

2.4 Promotion of the four licensing objectives

In relation to the licence application, the applicant has provided the following information.

- Tesco is a large national operator with a range of head office and local support. The company has devised policies, procedures, systems and training to ensure that they sell alcohol in a responsible manner.
- There is a detailed training programme which ensures that comprehensive training is provided to employees having regard to their role and the responsibilities and such training is regularly reviewed, and appropriate records kept.
- The premises will have digital CCTV system that covers many areas of the shop floor, including the main area which will be used for display of alcohol,
- Images will be retained for a minimum of 21 days
- A member of the Management team will ordinarily be on the premises all the time the store is open, and person will have responsibility for the premises whilst the premises are open.
- The premises licence holder is fully aware of its responsibilities under a range of health and safety related legislation and has appropriate policies and procedures in place to be confident of complying with the relevant obligations which arise.
- The company has a “good neighbour” policy which seeks to ensure that the premises play an active part in the local community.
- The premises will operate a Think 25 policy. The checkouts will be programmed to prompt the checkout assistant when an alcohol product is scanned at the till to follow the Think 25 policy.
- Colleagues will receive appropriate training both in relation to the underlying law and the Tesco policy, systems and procedures. This training will be documented and repeated as often as Tesco believes to be appropriate.

If the application is granted, conditions consistent with this information will be imposed on the licence.

2.5 Consultation period and advertisement of the application

The application was accepted as valid on 16 October 2020, with the consultation period running from 19 October to 15 November 2020. The application was advertised by means of notices at the premises and a notice in the Surrey Advertiser in accordance with the regulations.

3. RELEVANT REPRESENTATIONS RECEIVED DURING CONSULTATION PERIOD

(i) Representations from other persons

Seven relevant representations were received from two local ward councillors and local residents. A copy of the representations is attached as **Appendix 3**.

4. LICENSING POLICY

The following sections of the Council’s Licensing Policy are relevant:

- Section 4: (Fundamental Principles)
- Section 11: (Licensing Hours)
- Section 12.2: (Prevention of Crime & Disorder)
- Section 12.4: (Prevention of Public Nuisance)
- Section 12.5:(Protection of Children from Harm)
- Section 13: (Licence Conditions.

5. NATIONAL GUIDANCE

The following sections of the Guidance issued in April 2018 by the Secretary of State under Section 182 of the Licensing Act 2003 are relevant:

- Paragraph 1.16 - Licence conditions – General principles
- Paragraph 1.17 – Each application on its own merits
- Paragraphs 2.1-2.6 – Crime and Disorder
- Paragraphs 2.15-2.21 – Public nuisance
- Paragraphs 2.22-2.31 – Protection of Children from Harm
- Paragraphs 9.31-9.41 – Hearings
- Paragraphs 9.42-9.44 – Determining actions that are appropriate for the promotion of the licensing objectives
- Paragraphs 10.1-10.66 – Conditions

6. MANDATORY CONDITIONS

If granted, the following mandatory conditions will be attached to the licence.

Mandatory condition - Sales of alcohol

1. No supply of alcohol may be made under the premises licence –
 - a. at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b. at a time when the designated premises supervisor does not hold a personal licence, or the personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

Mandatory condition - Age verification policy

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - a. a holographic mark, or
 - b. an ultraviolet feature.

Mandatory condition - Permitted price for alcohol

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - a. “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - b. “permitted price” is the price found by applying the formula $P=D+(D \times V)$, where—
 - i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - c. “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or

- iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - e. "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

7. RECOMMENDATION:

- (I) The Sub-Committee are requested to consider the application for the grant of a premises licence on its merits.
- (II) Subject to paragraph (III) below, Section 18(2) of the Licensing Act 2003 provides that the Sub-Committee must grant the application subject only to such conditions as are consistent with the operating schedule and the mandatory conditions.
- (III) Having regard to the relevant representations made during the consultation period, the Sub-Committee must take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. The steps are:
 - To impose additional conditions on the licence which are appropriate for the promotion of the licensing objectives, proportionate and which deal with the concerns of those making representations;
 - To exclude any of the licensable activities from the scope of the licence;
 - To refuse to specify a person as the premises supervisor; or
 - To reject the application.

Originator:

Peter Muir, Licensing Compliance Officer

Tel: (01483) 444110

E-Mail: peter.muir@guildford.gov.uk