Date 12th April 2016

Your Ref: EL0336

Our Ref: 3705/HB



Philip Gormley QPM Chief Constable

Local Area Commander
The Lothians and Scottish Borders Division
Haddington Police Station
39-41 Court Street
Haddington
EH41 3AE

The Clerk of the Licensing Board East Lothian Council John Muir House Haddington East Lothian EH41 3HA

Dear Madam,

LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A PROVISIONAL PREMISES LICENCE SAINSBURYS STORE, GATESIDE WEST, HADDINGTON SAINSBURY'S SUPERMARKETS LTD

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

In terms of Section 22 (1) (b) of the Licensing (Scotland) Act 2005:

It is pertinent to point out that this application is out with Board Policy with regards to the overprovision statement and as such the applicant will be expected to demonstrate that the grant of this licence would outweigh the presumption against grant in terms of the overprovision statement.

Submitted for your consideration. There are no police objections.

Yours faithfully



Philip Gormley QPM Chief Constable

For enquires please contact the Licensing Dept on 01620 826147

# EAST LOTHIAN COUNCIL

# LICENSING, ADMINISTRATION AND DEMOCRATIC SERVICES

From: R. Fruzynski

**Licensing Standards Officer** 

To:

K. MacNeill

Clerk of Licensing Board

Date: '

06 Apr. 16

Subject: LICENSING SCOTLAND ACT 2005

PROVISIONAL PREMISES LICENCE APPLICATION - MARCH 2016

Sainsbury's Store, Gateside West, Haddington, East Lothian

I refer to the above subject and can confirm that this provisional premises licence application has been assessed and I am satisfied that the Operating and Layout Plans are in accordance with the Licensing Board's policy, and the Act and, therefore, have no objections to the granting of this licence.

R. Fruzynski Licensing Standards Officer EL0336

# EAST LOTHIAN LICENSING BOARD

## APPLICATION FOR PROVISIONAL PREMISES LICENCE\*

\*Delete as appropriate

Licensing (Scotland) Act 2005, section 20

APPLICANT INFORMATION Licensing (Scotland) Act 2005, section 20(1)

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laddington					
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\* Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.

#### **Question 3**

Previous	app	lica	itions
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3	Has the applicant been refused a premises licence	under section 23 of the Li	censing (Scotland)
	Act 2005 in respect of the same premises?	¥ES/NO.*	

If YES –	-prov	ide full	details
----------	-------	----------	---------

### **Question 4**

### Previous convictions

4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)	YES

<sup>\*</sup>If YES - provide full details

For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974

Name & position (if applicable)	Date of conviction or sentence	Court	Offence	Penalty
See paper apart	e		já	÷

<sup>(1)</sup> In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

## **DESCRIPTION OF PREMISES** Licensing (Scotland) Act 2005, section 20(2)(a)

## **Question 5**

Description of premises (where application is submitted by a members' club, please also complete question 6)

A supermarket in a sta	ınd-alone locati	on at Gatesid	le West, H	addington.	
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## **Question** 6

6 To be completed by members' clubs only

Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?	YES/NO*
* Delete as appropriate	

## DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The contents of this Application are true to the best of my knowledge and belief.

Signature	* (see note below)	•
Date15 March 2016		
Capacity	APPLICANT/AGENT (delete as appropriate)	
Telephone number and email address	of signatory: Emma Summers	
Shepherd and Wedderburn LLP, 1 Ex	change Crescent, Conference Square, Edinburgh, EH3 8	UL
Tel: 0131 473 5276 Email: emma.sur	mmers@shepwedd.co.uk	

Operating plan	/
Layout plan	
Planning certificate	/
Building standards certificate	

### \* Data Protection Act 1998

The information on this form may be held on an electronic public register which may be available to members of the public on request.

Application chec	klist
Date received	6
Fee amount	
Receipt number	(#)
Received by (INITIALS)	
Consideration date	1
Last date for consideration	
Date of initial hearing	
Date of any modification hearing	
Date granted/refused	
(delete as appropriate)	

For use by the Licer If application is for a	
Documents	required
Operating plan	1
Layout plan	8 2
Planning certificate	
Building standards certificate	
Food hygiene certificate	e e

For use by the Licen	sing Board only
If application is for a provi	sional premises licence
Documents r	equired
Provisional planning certificate	W. 1997
Operating plan	
Layout plan	

## EAST LOTHIAN LICENSING BOARD

## **OPERATING PLAN**

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

Name, address and postcode of premises to be licensed.

