

## GUILDFORD BOROUGH COUNCIL

<b>LICENSING ACT 2003 RECORD OF HEARING AND DECISION TAKEN BY THE LICENSING SUB-COMMITTEE</b>	
<b>DATE OF HEARING</b>	Tuesday 20 October 2015
<b>SUB-COMMITTEE MEMBERS PRESENT:</b>	Councillor David Goodwin (Chairman) Councillor David Elms Councillor Marsha Moseley
<b>OFFICERS PRESENT:</b>	Sophie Butcher (Committee Manager) Raj Devandran (Lawyer Litigation & Corporate) Mark Adams (Licensing Compliance Officer)
<b>DISCLOSURES OF INTEREST BY MEMBERS PRESENT:</b>	None
<b>PREMISES:</b>	Waitrose, York Road, Guildford Surrey, GU1 4LY
<b>TYPE OF APPLICATION:</b>	New application for a premises licence.
<b>DETAILS OF APPLICATION SOUGHT:</b>	The application is for a premises licence allowing the sale of alcohol for consumption off the premises between the hours of 07:30 and 22:00 daily Monday to Saturday and between 10:00 and 17:00 on Sunday.
<b>APPLICANT:</b>	Waitrose Ltd 171, Victoria Street, London, SW1E 5NN In attendance on behalf of Waitrose: Mr Jon Wallsgrove (Partner – Blake Morgan LLP) Ms Sue Steele & Ms Jeanette Clarke (Waitrose Senior Managers – Licensing and Trade Compliance)
<b>OTHER PERSONS:</b>	Mr Jolyon Faulkes Mrs Maria Silva (attending on behalf of Vasco Gabriel)

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## DETAILS OF DECISION TAKEN

The Sub-Committee considered the application for a new premises licence for the sale of alcohol for consumption off the premises between the hours of 07:30 and 22:00 daily Monday to Saturday and between 10:00 and 17:00 on Sunday. The Sub-Committee also considered the relevant sections of the Council's Licensing Policy and the National Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 (as amended).

The Licensing Compliance Officer informed the Sub-Committee that a new premises licence was sought for the sale of alcohol off the premises. The store was currently under construction and had delayed their scheduled opening date. The only licence for regulated activity being applied for at present was the sale of alcohol. No representations had been received from responsible authorities. One representation had been received, signed by six residents of Haydon Place. The concerns raised were in relation to the potential for public nuisance and crime and disorder and alcohol related disorder. The Sub-Committee was advised that, as per Home Office Guidance, anti-social behaviour beyond the immediate area is a matter of the individual's responsibility, not the applicant's.

Mr Wallsgrove (Solicitor) acting on behalf of Waitrose made the following submissions in support of their application:

- Clarified that the application sought permission for sale of alcohol for consumption off the premises, as well as sale of alcohol on the premises. The sale of alcohol on the premises was for special events only, such as retirement parties in the Partner's dining room, and anticipated very limited usage. Consumption of alcohol on site would only be limited to the Partner's dining room, and the Committee was invited to make a condition to the effect that the sale of alcohol for on-site consumption was limited to the Partner's dining room.
- The hours sought for the sale of alcohol off the premises and on the premises were the same as the operating hours granted by planning permission 07:30 and 22:00 daily Monday to Saturday and between 10:00 and 17:00 on Sunday.
- Whilst those were the hours sought, in practice, Waitrose intended to operate with the following opening hours: 08:00 – 21:00 Monday to Friday, 08:00 – 20:00 Saturday and 11:00 – 17:00 Sundays. They may extend their opening hours during seasonal times such as during the week leading up to Christmas. The new store was due to open on the 5 November 2015
- A digital CCTV system would be installed. Waitrose had met with the police who had no concerns and it was submitted that the Sub-Committee should attach great weight to this. The applicant stated that the police were satisfied, given that Waitrose was a responsible business, ensuring that its employees were fully trained to understand their responsibilities with the Challenge 25 Policy.
- Supervisors were required to authorise the sale of alcohol for cashiers who were under 18 years of age. The Deputy Premises Supervisor (DPS) would also be the Manager of the Guildford branch. Waitrose encouraged a hands-on approach to the management of their stores and staff, and was crucial for the business' effective and smooth running.
- The checkouts at the Waitrose stores were located near the entrance and were very well supervised.
- Waitrose ran several hundred stores and had never been subject of a licensing review.
- The objection in relation to noise nuisance was not relevant given that such noise could not be differentiated from general trade.

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The Sub-Committee requested clarification as to whether Waitrose would employ security staff and if it could be explained how Waitrose complied with the Challenge 25 Policy in practice, for the benefit of all at the hearing.

Mr Wallsgrove confirmed that:

- Waitrose operated a policy whereby a constant risk assessment was undertaken. The employment of security staff was not considered necessary at this time, however it was acknowledged that, if the circumstances were appropriate, security staff may be employed later.
- In relation to Challenge 25, if a customer appeared under the age of 25 years of age when attempting to buy alcohol, the customer was requested to show the cashier a photographic ID such as their driving licence or passport. Their date of birth was checked to verify that the sale was lawful. In addition, when alcohol was scanned through the till, the cashier received a prompt to 'Challenge 25'.

