

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 7 August 2012

PRESENT: Councillors John Robson (Chair), David Barker and Philip Wood

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - CO-OPERATIVE, 849 ECCLESALL ROAD, SHEFFIELD S11 8SD

4.1 The Chief Licensing Officer submitted a report to consider an application to vary a Premises Licence made under the Licensing Act 2003, in respect of the premises known as Co-operative, 849 Ecclesall Road, Sheffield, S11 8SD.

4.2 Present at the meeting were Richard Arnot (Solicitor for Cooperative, Wade Hadaway), Peter Cooper (Store Manager, Cooperative), Councillor Neale Gibson, Councillor Nikki Bond, Viv Lockwood, Annaliese Connelly, Ian McCollough and Bob Mellers (all from the Banner Cross Neighbourhood Group), Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Gillian Capewell (Committee Secretary).

4.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

4.4 The Licensing Officer presented the report to the Sub-Committee and it was noted that representations had been received from local residents, and were attached at Appendix C to the report.

4.5 Mr. Lockwood addressed the Sub-Committee, stating that the area around the Cooperative at Banner Cross was extremely residential, and there was currently only one other off-licence in the area (Rhythm and Booze), which was open until 2200 hours daily. There were also a few bistros and a public house (The Banner Cross) in the locality.

4.6 Mr. Lockwood stated that the Fretwell Downing building directly next to the Cooperative had now been vacated by the business and was to be turned into 23

- new apartments.
- 4.7 Mr. Lockwood referred to a training manual entitled the 'Citrus' manual, which had been circulated prior to the hearing to all attendees by the Cooperative. He stated that, as he had worked as an Assistant Headteacher in the past, he was well aware that such documents could remain unread and 'gather dust', and remained largely 'useless' when it came to overriding human behaviour.
- 4.8 He believed that 'young girls' working on the tills would be flattered into selling alcohol to their peers if the store was to extend its hours selling alcohol, as these peers would be walking to school around the time of 0800 hours.
- 4.9 Mr. Lockwood stated that the store had a social duty to sell alcohol responsibly, and that there were currently large crates of beers and ciders stacked at the front of the store displaying prominent promotional prices.
- 4.10 He stated that he and the other members of the Banner Cross Neighbourhood Group (BCNG) had an affiliation with the ethics of the Cooperative movement and were disappointed that the Cooperative in fact seemed to be just like the other supermarkets; encouraging cheap alcohol sales. He went on to state that there was also a lack of transparency about the opening hours of the store, and that the hours were currently displayed in a small corner of the front door, and a member of staff had not known the hours when he had asked them.
- 4.11 Ms. Connelly then addressed the Sub-Committee, and wondered how robust the Challenge 25 scheme would be if under 18's were serving on tills. She then cited an anecdote where her partner had been sold alcohol and the cashier had needed a supervisor to approve the transaction on the till, but, as the store had been very busy, and the supervisor had not come, the cashier had then put the transaction through anyway.
- 4.12 Mr. Lockwood added that there was a large car park in front of Cooperative which was very dark in the evenings and could potentially encourage young people to hang around after hours.
- 4.13 Members asked Mr. Lockwood whether there was any evidence of antisocial behaviour linked to the premises, and he replied that there was not, but that he had not had ample time to contact the members of the BCNG to obtain everyone's input on this issue.
- 4.14 Mr. Lockwood stated that a great number of school children made their way up past the Cooperative in the early morning on their way to school, and that there were also existing problems with youths hanging around the area (not by the Cooperative, but at a quiet spot, further up the road).
- 4.15 Mr. Lockwood stated that the area had an extremely close community, and that a Banner Cross Festival had recently been held to celebrate the local traders and businesses in the area, as part of the 'Totally Locally' campaign.
- 4.16 Mr. Arnot then addressed the Sub-Committee. He stated that the Cooperative