Sainsbury's Store					
Gateside West					
Haddington	X( <b>0</b> )2		1		ğ

## **Question 1**

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

1(a) Will alcohol be sold for consumption solely ON the premises?	¥ES/NO*
1(b) Will alcohol be sold for consumption solely OFF the premises?	YES/ <del>NO</del> *
1(c) Will alcohol be sold for consumption both ON and OFF the premises?	¥ES/NO*
*Delete as appropriate	

## **Question 2**

STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES

Day		ON Consumption		
	Opening time	Terminal hour		
Monday	N/A			
Tuesday				
Wednesday		1.00		
Thursday				
Friday		25		
Saturday				
Sunday		iii 6		

## Question 3

# STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION OFF PREMISES

Day	OFF Consumption		
	Opening time	Terminal hour	
Monday	10.00	22.00	
Tuesday	10.00	22.00	
Wednesday	10.00	22.00	
Thursday	10.00	22.00	
Friday	10.00	22.00	
Saturday	10.00	22.00	
Sunday	10.00	22.00	

## **Ouestion 4**

## SEASONAL VARIATIONS

es the applicant intend to oper	YES/NO*	
	Ti.	9
YES – provide details		

# Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1	COL. 2	COL. 3	COL. 4
S(a) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm	also to be provided
		YES/NO	YES/NO
Accommodation	No	N/A	N/A
Conference facilities	No	No	No
Restaurant facilities	Yes	Yes	Yes
Bar meals	No	No	No
5(b) Activity  Social functions including:	Please confirm YES/NO	To be provided during core licensed hours – please	Where activities are also to be provided outwith core licensed
		confirm	hours please confirm
Parameter to I. E.		YES/NO No	YES/NO No
Receptions including Weddings, funerals, birthdays, retirements etc.	No	- N	
Club or other group meetings etc.	No	No	No
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm  YES/NO	Where activities are also to be provided outwith core licensed hours please confirm
Recorded music – see 5(g)	No	No	YES/NO No
Live performances – see 5(g)	No	No	No
Dance facilities	No	No	No
Theatre	No	No	No
ilms .	No	No	No
daming	No	No	No
adoor/outdoor sports	No	No	No
elevised sport	2.0	No	No

c) Contact address		
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Date of issue	Name of Licensing Board issuing	Reference no. of personal
X		
CLARATION BY APPLIC	ANT OR AGENT ON BEHA	LF OF APPLICANT
	ANT OR AGENT ON BEHA	
gning on behalf of the appl		acity.

Signature ..... \* (see note below)

Date ......15 March 2016.....

Telephone number and email address of signatory: Emma Summers

Shepherd and Wedderburn LLP, 1 Exchange Crescent, Conference Square, Edinburgh, EH3 8UL

Tel: 0131 473 5276 Email: emma.summers@shepwedd.co.uk

### **Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

# Sainsbury's

# Best for Food and Health: Responsible Alcohol Retailing

Sainsbury's was founded in 1869 and today we operate over 1,200 stores. We employ 161,000 colleagues, serving over 24 million customer visits per week. We have a market share of 16.8 per cent.

#### About Sainsbury's

Our vision is to be the most trusted retailer where people love to work and shop. Our company is based on five corporate values, including being the 'Best for Food and Health'. This means making it easy and economical for our customers to enjoy a healthier, balanced lifestyle. A key part of this is having a responsible approach to the sale, labelling and development of our alcohol range.

#### **Our Commitments**

As part of our 20x20 Corporate Responsibility Strategy we have committed to doubling the sale of lighter alcohol wine (defined internally as 10.5% ABV or below) and reducing the average alcohol content (ABV) of our own brand wine, beer and cider by 2020. Through these targets we are driving a culture change towards lighter alcohol, allowing us to help our customers lead healthier, balanced lives.

We are also committed to being a responsible retailer and making a positive difference in the communities in which we operate. We believe in working in partnership to tackle issues associated with alcohol misuse.



### Our Progress

Reformulation

Focusing on our popular ranges, we are reducing the alcohol content in own brand wine, beer and cider. We have already reduced the alcohol content in our basics range of wine from 11% ABV to 10.5% ABV and reduced the alcohol content of our basics cider by 0.2% ABV. This has removed 450,000 alcohol units per year from these lines.

In September 2014, we took our Taste the Difference Conegliano Prosecco down to 10.5% ABV from 11% ABV without compromising on quality or enjoyment. Taste the Difference Prosecco is one of our best-selling lines and this change required permission from the Prosecco authorities. This work alone will remove six million units from the marketplace by 2020.

