

# Minutes of a meeting of the Licensing & Gambling Acts Casework Sub- Committee on Monday 17 June 2024

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## Committee members present:

Councillor Yeatman

Councillor Max Morris (*substitute for Cllr Mundy*)

Councillor Azad

## Officers present for all or part of the meeting:

Tazafar Asghar, Legal Advisor

Emma Thompson, Senior Licensing Compliance Officer

Joshua Curnow, Supervising Senior Licensing Officer

## Apologies:

Councillor(s) Jupp and Mundy sent apologies.

Substitutes are shown above.

## 19. Election of Chair for the hearings

Councillor Yeatman was elected Chair for this hearing.

## 20. Application for a New Premises Licence - Tesco Express, Barton Fields Road, Oxford, OX3 9FU

The decision notice for this hearing is attached.

## The meeting started at 6:00 pm

*When decisions take effect:*

*Cabinet: after the call-in and review period has expired*

*Planning Committees: after the call-in and review period has expired and the formal decision notice is issued*

*All other committees: immediately.*

*Details are in the Council's Constitution.*

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Licensing Act 2003



## Licensing Sub-Committee

### Notification of determination

Hearing under Sections 17 and 18 of the Act, and the Licensing Act 2003 (Hearings) Regulations 2005 In respect of an application made to Oxford City Council for a New Premises Licence.

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Date of hearing:	<b>Monday 17th June 2024</b>
Place:	<b>Town Hall, Oxford</b>
Case No.	<b>24/01458/PREM</b>
Applicant	<b>Tesco Stores Limited</b>
Premises:	<b>Tesco Express</b>
Premises address:	<b>Barton Fields Road, Oxford, OX3 9FU</b>
Licensing Sub-Committee Councillors:	<b>Cllr Yeatman (Chair), Cllr Morris, Cllr Azad</b>
Legal Advisor:	<b>T Asghar</b>
Licensing Officer:	<b>E Thompson</b>
Clerk:	<b>J Curnow</b>

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The Sub-Committee heard representations from the following:

**Licensing Authority:** E Thompson (Senior Licensing Officer)

E Thompson (**ET**) presented the Licensing Authority's report, stating that the application had attracted representations from 11 Interested Parties relating to the prevention of crime and disorder and the prevention of public nuisance.

The application received 1 representation in support of the application and no objections from any of the responsible authorities.

**Applicant:** H Purewal (Head of Licensing for Tesco)  
V Ribchester (Manager)

H Purewal (**HP**) presented on behalf of the applicant. **HP** explained that the intention is to open the store in February 2025, the store will follow Tesco's convenience format, which is that of a top up shop where people buy a bag or two of shopping, the sale of alcohol is an

important part of this business model. **HP** stated that the applicant holds a number of licences and runs many stores within the Oxford City District, all of which are run well. The new store will employ 20 members of staff and 4 managers, with a priority to hire from within the local community. The Applicant has a neighborhood policy which donates to the local community, the applicant is willing to join local groups, resident groups or business groups to ensure they remain part of the community.

**HP** noted that Thames Valley Police, as the authority responsible for the prevention of crime and disorder objective, did not raise any objection to the application.

**HP** explained some of the applicant's national policies and training standards, of which they set an industry standard.

**HP** went into further details regarding induction training that covers age restricted sales, security training and refresher training twice a year.

The Applicant will maintain a 'Think 25' Policy, with their checkout prompt for alcohol sales requiring a positive action from a staff member.

**HP** set out some of the systems in place to uphold the licensing objectives:

- CCTV
- Panic alarms
- Tags on high value/high theft items
- Spirits behind counter
- Body Worn Video Cameras
- Test Purchasing

**HP** explained that the Late Night Refreshments applied for is a 'Costa' Coffee machine operating between 23:00 and 00:00 hours.

**CLLR MORRIS** asked if there would be CCTV coverage outside of the Premises?

**HP** stated the only CCTV coverage outside will be if there is an ATM.

**CLLR MORRIS** asked if there will be security staff, and if so, at what times and how many?

**HP** explained there will be a risk matrix which will dictate how many security staff and when they will be in place. There are also 3 mobile guards that travel between stores and are usually only 15 minutes away if a store requires additional assistance.

