

Licensing Sub-Committee

Monday, 28th September, 2020

PRESENT: Councillor A Hutchison in the Chair

Councillors H Bithell and P Wray

1 Election of the Chair

RESOLVED – To elect Councillor Andrew Hutchison as Chair for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents.

3 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

4 Late Items

There were no late items.

5 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

6 Application to vary a premises licence held by Tesco, 11 Long Meadow Gate, Garforth, Leeds, LS25 2BX

The report of the Chief Officer Elections and Regulatory set out an application to vary a premises licence held by Tesco, 11 Long Meadow Gate, Garforth, Leeds, LS 25 2BX.

The Licensing Officer presented the application to Members as follows:

- The original licence had been granted through grandfather rights when the Licensing Act was first implemented back in 2005.
- An application was received to transfer the licence in 2013 and the store then operated for a number of years as a One Stop Store.
- In January 2020 an application was received by the licensing authority to transfer the licence to Tesco Stores Ltd.
- The premises currently benefits from the following licensable activity:
 - Sale of alcohol for consumption off the premises:
 - Monday to Saturday: 08:00 – 23:00
 - Sunday: 10:00 – 22:30
- Tesco had originally, applied to increase the sale of alcohol for consumption Off the premises Monday to Sunday: 06:00 - 00:00;
- On receipt of public representations to this application, a representative of Tesco contacted the licensing authority offering to revise the application by reducing the terminal hour applied for to sale of alcohol for consumption Off the premises to Monday to Sunday: 06:00 - 23:00;
- The variation also includes removal of all embedded restrictions on the licence and to update the approved layout of the store in accordance with the plan submitted with the application.

- No representations had been received from Responsible Authorities.
- Entertainment Licensing was in receipt of eight outstanding individual letters of objection from residents expressing concerns under the prevention of public nuisance licensing objective. In particular, the noise created from deliveries.

In attendance at the meeting were:

- Christopher Rees-Gay, Pinsent Masons LLP – Representing Tesco Stores Ltd
- Hardish Purewal – Tesco Licensing Manager
- Richard Milnes – Tesco Store Manager and DPS
- Councillor Mark Dobson – Representing the views of local constituents

Mr Rees-Gay informed the Sub-Committee of the following points:

- Tesco is a retailer of 3,400 stores with 2,000 Express stores;
- Half a billion transactions per year with 7-15% of these alcohol sales;
- One of the first in keeping training programmes, with formal training programmes two times per year either online or direct training;
- Express stores are a local convenience stores for local people;
- The Store Manager Mr Milnes had held a licence for four years;
- Mr Milnes had offered to be a direct point of contact should there be any issues raised by residents;
- Tesco see the community as part of their ethos. Tesco support local charities with money being split between such charities as Age UK, HFT Leeds and local brownie groups;
- During the Covid-19 pandemic they had also provided food for homeless working with local charities;
- The hours for the sale of alcohol had been revised to 06:00-23:00 in line with the operating hours of the convenience store;
- Requests for the change in operating hours had been from people who are shift workers so that they are not having to visit the premises twice;
- No Responsible Authorities had submitted representations which in his opinion showed the confidence they had in Tesco's to meet the licensing objectives;
- Individual objections focused on the concern of noise. It was the view that there would be no extra noise caused by the variation of licensing hours as there would be no extra deliveries. It was noted that due to Covid-19 there had been some changes in timings of deliveries as the store tried to meet demand;
- The store was not aware of any anti-social behaviour with young people;
- Tesco have litter bins located near the store which are emptied on a regular basis so could see no concerns with an increase in litter.

Councillor Dobson the local ward member attended the meeting to express the views and concerns of the local residents. He informed the Members of the following points:

- Tesco were well intentioned with the community and were a good neighbour especially at the main store and were exemplary in their charitable objectives;

- This application was significant and although the opening hours had been revised from 6:00am until midnight to 6:00am until 23:00, those residents living nearby had raised concerns which would affect them;
- The concerns raised would bring new people into the area increasing the footfall;
- The store is located on the periphery of a large estate which houses many families with children of school age who may have disturbed sleep due to deliveries and people accessing the store by car;
- There is a larger Tesco store one and a half miles away which has no impact on residential amenity;
- The Crusader pub which shares the car park with the Express store now closes at 10pm due to Covid-19 restrictions;
- Residents had raised concerns earlier in the year with more deliveries than usual, however this had been addressed;
- With the pubs closing at 10pm and the store being open until 11pm this could have a detrimental effect at this current time and there were links to public health.

In response to questions from Members the Licensing Sub-Committee were informed of the following:

- It was confirmed that the store had previously had a licence to 23:00 hours it was only an extra 30 minutes on a Sunday;
- The extra hours applied for would bring them in line with the current trading hours of the store;
- The removal of the embedded restrictions would bring them in line with other Tesco Express stores;
- The new layout of the store would not affect the display of alcohol it would still be on the back wall near the service point, there would be no change;
- There had been no instances of incidents or anti-social behaviour at the Crusader public house, this was a quiet pub;
- Shift workers had requested the longer hours with approximately 12 requests each week, so that they were able to buy a bottle of wine or a pack of beer on their way home from work;
- This was a residential area with no anti-social behaviour issues;
- There would be no extra deliveries to the store;
- Tesco have training policies which include not serving anyone who was deemed to be drunk;
- Mr Milnes was willing to provide a telephone number and meet with the residents. It was also offered that a zoom call could be set up to alleviate any concerns of the residents.

Members' discussions included:

- Proximity to the pub;
- No anti-social behaviour issues;
- Embedded conditions including the sale of alcohol in open containers;
- No additional deliveries;
- No increase in footfall;
- Engagement with the community and being a good neighbour;
- The willingness to meet with residents.

RESOLVED – To grant the licence as applied for.

Meeting concluded at 11:10