

## LICENSING SUB-COMMITTEE

<b>Application Type:</b>	Application for the variation of the Premises Licence GUPLA0297	
<b>Ward:</b>	Onslow	Ward Councillors: Councillor Jon Askew Councillor David Goodwin Councillor Will Salmon
<b>Applicant:</b>	Tesco Stores Ltd	
<b>Premises:</b>	TESCO Guildford Superstore Ashenden Road Guildford GU2 7XU	
<b>Proposal:</b>	An application for the variation of the existing premises licence to supply alcohol for consumption of the premise 24hrs a day, include the addition of late-night refreshment, amend and update a number of conditions and amend the layout plan.	

### 1. SITE LOCATION AND HISTORY

- 1.2 The premises is currently operating as a retail store and has held the current licence since 24/11/2005. A copy of the current licence is attached at Appendix 1.
- 1.3 A site location plan is attached at Appendix 2.

### 2. APPLICATION

- 2.1 The applicant is to amend a number of conditions on the licence, amend the plan, include late night refreshment as a licenced activity and further amend hours to 24hrs Monday to Sunday. The application form is attached as Appendix 3.

#### 2.2 Licensable activities:

- The provision of sale of alcohol.
- The provision of late-night refreshment.

#### 2.3 Changes to conditions requested:

The conditions in Annex 2 of the premises licence can be updated to reflect the current operating schedule enclosed in this application. Condition C: 1. To man tills numbered 27, 29 and 33 and a member of staff in 2 aisles involved.

Remaining conditions in D: 1, 2, and 3 imposed by the Licensing Sub-Committee on 13 November 2005 can be replaced by the current and updated Operating Schedule which reflects current standards of operation. Specifically, "Think 21" is now updated to "Think 25" etc.

#### 2.4 Proposed hours:

The table below shows the licensable activities and requested hours as shown in the application form:

Activities	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
<b>(1) Films</b>							
<b>(2) Live music</b>							
<b>(3) Recorded music</b>							

Activities	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
<b>(4) Performances of dance</b>							
<b>(5) Late night refreshment</b>							
	23:00 – 05:00	23:00 – 05:00	23:00 – 05:00	23:00 – 05:00	23:00 – 05:00	23:00 – 05:00	23:00 – 05:00
<b>(7) Supply of alcohol</b>							
	00:00 23:59	00:00 23:59	00:00 23:59	00:00 23:59	00:00 23:59	00:00 23:59	00:00 23:59
<b>Times premises are open to public</b>							
	00:00 23:59	00:00 23:59	00:00 23:59	00:00 23:59	00:00 23:59	00:00 23:59	00:00 23:59

#### 2.4 Promotion of the four licensing objectives:

In relation to the licence application, the applicant has provided the following steps to promote the licensing objectives.

##### General:

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 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 records kept.

##### The prevention of crime and disorder:

We will have 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 time the store is open. This colleague will have responsibility for the premises and will be the initial point of contact for any issues that may arise.

##### Public safety:

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

##### The prevention of public nuisance:

The company has a “good neighbour” ethos which seeks to ensure that the premises plays an active part in the local community.

##### The protection of children from harm:

The premises will operate a Think 25 policy. The checkouts will be programmed to prompt the customer assistant when an alcohol product is scanned at the checkout to follow the Think 25 policy.

All colleagues will receive training in relation to the underlying law and Tesco policy, systems, and procedures. This training will be documented, and refresher training will be provided on a regular basis.

2.5 Consultation period and advertisement of the application:

The application was accepted as valid on 23 September 2022, with the consultation period running until 22 October 2022. 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**

3.1 Representations from responsible authorities:

None were received.

3.2 Representations from other persons.

One representation was received from other persons.

These are attached as Appendix 4.

**4. LICENSING POLICY**

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

- Section 4: (Fundamental Principles)
- Section 11: (Licensing Hours)
- Section 12.1: (Prevention of Crime & Disorder)
- Section 12.2: (Public Safety)
- Section 12.3: (Prevention of Public Nuisance)
- Section 12.4: (Protection of Children from Harm)
- Section 17: (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 2.7-2.14 – Public Safety
- Paragraphs 2.15-2.21 – Public nuisance
- Paragraphs 2.22-2.32 – 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**

### **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 - Irresponsible promotions**

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - a. games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
  - b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - d. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - e. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

### **Mandatory condition - Free potable water**

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

### **Mandatory condition - Smaller measures**

The responsible person must ensure that—

- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - i. beer or cider: ½ pint;
  - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - iii. still wine in a glass: 125 ml;
- b. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

### **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.

## **Mandatory condition - Door supervision**

Where at specified times one or more individuals must be at the premises to carry out a security activity, all such individuals must be licensed by the 'Security Industry Authority (SIA).

### **7. RECOMMENDATION:**

- 7.1 The Sub-Committee are requested to consider the application for the grant of a premises licence on its merits.
- 7.2 Subject to paragraph (7.3) 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.
- 7.3 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:**

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