**CLLR MORRIS** asked **HP** to elaborate on the training staff are given regarding antisocial behaviour.

**HP** went into further details, stating that the starting point for deterring crime or other bad behaviour is good customer service. Staff are trained not to escalate situations, but to instead step out and allow a manager (who will have had comprehensive training) to step in.

**CLLR AZAD** asked if there are any large public houses in close vicinity.

**HP** stated that this is a new site on a new estate.

**Interested Parties:**           G PECNIK  
  H GAO

**G PECNIK (GP)** explained that they are a resident who lives in very close proximity and is concerned they will be directly affected by the shop, the opening of a Tesco is welcome, but there may be issues beyond the control of Tesco.

**GP** acknowledged there are strict policies for dealing with issues within the store, but that does not address what will happen outside of the store, such as an increase in noise in the residential area.

**GP** explained that there is no pub in the local community, so this will be where people will come to buy and then potentially consume alcohol.

Youngsters may buy alcohol and party in the vicinity.

Concerns about increase in traffic.

**GP** proposed a reduction in hours.

**H GAO (HG)** explained that they also live in close proximity to the premises. **HG** outlined the local demographic, namely new development with 800 homes and mainly young families and some elderly residents and stated that Barton Road is not designed to be a high street. **HG** is concerned about potential noise nuisance.

**HG** explained there had been some anti-social behaviour close to this location, around the bus stop and some needles found. Late hours will attract late night customers and cause public nuisance. Concerned about opening hours.

**CLLR MORRIS** asked if they had thought about benefits of a new store, and if there were benefits to longer hours.

**HG** said they appreciate the store opening and benefits but are concerned about the hours.

**HP** stated that they are responsible for the vicinity of the store, but further away should be dealt with by other laws, Licensing should not be the way to deal with all antisocial behaviour.

**HP** summed up the applicant's position:

- Tesco has a good track record of partnership working.
- The Licensing Act allows review if Tesco fail to uphold licensing objectives.
- Strict Think 25 Policy and no sales to intoxicated people.
- S182 Guidance, Case Law and the Councils Statement of Licensing policy support the hours applied for in line with opening hours.

### **Decision and Reasons of the Sub-Committee**

The Sub-Committee considered all submissions, both written and oral. It also had regard to the relevant Home Office Guidance and the Council's Statement of Licensing Policy.

1. The Sub-Committee noted that the premises has no restrictions on their opening hours, if they chose to, they could open 24 hours, but are only applying for sale of alcohol until midnight. The Sub-Committee also considered Section 5.5 and 'Policy LH 8' of the Council's Statement of Licensing Policy that states:

*"The Government suggests that the norm will be for all shops, stores and supermarkets with Premises Licences that permit the sale of alcohol for consumption off the premises to be free to provide such sales of alcohol at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours."*

and

*"The Authority will normally approve an application for licensing hours for retail premises that permit the sale of alcohol (for consumption off the premises) at any time that the retail premises are open for shopping..."*

2. The Sub-Committee noted that the representations were in relation to the prevention of

crime and disorder and the prevention of public nuisance; however, neither Thames Valley Police, nor Environmental Health, as authorities responsible for these objectives, objected to the application.

3. The Sub-Committee found that the concerns with late night noise were not specific to the licensable activities applied for but were instead about the general operating of a business later at night, and therefore restriction of the licensable activities would not necessarily address the concerns.
4. The Sub-Committee noted that the applicant had proposed measures to uphold the licensing objectives within the application, and that these measures would become conditions on the licence:
  - Procedures
  - Systems
  - Training
  - CCTV
  - 'Think 25'
5. The Sub-Committee found that the applicant sufficiently addressed the concerns raised by interested parties and were satisfied with steps taken and proposed by the applicant to uphold the licensing objectives and therefore decided to:
6. **GRANT** the application as applied for.
7. Finally, the Sub-Committee provided a recommendation, that the applicant consider during the hours of 10pm to midnight, that the presence of security staff would reduce the risk of crime and disorder at and outside of the premises, particularly during the initial opening.



**Signed: Councillor YEATMAN**  
**Chair of Licensing Sub-committee**

**Notes:**

- A. The applicant, and any responsible authority or interested party that has made representations upon the application has a right of appeal to the Magistrates' Court against this decision. If you wish to appeal you must do so within 21 days of being notified of the decision.