

Minutes of the **Licensing Sub-Committee**
of the **Test Valley Borough Council**
held in Council Chamber, Guildhall, Andover
on Friday 23rd November 2007 at 9.30 a.m.

Attendance:

Councillor Mrs A.F. Dyde	(P)	Councillor P. Lashbrook	(P)
Councillor G.P.C Stallard	(P)		

Also in attendance:

Councillor A. Hope
Councillor B Page
Councillor Mrs P. West, Hampshire CC
Craig Bayliss, Berwin Leighton Paisner representing Tesco Stores Ltd
Greg Bartley, National Licensing Manager, Tesco Stores Ltd
Glyn Waters, Store Manger, Tesco Stores Ltd
Mr J Barrell
Mrs D. Turner
Mr B. Render
Mr G. Woods

1

Appointment of Chairman

Resolved:

That Councillor Stallard be appointed Chairman for the duration of the meeting.

2

Minutes

Resolved:

That the minutes of the meeting held on 5th October 2007 be confirmed and signed as a correct record.

3

Application for a new Premises Licence –
Tesco Express, 134 Weyhill Road, Andover SP10 3BG

The Sub-Committee considered an application by Tesco Stores Limited for a new premises licence for the premises to be known as Tesco Express, Weyhill Road, Andover. The premises will be a convenience store utilising the former SCATS retail premises trading from 0600 to 2300 hours a day under the company's own retail format with a range of products on offer. This includes the sale of alcohol for consumption off the premises.

The Licensing Manager explained that the application had attracted representations necessitating the application to be determined by a hearing. The application sought the following licensable activity:

- The sale of alcohol for consumption off the premises from 0600 to 2300 hours.

Mr Bayliss representing Tesco Stores Ltd addressed the Sub-Committee. He informed the Sub-Committee that following the representations made by local residents an amendment to the application was sought. The closure time for the sale of alcohol was now to be 2200 and not 2300 as originally requested. Mr Bayliss then stated the case for the granting of the premises license on behalf of his client, assisted by Mr Bartley and Mr Waters.

The Sub-Committee and interested parties were then given the opportunity to ask questions of Mr Bayliss and his associates, Mr. Bartley and Mr Waters.

The interested parties were then invited to address the Sub-Committee in the following order:

1. Mrs D Turner
2. Councillor B Page
3. Mr J Barrell
4. Councillor Mrs P West
5. Mr B Render
6. Mr G Woods

During her presentation Councillor Mrs West referred to information she had obtained from CADDIE which she offered to share with the Sub-Committee. Mr Bayliss gave his consent to the information being considered.

Mr Bayliss waived his right to question the interested parties individually, but reserved the right to sum up and respond to their points at that time. In summary he drew the Sub-Committee's attention to 5 points:

- No Police representations had been made in respect of the application.
- Many of the representations made were not relevant to the application as they related to events outside the area.
- Tesco had no intention of selling alcohol to under age persons and took their responsibilities as to prevent it very seriously.
- Any late night activity would be reduced by the proposed closure time of 2200.
- Many of the points raised were speculative and if there were any incidents reported where the licensing objectives were breached a review could be requested.

Mr Bayliss responded to a number of further questions from the interested parties relating to his summing up.

The Chairman adjourned the meeting to enable the Sub-Committee to consider the matter.

DECISION

That the Licence as applied for be rejected. The Sub-Committee was disappointed not to hear from the Police, and was obliged to assume that they are content. The Sub-Committee was required to make a decision on the evidence presented on the balance of probability with regard to the four licensing objectives. The balance of probability was in favour of rejection.

Mr Bayliss's points were carefully considered – that there was no Police representation, that 850 stores were operational, that the public representations were speculative, that a review process was possible.

With regard to the points made by the representatives, the Sub-Committee rejected concerns about alcohol abuse and under age drinking, which are national issues. The Sub-Committee gave weight to local concerns about the prevention of further anti-social behaviour, litter, nuisance and the potential for under age sales in a residential area. These concerns were supported by the CADDIE data submitted at the meeting.

The Licensing Sub-Committee therefore rejected the application.

In reaching its decision on this application, the Sub-Committee had regard to national guidance issued under Section 182 of the Licensing Act, the Council's own Statement of Licensing Policy, together with representations made at the hearing and in writing.

Resolved:

That the Premises Licence be refused.

(Meeting terminated at 12.15 pm)