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**From:** Bartley, Greg [mailto:Greg.Bartley@uk.tesco.com]  
**Sent:** 15 August 2014 11:45  
**To:** Spriggs, Fred; Licensing; Bowell, Emma; Wilson, Leah; Team, Licensing  
**Cc:** Askew, Feri  
**Subject:** RE: Tesco Premises Licence Application - Whitcross

Hi Fred

With regard to your suggestion that some of the conditions attached the current licences in your area are "unenforceable" and that you are disappointed that Tesco have not addressed these issues and the licences are no longer fit for purpose, I am afraid I am unable to agree. Any conditions attached to a premises licence are the responsibility of the licensing authority. Equally, simply because an applicant has described a step in the operating schedule does not mean it automatically should become a condition. It is thus the responsibility of the licensing authority – where it is necessary and proportionate to do so – to word the conditions in a way that properly reflects the step described in a way which is clear but only where there is a need for this to be reflected as a condition. There be an evidential basis linked to the premises that such conditions are required to promote the licensing objectives. The starting point is looking at what the premises themselves do and looking at the individual style of operation.

This approach has been considered by the high court on a number of occasions (Guildford/Thwaites/Bristol are good examples) and made clear. It also makes clear that licensing is not about having standardised model conditions but conditions tailored to individual premises where necessary and proportionate based upon good evidence that the conditions are required to promote the licensing objectives.

Similarly, I do not accept that the licences or conditions are no longer "fit for purpose". There is no evidence that the premises, which operate in a very responsible manner with Tesco at the forefront we believe of responsible policies and procedures, are not promoting the licensing objectives in any way.

You will no doubt be aware too of the Legislative and Regulatory Reform Act 2006, which applies to the exercise of licensing functions, and the Regulator's Code which came into force this year. A key tenet of that code is that regulation should be exercised in a manner which is not overly burdensome and "should avoid imposing unnecessary regulatory burdens through their regulatory activities".

Against, that background I would hope you can clearly see why I cannot accept the points which you have made in this regard.

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**From:** Spriggs, Fred [mailto:fspriggs@herefordshire.gov.uk]  
**Sent:** 30 July 2014 16:09  
**To:** Bartley, Greg; Licensing; Bowell, Emma; Wilson, Leah  
**Cc:** Askew, Feri  
**Subject:** RE: Tesco Premises Licence Application - Whitcross

Hi Greg

For clarity I agree with the following conditions offered:

- CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.  
Cameras shall encompass all ingress and egress to the premises, fire exits, and main alcohol display area and checkout areas.  
Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.  
The Premises Licence Holder must ensure at all times the DPS or appointed member of staff is capable and competent at downloading CCTV footage onto DVD or other recordable media for the Police/Local Authority on demand.  
The Recording equipment and recorded media shall be kept in a secure environment under the control of the DPS or other responsible named individual.  
In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST take immediate steps to

rectify the fault. A log of fault and the steps taken to rectify the fault will be kept and made available to enforcement authorities on request.

- The DPS will provide a written record of all persons authorised to sell alcohol on their behalf. Such record shall be signed by the DPS and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
- The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage shall also be displayed at all entrances to the premises as well as at locations where they can be seen from any till, advertising the scheme operated.

I fail to see the issue with you failing to agree the training condition. The condition is proportionate and non onerous. It will only require you to supply a copy of the training package to Trading Standards to agree.

All staff engaged in the sale of alcohol to be trained in Responsible Alcohol retailing to the minimum standard of BIIAB level 1 or any other training recognised and agreed with Herefordshire Council Trading Standards within one month of the date that this condition appears on this licence. (Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence). Staff will be retrained every 12 months. Training records shall be kept on the premises and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

I can see no reference in respect of the refusals register.

In respect of your comments concerning other premises in Hereford – I am aware that you have other licences. Most of these were issued on conversion. Most of them contain conditions which are non-enforceable. It is disappointing that Tesco, who state that they are a responsible retailer, have not addressed these issues in respect of the conditions attached to these licences, these licences are no longer fit for purpose. The bottom line is that over time the Licensing act has continued to evolve and what was acceptable 5 years ago is no longer acceptable today. I therefore looking forward to receiving applications from you for minor variations of your other licences to make them fit for purpose.

Best wishes  
Fred Spriggs  
Licensing Officer

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**From:** Bartley, Greg [<mailto:Greg.Bartley@uk.tesco.com>]  
**Sent:** 30 July 2014 14:00  
**To:** Licensing; Howell, Emma; Wilson, Leah; Spriggs, Fred  
**Cc:** Askew, Feri; Bartley, Greg  
**Subject:** Tesco Premises Licence Application - Whitcross

To try and address the concerns raised against our Premises licence application for our proposed store at Whitecross we would request the following conditions be imposed on the licence, if granted.

- CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition.
- Cameras shall encompass all ingress and egress to the premises, fire exits, and main alcohol display area and checkout areas.
- Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.
- The Premises Licence Holder must ensure at all times the DPS or appointed member of staff is capable and competent at downloading CCTV footage onto DVD or other recordable media for the Police/Local Authority on demand.

- The Recording equipment and recorded media shall be kept in a secure environment under the control of the DPS or other responsible named individual.
- In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST take immediate steps to rectify the fault. A log of fault and the steps taken to rectify the fault will be kept and made available to enforcement authorities on request.
- All staff selling alcohol will be trained in the laws relating to selling alcohol. Training records shall be kept on the premises and shall be produced to enforcement authorities on request.
- The DPS will provide a written record of all persons to sell alcohol on their behalf. Such record shall be signed by the personal licence holder and shall be produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.
- The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of an authorised person' (as defined by Section 13 of the Licensing Act 2003) or the police or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage shall also be displayed at all entrances to the premises as well as at locations where they can be seen from any till, advertising the scheme operated.

I also attach a list of Premises that we currently have under the Herefordshire Licensing Authority. I do not believe any of these stores have any of the conditions being requested, including the refusal register. I am unaware of any of these stores being challenged with not adhering to the Licensing Objectives. The proposed store will have the same processes and practises as all other stores throughout the country and within your Licensing Area.

If you wish to discuss any of the above conditions please contact me via phone, 07841602827.

Kind regards

Greg

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**From:** Bowell, Emma [<mailto:embowell@herefordshire.gov.uk>] **On Behalf Of** Licensing  
**Sent:** 30 July 2014 10:11  
**To:** Bartley, Greg  
**Subject:** FW: LA Rep - Tesco

Dear Greg

Please see attached Local Authority Rep

**Emma Bowell**

Licensing Assistant,  
Environmental Health & Trading Standards,  
Places & Communities Directorate  
Herefordshire Council, Blueschool House, Blueschool Street  
Hereford.

HR1 2ZB

Tel: 01432 261761

Fax: 01432 261982

email: [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)

**Please note: - Licensing operate a 5day call/email back system. For all work related emails, please send to [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)**

Council's Homepage [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)

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**From:** Spriggs, Fred  
**Sent:** 30 July 2014 07:07  
**To:** Licensing  
**Subject:** LA Rep - Tesco

Good morning

Please find attached my rep in respect of Tesco, Whitecross

Thanks

Fred

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Tesco Stores Limited  
Company Number: 519500  
Registered in England  
Registered Office: Tesco House, Delamare Road, Cheshunt, Hertfordshire EN8 9SL  
VAT Registration Number: GB 220 4302 31