#### Single Serve Wines

Since 2011 we have introduced 14 new single serve wines (i.e. small bottles containing enough for one glass of wine) to our range, and our customers have told us they very much value this help in managing their alcohol intake. Sales of these products have increased by over 10% and our range includes products from across our different tiers, including Taste the Difference and Winemakers by Sainsbury's.

#### Labelling

We are committed to clear and transparent labelling across our business and alcohol is no different. We are currently rolling out new labelling across our own brand lines which puts the alcohol content information consistently on the front of the bottle, in colour, and in a font that is 10% larger than required by law. We also use our labelling to provide food matching information to help promote eating while drinking and all our own brand products include the Government's approved label regarding unit content and consumption guidelines.

#### Calones

We are currently introducing calorie labelling on all our 400 own brand alcohol lines. In a recent survey we commissioned, 85% of those asked did not know how many calories are in a glass of wine, and two thirds wanted to see calorie labelling on alcohol.

#### New Products

Our range of lighter alcohol products has increased significantly. We account for almost one in four bottles of 'wine-style' drinks (5.5% ABV and under) sold by the major multiples and we've also introduced a new range of spritzers to further increase the choice available.

Permanent responsible drinking signage We were one of the first retailers to introduce responsible drinking information across our alcohol displays, and we are now adding this information permanently across our whole store estate.

Responsible Sale and Promotion We were one of the first retailers to introduce the Think 25 approach to underage sales. All customer-facing colleagues receive comprehensive training to ensure

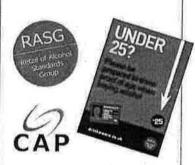


450,000

alcohol units per year removed from Sainsbury's basics wine and cider ranges.

85%

of people don't know how many calories are in wine. So we're applying calorie labelling to our 400 own brand lines.



# Think 25

Every six months, we provide relevant colleagues with refresher training on the 'Think 25' scheme to promote best practice responsible alcohol selling.

32%

We've seen 32% growth in the volume of lighter alcohol wine sold since 2010. those under-age are prevented from buying alcohol. Training is refreshed every six months and externally tested. We also hold Think 25 focus weeks at key times throughout the year + such as half terms and Christmas.

Partnership Working
Some of of the ways in which we are working with stakeholders include:

tommunity Alcohol Partnerships (CAPs) Working with communities to tackle underage sales in an area, share intelligence and encourage diversionary activity, CAPs achieve dramatic falls in alcohol related anti-social behaviour. We are active in over 23 CAPs and will always be involved when a CAP is set up locally.

Drinkaware

Drinkaware plays an important role in raising awareness of alcohol issues. We incorporate the Drinkaware logo across our labelling, advertising and point-of-sale communications. Our pharmacies have also supported a recent trial to provide kits to customers that help them to understand better their unit consumption.

What We Need From You You can help support the responsible retailing of alcohol through:

Introducing a definition of lighter alcohol wine and addressing the restrictions related to health claims and promotion based on alcohol strength. This would enable us to promote the lighter alcohol category better to customers. Currently, we are prohibited from talking to customers about our efforts to reformulate our most popular products or new products naturally lower in alcohol.

Introducing a duty cut for wine lower in alcohol, but above the 5.5% ABV threshold. This would incentivise the industry to innovate in this area and grow the production of lighter alcohol wine.

Addressing the specific product restrictions currently in place. Many appellations within wine-making countries mandate specific rules which can prohibit customer-friendly changes. For example, Rioja mandate the use of corks rather than screw caps. This makes it harder to save and store wine, discouraging people wishing to moderate their intake.

Relaxing restrictions of alcoholic strengths. Many products' alcoholic strengths, such as vodka, are legally defined. Should these restrictions be relaxed, we could remove millions of alcohol units from the marketplace.

Ensuring that policy and initiatives are evidence-based and take into account customer insight, store operations and commercial reality. For example, Sainsbury's supports the Public Health Responsibility Deal. Greater focus should be given to encouraging those businesses that do not.

For more information, please contact: Alison Clews, Public Affairs Adviser <u>alison.clews@sainsburys.co.uk</u> 020 7695 4727 / 07880 182004



In September 2014, Sainsbury's re-launched its Taste the Difference Prosecco, having reduced the alcohol content from 11% to 10.5% ABV

### **Promotion of Licensing Objectives**

Sainsbury's Supermarkets Ltd undertake a number of steps in the course of daily business to promote the licensing objectives of the Licensing (Scotland) Act 2005. These steps are integral to the day to day business activities and include (but are not limited to) the following indicative measures:-

#### Protecting and improving public health

Sainsbury's Supermarkets Ltd participate in a range of initiatives to protect and improve public health. These initiatives are not solely directed at the consumption of alcohol but also feature schemes to promote health and wellbeing amongst its customers in general.

