

WRITTEN SUBMISSION: MAJOR VARIATION, SAINSBURY'S STORE, PINNACLEHILL INDUSTRIAL ESTATE, KELSO, TD5 8DW, by Niall Hassard, Legal Director TLT LLP

Background to the applicant –

Sainsbury's will be well-known to the Board. A UK institution, their first store opened in 1869. Today it encapsulates multiple brands including – Argos, Habitat, Tu, Nectar and Sainsbury's Bank.

Numbers at a glance

- Sainsbury's has over 600 supermarkets
- Sainsbury's has over 800 convenience stores
- Argos is the third most visited retail website in the UK
- 189k colleagues are employed across the Sainsburys' brands

Licensing project – background to application for variation

A due diligence project was recently undertaken by TLT LLP and Sainsbury's in-house legal department. This involved a review of the 100+ premises licences for all the Scottish supermarket and local convenience stores. What became apparent during the review was that, over time, whether through grandfather rights or organic growth of the estate the core premises licence permissions varied significantly between Boards and moreover some stores' licences even varied within the same Board area.

For three principal reasons (set out below) we were instructed to seek a more uniform premises licence permission –

1. Due diligence: having a wide and varied set of licences increased the margin for error and diluted the central oversight in such a large business. Incorrect assumptions could be made by managers and area managers (e.g. moving between store locations) assuming, for example, every licence permitted in-store background music when they don't.

2. Business continuity: centrally Sainsbury's HQ may wish to do Scotland-wide initiatives – later trading for Christmas or seasonal charity events like Sport Relief or carol singers / in-store Festive music but the current disparity in the licensing permissions means a uniform rollout would be impossible.

3. Extraneous changes: through 2018 some Scottish Licensing Boards (like Scottish Borders para 8.1) have expressly amended their Licensing Policy to ask for activities around home delivery (a long-standing part of the Sainsbury's business model) be added to the face of the licence within the operating plan.

We have therefore moved to vary all Sainsbury's licences in response to the above and to future proof elsewhere e.g. to ensure the ever-growing delivery business has been picked up within the operating plan.

The variation today –

- amends the description for continuity with other stores;
- adds recorded music and live performance (to cover those *ad hoc* seasonal activities mentioned above);
- identifies general retail may occur outwith licensed hours but not normally before 7am or post 11pm; and
- confirms the position around home deliveries in line with the 2005 Act.
- The wording of other activities is widened to capture activities which may happen in some stores from time to time e.g. sampling or product launches.

There is no change to the alcohol provision, the variation is simply a variation to address ancillary matters covered by the licence.

For completeness, appended to the submission is Sainsbury's home delivery policy.

Objections/ Representations

There are no objections or representations in respect to this variation.

Motion

In light of the calibre of the operator, the lack of objections and representations and the genesis of the application being one of due diligence/ best practice, the applicant would ask the Board to grant the application.