

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE OLD COURTHOUSE, WINDHILL,
BISHOP'S STORTFORD ON TUESDAY 26
JUNE 2012, AT 10.00 AM

PRESENT: Councillor E Buckmaster (Chairman).
Councillors E Bedford and J Taylor.

ALSO PRESENT:

Councillors G McAndrew.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Paul Newman	- Interim Licensing Manager
George Robertson	- Legal Services Manager

1 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor J Taylor and seconded by Councillor E Bedford that Councillor E Buckmaster be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor E Buckmaster be appointed Chairman of the Licensing Sub-Committee for the meeting.

2 MINUTES – 11 APRIL 2012

RESOLVED – that the Minutes of the Licensing Sub-Committee meeting held on 11 April 2012 be confirmed as a correct record and signed by the Chairman.

3 CHAIRMAN'S ANNOUNCEMENTS

The Chairman stated that the Application to vary a Premises Licence at Dominos Pizza (8-10 Warren Place, Railway Street, Hertford) would be determined by Officers under delegated authority.

4 EXCLUSION OF PRESS AND PUBLIC

The Sub-Committee passed a resolution pursuant to Section 100 (A) (4) of the Local Government Act 1972 as amended, to exclude the press and public during consideration of the business referred to in Minute 5 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said Act.

5 TAXI DRIVER APPLICANT

The Chairman outlined the procedure to be followed. The Interim Licensing Manager summarised the report. The applicant referred to issues in the report which he wished to clarify. He referred to his domestic arrangements and stated that he was being made culpable for something he had not had a part in.

The Legal Services Manager stated that the Sub-Committee had to be satisfied that he, the applicant, was a "fit and proper person" to hold a Taxi Driver's Licence and reminded him of his unspent conviction. He asked the applicant if he was fully aware of the licensing process before him. The applicant confirmed that he was.

The applicant was concerned that he had taken a number of tests and that these should be taken into account in determining that he was a "fit and proper person". He was concerned about the money which he had spent in renewing his taxi vehicle licence. The applicant was provided with an opportunity to summarise his application.

At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services Manager

and the Democratic Services Officer to consider the evidence.

Following this, they returned and the Chairman announced the decision of the Sub-Committee, which was that, having listened to the comments made, the Sub-Committee was not convinced that anything had changed from the last Sub-Committee when the applicant had submitted an application. The Sub-Committee found that the Taxi Driver was not a “fit and proper person” to hold a Taxi License.

RESOLVED – that the application for a Taxi Driver’s Licence be refused.

6 APPLICATION FOR A PREMISES LICENCE - TESCO, LANCASTER WAY, BISHOP’S STORTFORD

The Chairman outlined the procedure to be followed. All those present for the application were introduced. The Interim Licensing Manager outlined the specifics of the application for a premises licence at Tesco, (Bishop’s Stortford Park Centre, Lancaster Way, Bishop’s Stortford). He stated that the Police had no objection to the proposal but there had been 27 valid objections. The Interim Licensing Manager summarised the content of the objections which centred on noise, disturbance, vandalism, litter, youths hanging around the residential areas and also anti-social behaviour.

Councillor G McAndrew, the local ward Member and representative of the objectors read out a statement summarising residents’ concerns. He referred to the fact that Tesco already had a 24 hour alcohol licence Monday to Friday and that by extending that licence, seven days a week would exacerbate problems for local residents in terms of anti-social behaviour. Councillor G McAndrew stated that Tesco were “unhelpful” in resolving problems.

The Solicitor for the applicant addressed each specific concern. It was noted that the contents of the Tesco

supermarket trolley referred to in the statement had not been bought at Tesco, but had been bought from another local supermarket.

Members of the public in attendance were provided with an opportunity to each express their concerns. In summary, these referred to anti-social behaviour in the residential areas.

Councillor J Taylor gave assurances that she had carefully considered all the evidence which had been put forward. In response to a query, the Interim Licensing Manager clarified the specifics of the application by Tesco.

The Solicitor for Tesco introduced the Licensing Team Manager and the Designated Premises Supervisor (DPS). He emphasised that the application before the Licensing Sub Committee was, in essence, a variation of their current arrangements. He referred to the recent improvements which had been made to the store, including improved CCTV. The Solicitor explained the footprint of the site and stated that alcohol represented 7% of total sales. He reminded the Sub-Committee that no responsible authorities had objected to the application.

The Solicitor for Tesco referred to the Policies which Tesco had in place to restrict the sale of alcohol at point of sale i.e. "Think 25" and referred to test purchases and mystery shopping which they carried out to ensure no underage sales took place. Their aim was to "empower staff" to refuse any sale of alcohol if they were dissatisfied with any ID which had been shown on request. He referred to a number of other Training Policies for staff which had resulted in Tesco winning "British Inn-keeper" award. In store security arrangements were explained.

The Licensing Manager for Tesco stated that an individual would be banned who had bought alcohol for an individual under age i.e. "proxy purchasing". The Solicitor for Tesco explained that there were statistics which

proved that youths who had been caught drinking had obtained their alcohol from home.

In summary, the Solicitor for Tesco, accepted that there were some anti-social behaviour activities in the area, but that there was no evidence to corroborate that this had been generated because of Tesco or that this would be exacerbated as a result of longer opening hours.

Objectors were provided with an opportunity to ask questions of the Solicitor for Tesco.

Councillor G McAndrew referred to the need for Tesco to have a Corporate Social Responsibility to consider residents' views and concerns about the anti-social behaviour.

Councillor J Taylor sought clarification on a number of points relating to the application.

The Solicitor for Tesco explained that there were people who shopped at 3am and were restricted from buying alcohol. He agreed that there were existing problems outside of the store and of the store's limited powers in dealing with some anti-social behaviour. He stressed that there was no link between Tesco selling alcohol and under age drinking in the area.

Councillor G McAndrew was provided with an opportunity to summarise his concerns on behalf of the residents.

The Solicitor on behalf of Tesco was provided with an opportunity to summarise why Tesco application should be approved.

At the conclusion of the representations, the Sub-Committee withdrew with the Legal Services Manager and the Democratic Services Officer to consider the evidence.

Following this, they returned and the Chairman

announced the decision of the Sub-Committee, which was that, having listened to all the comments made, the Sub-Committee found that there was evidence of nuisance from those visiting the store during the early hours of the morning, as such, the Sub Committee was not prepared to grant a licence for the 24 hour sale of alcohol 7 days a week.

The Sub-Committee commented that bearing in mind local residents' concerns, the Tesco Store Manager should liaise with local residents' / the local Neighbourhood Watch, to discuss their current concerns.

RESOLVED – that the application for a new Premises Licence for the sale of alcohol 24 hours a day, 7 days a week be refused.

The meeting closed at 12.30 pm

Chairman
Date