As an example, Sainsbury's have donated over £2,900,000 worth of sports equipment and experiences to Schools in Scotland through their "Active Kids" scheme. This marks the biggest donation ever of its kind to schools and other youth organisations by a retailer.

Specifically alcohol related, Sainsbury's initiatives include such matters as the introduction of alcohol labelling to all own brand beers, wines and ciders. These labels will give the units of alcohol per glass or bottle and the Governments recommendation for the daily alcohol intake for men and women. Sample labelling is available upon request. The labels will also include the Drinkaware.co.uk logo and the suggestion that pregnant women seek medical advice before consuming alcohol.

Since 2007 Sainsbury's have been partners in the Community Alcohol Partnership (CAP) model which brings together retailers, the Police, Local Authorities, Schools, Clubs and the press to drive down underage drinking through education, enforcement and public perception. There are now more than 35 Community Alcohol Partnership schemes around the Country and Sainsbury's have agreed to take the lead in setting up further CAP schemes in areas where they have stores and there is sufficient local interest. Sainsbury's agents are currently actively contacting Licensing Standards Officers throughout Scotland to ascertain what levels of interest exist in particular areas. Sainsbury's and their agents would welcome contact from any particular Licensing Standards Officer or other members of Licensing Board's and their staff interested in learning more and what benefits the scheme might bring to their area.

Sainsbury's also provide support and funding to "Drinkaware" and have recently supported their "Why let the good times go bad?" campaign to promote responsible drinking in their advertising.

Sainsbury's have subscribed to the pledges contained in the UK Government Public Health Responsibility Deal and have pledged to maintain their support for Drinkaware and to foster a culture of responsible drinking throughout the UK

A significant factor in improving public health is Sainsbury's belief that offering lighter alcohol alternatives is a key part of encouraging responsible drinking. To this end a commitment has been given to double the sales of lighter alcohol wines and reduce the average alcohol content (ABV) of own brand wine and beer by 2020. Sainsbury's are looking into yeast development that reduces alcohol in fermentation, specifically targeting countries whose wines have higher ABV averages such as Argentina and South Africa and is considering lowering their average alcohol level across their entire range of wines, an average which at 12.2% is already below the market average. In 2010 Sainsbury's introduced their "Taste the Difference" Brachetto, a new, lighter style of wine which maintains the taste customers expect yet only contains an ABV of 5%

Sainsbury's Supermarkets Limited are committed to promoting not only the responsible use of alcohol by its customers but also to improving health standards in general. Sainsbury's Corporate Responsibility report details various programs the Company are involved in to assist with this. Copies available upon request.

#### Protecting Children from Harm

The operation of Sainsbury's "Think 25" Policy by all store staff, a policy which applies to all age related products meets or exceeds the requirements of the current mandatory licensing conditions.

All cashiers will be trained to require evidence of age from any person seeking to buy alcohol and appearing to the cashier to be under the age of 25. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. Refresher training takes place at regular intervals (Currently 6 monthly).

Prominent notices will be displayed at points of sale advising customers that they may be asked to provide evidence of age.

The Cash register, systems employed provide a "Till Prompt" Scheme which displays the minimum date of birth required to purchase age restricted products. These systems assist staff in dealing with such queries quickly and efficiently. These prompts help eliminate the "human error" which can occur in calculating age. The stores operate both an electronic and manual Challenge and Refusal Log covering all age related products.

Sainsbury's employ significant use of signage at key points regarding age restricted products.

Additionally Sainsbury's Supermarkets Ltd conduct their own "mystery shopper" scheme whereby stores are targeted in respect of age restricted product lines to ensure stores are complying with the "Think 25" Policy. This scheme does not target solely alcohol but relates to any age restricted product sold in store. Typically such "mystery shopper" exercises are conducted quarterly but are not on a fixed schedule.

## Preventing Public Nuisance

Signage will be displayed at the exit of premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

Litter bins are available at various locations to allow customers to dispose of any litter/waste safely and responsibly.

A contract is in place with an approved Waste Contractor for the uplift of rubbish to prevent the accumulation of waste. Where possible/practical the use of compacting machines are utilised to further reduce the quantity of waste.

Deliveries to the store are scheduled to minimise disruption and noise to neighbours outwith normal working hours. The applicants have received no complaints from neighbours on this count. If any complaints are received the applicants will endeavour to reach a conclusion wherever possible that provides satisfactory results to all concerned.

As aftermentioned a CCTV system will be installed, or the existing system maintained/improved to ensure that any such system will be fit for the purpose.

Saisnbury's Supermarkets Ltd have adopted these standards across their entire network and strive for 100% compliance.