- was the fifth largest retailer in the UK, and had an ever-increasing membership and growing brand awareness. He reported that Mr. Cooper had been Store Manager at the Cooperative (and in its previous incarnation as Somerfield) for five years.
- 4.17 Mr. Arnot emphasised that the Cooperative did not simply pay lip service to the training manuals which he had circulated, as proposed by Mr. Lockwood. Mr. Arnot stated that all policies and procedures were taken extremely seriously, as there were major implications for the store and the Cooperative brand if these were not adhered to.
- 4.18 Mr. Arnot explained that this particular Cooperative was a local convenience store, attracting a wide range of customers. Each region of the UK had its own Risk Manager, and their job was to ensure that all staff were fully trained on all policies and procedures. All new staff received four hours of starter training upon induction to the company, and they had to pass an exam at the end of this session, testing them upon health and safety, alcohol sales etc. This test had to be passed before any new member of staff could commence work. When they started, they were assigned a 'buddy' who was a more experienced member of staff to help guide them.
- 4.19 There was also a 'lockdown' in place, whereby new members of staff were not allowed to sell any age-restricted products until a supervisor was satisfied they were able to safely dispense these items. There were also two mandatory refresher training courses held for all staff every year.
- 4.20 CCTV cameras covered the whole store, and most of the car park, and systems were in place so that this CCTV footage could be easily accessed. The tills that were in place were extremely sophisticated and were more like computers. The tills were able to recognise all age-restricted product sales and they required the input of a supervisor in order to authorise certain transactions. The tills could produce electronic refusals registers on demand, and staff were required to input the age they believed a customer buying age-restricted products to be. A Challenge 25 system was in place and all staff were fully trained on how it operated and on its importance.
- 4.21 The layout and design of the store was such that the wines and spirits were in the furthest aisle away from the door, and this aisle had a dedicated member of staff attending to it. There were also promotional stacks of alcohol, such as beers or cider, nearer to the door, which were not easy to steal, as they were in large crates or boxes.
- 4.22 This particular store had seven dedicated Personal Licence Holders (PLHs), and the Cooperative was a nationally recognised trainer in the PLH qualification.
- 4.23 The car park was very well lit, and a long-standing arrangement was in place for staff and customers of the Napoleon's Casino opposite the store to use the car park after store hours. This meant that there was a constant surveillance of the site.

- 4.24 Mr. Arnot emphasised that the Cooperative had an excellent track record of not selling to underage persons, and that it did not need the revenue from such underage sales, as the Cooperative was an extremely successful and established brand. Mr. Arnot explained that the typical customer at the store was a middle-aged lady, and that the store ethos was to make all customers feel safe and welcome.
- 4.25 Mr. Arnot added that the reasoning behind applying to sell alcohol between the hours of 0600 and 0800 was so that the customers had the full range of products available to them at all times the store was open, for their convenience. He stated that a vast increase in alcohol sales at these new times was not envisaged. Mr. Arnot pointed out that there had been no representations from South Yorkshire Police regarding the application, and he was not aware of any 'bad press' surrounding the Cooperative with regard to underage alcohol sales; nor any failed test purchases.
- 4.26 Mr. Cooper then addressed the Sub-Committee, indicating that he had never heard of the BCNG, as they had not come to introduce themselves in store to him, nor had they highlighted any concerns to him personally. Mr. Cooper stated that the store prided itself on its community work and did a great deal of work currently with local charities. He stated that if the BCNG got in touch with him in future, he would like to help out with supplies for future community events, such as the Banner Cross fete described earlier in the meeting.
- 4.27 Ms. Connelly stated that she believed Mr. Arnot had not visited the store, to which he replied that he had. Ms. Connelly believed that the store should uphold its ethical values, and reach a compromise with local people with regard to the sale of alcohol at appropriate times. Mr. Arnot stated that this was not a local referendum, and that he did not see any reason why the store should not be able to sell alcohol between 0600 and 0800 hours, as it had an excellent track record, and now wished to fulfil the demand of its customers. He added that speculation upon 'what might happen' was not in itself evidence, and did not prove that the licence variation would cause any of the problems predicted by the BCNG.
- 4.28 The Licensing Officer then detailed the options open to the Sub-Committee.
- 4.29 RESOLVED: That the public and press and attendees involved in the hearing be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.30 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 4.31 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.32 RESOLVED: That the Sub-Committee agrees to grant the variation to the Premises Licence in respect of the premises known as The Co-operative, 849

Ecclesall Road, Sheffield, S11 8SD, in the terms requested.

- 4.33 (The full reasons for the Sub-Committee's decision and the operating conditions will be included in the written Notice of Determination).