

Minutes of the **Licensing Sub-Committee**
of the **Test Valley Borough Council**
held in Council Chamber, Guildhall, Andover
on Wednesday 1 August 2012 at 9.30 a.m.

Attendance:

Councillor J Budzynski (P) Councillor A Hope (P)
Councillor A Tupper (P)

Also in attendance:

Councillor I Andersen
Mr J Bark, Berwin Leighton Paisner representing Tesco Stores Ltd
Mrs H Purewal, Licensing Manager Tesco Stores Ltd
Mr S Manders, Store Operations Manager, Tesco Stores Ltd
Christina Day, Legal Officer, Tesco Stores Ltd
Alan Humphrey, Store Manager, Tesco Metro Andover
Mr S Lawford, Trading Standards, Hampshire County Council
Mr P Worrall, Trading Standards, Hampshire County Council
Claire Wanless, Basingstoke & Andover Licensing, Hampshire Constabulary
Sgt R Davies, Hampshire Constabulary

1 **Appointment of Chairman**

Resolved:

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

2 **Application for Variation of a Premises Licence to specify a new Designated Premises Supervisor – Angel Inn, High Street, Andover SP10 1ND**

The application was withdrawn.

3 **Application for Review of a Premises Licence – Tesco Metro, 62 Chantry Way, Andover SP10 1LU**

The Sub-Committee was requested to consider an application by Hampshire County Council Trading Standards for a review of a Premises Licence for the premises known as Tesco Metro, 62 Chantry Way, Andover SP10 1 LU. The application was requested in accordance with the provisions of Section 51 of the Licensing Act 2003.

The Sub-Committee noted that the review application indicated that there have been three failed under age test purchase operations in March and May 2012. Trading Standards had proposed that a number of conditions to be added to the licence in an effort to address the problems associated with the test purchase failures.

The Licensing Manager reported that since the report was written, Mr Lawford of Trading Standards had agreed amended conditions with the representatives from Tesco Stores Ltd.

Mr Lawford confirmed that he was content that the conditions proposed were appropriate to address the recent test purchase failures. He had a good working relationship with the representatives from Tesco and had assisted them with joint training initiatives.

The Chairman invited Mr Bark, representing Tesco to address the Sub-Committee. Mr Bark explained that Tesco were a responsible company which took legal compliance seriously. He assured the Sub-Committee that the training given to staff on alcohol sales had been reviewed and improvements adopted to avoid further test purchase failures. He was confident that the conditions proposed would ensure that this was the case.

Ms Wanless from Hampshire Constabulary commented that although concerned by the 3 test purchase failures in 3 months she was content for the Sub-Committee to decide what action should be taken.

The Sub-Committee were then given to opportunity to ask questions of the representatives of each of the parties and the parties of each other.

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

Upon return, the Chairman informed the meeting that the Sub-Committee, in reaching its determination upon the matter, had had regard to the National Licensing Guidance issued under Section 182 of the Licensing Act 2003, Test Valley Borough Council's own Licensing Policy, together with the representations made at the Hearing and in writing.

DECISION

Resolved:

The Sub-Committee considered the guidance of the Secretary of State which state that sanctions of suspension or revocation should be considered in circumstances where under age sales had taken place.

The Sub-Committee takes a very serious view of the circumstances outlined by the Trading Standards Officer and the Constabulary where 3 test purchases have been failed in less than 3 months.

Nevertheless, the Sub-Committee has had due regard to the level of co-operation which Tesco have been prepared to offer and the good working relationship between the store and Trading Standards.

On this occasion therefore the decision of the Sub-Committee is to impose the agreed conditions:

- 1) A log shall be kept of all refusals including refusals to sell alcohol. The holders of the premises licence shall ensure that the refusals log is properly maintained and checked and signed on a weekly basis, and be produced on request to police and trading standards officers.**
- 2) The holder of the premises licence shall ensure that every individual who appears to be under 25 years of age seeking to purchase alcohol at or from the premises shall produce means of identification with a photograph, date of birth and a holographic mark – such as a passport, photo driving licence or PASS accredited photo ID - proving that individual to be 18 years of age or older. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.**
- 3) All staff shall be trained to challenge every individual who appears to be under 25 years of age and to refuse service where individuals cannot produce acceptable means of identification. Such training shall be provided not less than every six months, and written records shall be kept of all training and refresher training, and be produced on request to police and trading standards officers.**
- 4) ‘Challenge 25’ posters shall be displayed in prominent positions at the premises.**
- 5) All till trained staff will receive training at least two times per year. The training will be different on each occasion and will include: how to recognise customers under 25; how to deal with physical and verbal abuse; how to recognise symptoms of drunk persons; how to spot fake ID; the consequences of failing test purchases; and a test which will have different questions on each occasion. For the next 2 years on one day each year training will be delivered by HCC Trading Standards unless HCC Trading Standards believe it is unnecessary (for a fee to be agreed between Tesco Stores Ltd and HCC Trading Standards).**
- 6) A Personal Licence Holder must be on duty at the store when licensable activity is taking place. If this is not possible due to exceptional circumstances, such as unforeseen absence caused by ill health or emergency, a Personal Licence Holder will be placed on duty at the premises within 3 hours, or else licensable activity will cease until such time as a Personal Licence Holder is present and on duty at the store.**

(Meeting terminated at 11.04 a.m.)