#### Security Public Safety

Securing and maintaining Public Safety is very important to Sainsbury's Supermarkets Ltd. The Company wishes to ensure that all customers visiting its stores can do so in a safe manner.

Sainsbury's Supermarkets Ltd will, at all times, use their best endeavours to ensure that the levels of staff on site are maintained at such a level to maintain public safety and enhance the Customers shopping experience. Staff levels at individual stores are available and will be disclosed on request, to the Licensing Board and police.

All portable electrical appliances used in the premises are tested annually in accordance with the Portable Appliance Test Regulations and records are retained in the store for inspection purposes.

An accident reporting system for both staff and customers is in place for the prevention and reduction of accidents on the premises. Records are retained in store for inspection purposes.

As mentioned previously A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.

Sainsbury's Supermarkets Ltd will have an appropriate fire risk assessment in place. This risk assessment will be reviewed periodically in accordance with statute to reflect any changes which occur. Regular inspection and maintenance of fixed fire protection equipment, fire fighting equipment and emergency lighting is undertaken by an approved contractor. All staff are trained in emergency evacuation procedures.

## Preventing Crime and Disorder

In preventing crime and disorder, the use of CCTV systems can prove to be a valuable tool to the retailer. Sainsbury's Supermarkets Ltd have adopted the following points as the minimum standard acceptable to them to assist in this measure.

A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose. The system will incorporate a camera covering each of the entrance doors and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed subject to compliance with the Data Protection legislation, with the police from time to time. The system will incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request. If the premises are using a video recording system, the cassette tape shall be used on no more than 12 occasions after which fresh cassettes will be utilised. The system will display on any recording the correct time and date of recording. A system will be in place to maintain the quality of the recorded image and complete audit trail maintained. Notices informing customers of the operation of the system shall be on display. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. Any breakdowns or other failures in any equipment related to CCTV system will be addressed as quickly as possible.

Store colleagues will, in following their daily duties, be vigilant in relation to groups of persons hanging around store entrances. Action would be to call the police if trouble or disruption was envisaged.

Sainsbury's employ their own Security Guards in almost all stores to assist will any issues as and when they might arise, including issues such as preventing children from harm by assisting colleagues in looking out for any attempts by children to purchase alcoholic products from the store.

On occasion, some of the spirits on display will be security tagged in order to address any localised issues that may arise.

The premises, when closed benefit from a burglar alarm system. All external doors/entrances are lockable and when closed, the premises are secure.

All staff will be trained in dealing with the sale of alcohol. Refresher training will take place regularly (currently every 6 months) and such training will be monitored from out with the store to ensure that Sainsbury's required levels of achievement are attained and maintained. Where necessary additional training will be provided on an Ad hoc basis.

Sainsbury's Supermarkets Ltd operates a "Think 25" policy which was introduced some considerable time ago and ahead of any statutory requirements in this area. This policy is not restricted purely to the sale of alcohol but has been introduced in respect of all age restricted products available for sale in the store irrespective of what they might be. Staff therefore have one simple, clear policy to follow in respect of any age restricted item. Without suitable means of verifying the age of the customer (Passport, Photocard Driving Licence or identity card approved by the British Retail Consortium for the purposes of its proof of age "Pass" Scheme) then no sale is to take place. To assist staff, the Cash Register Display provides prompts to the cashier by way of the minimum date of birth required to purchase any age restricted product. The appropriate date(s) change daily.

Additionally Sainsbury's Supermarkets Limited conduct their own "mystery shopper" scheme whereby stores are targeted in respect of age restricted product lines to ensure stores are complying with the "Think 25" Policy. This scheme does not target solely alcohol but relates to any age restricted product sold in store. Typically such "mystery shopper" exercises are conducted quarterly but are not on a fixed schedule.

These are not however the only measures Sainsbury's Supermarkets Limited adopt which assist in the prevention of Crime and Disorder. A number of measures which are designed to Prevent Children from Harm are also effective for the prevention of Crime.

#### Note

We would like to make you aware that whilst the above represents Sainsbury's Supermarkets Ltd's current policies and procedures these do evolve over time and changes may be made from time to time to suit changes in demand and business needs. At all times the statutory minimum requirements will be met or exceeded. For example the current "Think 25" policy in place has been extended to apply to all age related products including those for which there are no statutory requirements (such as lottery tickets etc.). Staff training is currently refreshed every 6 months. Accordingly elements of the foregoing may be subject to change from time to time as such policies/procedures and best practice evolves. Irrespective of any changes introduced the policy in force will meet or exceed that required by statute.