The Chairman invited the other persons to make their statements in support of their representations. Mr Faulkes stated the following in support of his representation:

- was happy that the licensing hours were not reflected in the actual opening hours of the store, which was in line with the opening hours of supermarkets in the surrounding area. Seasonal adjustments to opening hours were expected.
- was concerned in relation to light pollution given that the residents of Haydon Place faced a large glazed side of the Waitrose building.
- accepted that noise would be associated with deliveries to and from the site.
- the area surrounding Haydon Place had historically been a site of anti-social behaviour emanating from a drop-in centre that backs onto the Waitrose car park. The anti-social behaviour was associated with alcohol and drug related behaviour. The police frequently attended the site approx. 4-5 times a day.
- During Christmas 2014 the Police enforced S30 notices relating to the the Anti-Social Behaviour, Crime and Policing Act.
- a legal high shop was located across the road and was concerned that its customers would exacerbate the potential for public nuisance.

Mrs Silva made the following submissions in support of her representation:

- concerned that Waitrose did not employ security staff.
- the area surrounding the Waitrose site had experienced a lot of anti-social behaviour over the last 2-3 years.
- considered that Waitrose would be an improvement and benefit the local community and;
- satisfied with the fact that the actual opening hours would be less than the hours applied for as part of the licence.

Mr Wallsgrove made the following submissions:

- a new development such as Waitrose could improve an area radically. A bright and open store dissuaded people who relied upon dark areas to carry out anti-social behaviour.

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- the police had alerted Waitrose to the problems experienced in relation to anti-social behaviour associated with the area. The police were satisfied with the procedures in place for the effective management of the premises and number of partners in the store.
- Alcohol was not sold cheaply at Waitrose and was therefore unlikely to be a store that people actively used to support their drinking habits. People who relied upon alcohol would generally purchase it from stores that sold it cheaply.
- If an issue arose with anti-social behaviour related to purchasing of alcohol at Waitrose, the store would employ security staff, as they would not wish for local residents or customers to feel intimidated.

The Sub-Committee advised that should the licence be granted, it would be appropriate for Waitrose to provide a forum whereby residents could discuss any potential problems with the management. Mr Wallsgrove confirmed that the Designated Premises Supervisor (DPS) would also be the manager of the store. Residents were encouraged to contact the manager should any problems arise.

The Chairman asked if Waitrose had experienced any instances where they have had to employ security staff at their stores. Mr Wallsgrove confirmed that Waitrose did not operate such a policy and each situation was judged on its merits. An example was given in relation to a Waitrose store in Ramsgate, which had problems with a habitual thief. A security guard was therefore employed on a daily basis and quickly resolved the issue.

Having considered the application and the submissions from the applicant's representative as well as those made by other persons, the Sub-Committee

RESOLVED: That the application for a new premises licence allowing the sale of alcohol for consumption off the premises and \*on the premises between the hours of 07:30 and 22:00 daily Monday to Saturday and between 10:00 and 17:00 in relation to Waitrose, York Road, Guildford, Surrey, GU1 4LY be granted subject to the following condition (the condition was imposed in relation to on-site sales of alcohol to be restricted to the Partners Dining Room only):

\*1. The Partners Dining Room only, marked 'WAITROSE OFFICES AND AMENITY' to be licenced for on sales of alcohol for Partners and their bona fide guests.

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2. The licensable activities shall be as set out below:

Activities	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
<b>Sale of alcohol</b>							
<b>For consumption off the premises</b>	07:30 – 22:00	07:30 – 22:00	07:30 – 22:00	07:30 – 22:00	07:30 – 22:00	07:30 – 22:00	10:00 – 17:00
<b>Times premises are open to public</b>							
	07:30 – 22:00	07:30 – 22:00	07:30 – 22:00	07:30 – 22:00	07:30 – 22:00	07:30 – 22:00	10:00 – 17:00

**REASON FOR DECISION:**

In reaching their decision to grant the application subject to the above conditions, the Sub-Committee considered both written and oral representations from the applicant and the responsible authorities.

The Sub-Committee was satisfied that Waitrose had successfully demonstrated what steps would be taken to actively promote the four licensing objectives. Those steps included the operation of CCTV cameras and Challenge 25 policy, training records kept of staff, and supervision of cashiers under the age of 18 to authorise the sale of alcohol. The Sub-Committee considered that these measures addressed the concerns in relation to a potential increase in alcohol related disorder. Should the residents have any future concerns, the manager of the store who was also the DPS would be happy to discuss any problems and take appropriate steps to resolve such issues. The residents' concern in relation to a general increase in noise level could not be supported by the Sub-Committee, given that the noise could not be differentiated from general trade.

The Sub-Committee agreed that the licence should be permitted to allow the sale of alcohol for consumption off the premises between the hours of 07:30 and 22:00 daily Monday to Saturday and between 10:00 and 17:00 on Sunday. Whilst those were the hours stated on the licence, in practice, Waitrose intended to operate with the following opening hours: 08:00 – 21:00 Monday to Friday, 08:00 – 20:00 Saturday and 11:00 – 17:00 Sundays. They may extend their opening hours to that stated on the licence (as above) during seasonal times such as during the week leading up to Christmas.

The Sub-Committee was also satisfied that it was appropriate to impose the condition in relation to restricting the sale of alcohol on the premises to the Partners dining room only, given that it would be used only on special occasions such as partner's retirement parties.

Signature of Chairman: ..... Dated: .....