local area. The proposed Store Manager, Nicholas Firkins, had held a Premises Licence for the last nine years and had worked in the retail industry for the past 26 years. He had worked as the Store Manager at the Tesco Express on Barnsley Road, Sheffield, for the last few years. Mr Firkins offered his contact details to Mr Sadiq and Councillor Sarah Jane Smalley, requesting that they contact him to discuss any concerns. Mr Rees-Gay made reference to the fact that there had been no representations from any of the responsible authorities, particularly the police, and stated that, whilst he did not doubt that there had been incidents of anti-social behaviour and crime and disorder in the area, which had been alcohol-related, there was a need to provide evidence of this. Whilst it was appreciated that the store was not yet open, there was no evidence to prove that the premises would attract street drinkers. If there were problems, the staff would be adequately trained to deal with any problems. He made reference to the additional condition regarding the sale of high strength alcohol and stated that any drinks promotions were set centrally and not at a local level, therefore cheap alcohol would not be available at the store on a regular basis. Mr Rees-Gay stated that again, there was no evidence to show that there would be problems of people drinking alcohol whilst sat on the boundary wall outside the premises and that any views on the effects on existing shopkeepers in the area could not be taken into account as part of this application. All staff would be trained in connection with the 'Challenge 25' policy, and the Store Manager would be responsible for ensuring that the policy was enforced. As part of the policy, all tills in the store would have prompts, where staff members will be required to ask customers for proof of age if they do not consider them to be old enough to purchase alcohol. There would only be one delivery per day to the premises, with approximately 10% comprising alcohol. Mr Rees-Gay concluded by referring to the petition organised by Mr Sadiq, stating that it simply made reference to the four licensing objectives, and did not provide any evidence to indicate that objectives would not be met in terms of this application.

- 4.9 In response to questions from Members of the Sub-Committee and the objectors,

Mr Rees-Gay stated that if there were any problems with street drinkers or any other people under the influence of alcohol, the staff would attempt to resolve any issues first, but if they were not able to, they would contact the police. It was envisaged that the staff would become aware of people with drink problems, and would hopefully be able to deal with them without having to call the police. There would be no deliveries to the store during 23:00 hours and 07:00 hours. Whilst CCTV would not cover the car park, this area would be well lit, when required. The CCTV would cover many areas of the shop floor, including the proposed area to be used for beer and wine, and the area immediately outside the entrance to the premises. In terms of activity in the local community, Tesco had recently made a donation to the Roundabout Hostel, there would be noticeboards in the store, advertising events and activities in the area and the Company would support local events by providing raffle prizes. Neither Mr Rees-Gay or Mr Firkins were able to explain why the original application had been submitted in the name of 'Sharrow Organic Supplies'.

- 4.10 Christopher Rees-Gay summarised the case on behalf of the applicants.
- 4.11 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.
- 4.12 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.13 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.14 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of Tesco, Sharrow Lane, Sheffield, S7 1LJ, in the terms requested and subject to the addition of the following two conditions, as per the amended operating schedule:-
- (a) The sale of alcohol be allowed only between 07:00 hours and 23:00 hours; and
 - (b) There shall be no high strength beer/cider/lager, with an avb of over 5.5% sold from the premises, unless approved by the police.

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