

Licensing Sub Committee (Miscellaneous)

Tuesday 2 March 2010

PRESENT:

Councillor Mrs Bowyer, in the Chair.

Councillor Rennie, Vice Chair.

Councillors M Foster (Substitute for Councillor Reynolds) (Fourth Member) and Gordon.

Apologies for absence: Councillor Reynolds.

The meeting started at 10.00 am and finished at 11.50 am.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

39. APPOINTMENT OF CHAIR AND VICE-CHAIR

Resolved that Councillor Mrs Bowyer be appointed as Chair and Councillor Rennie be appointed as Vice Chair for this meeting.

40. DECLARATIONS OF INTEREST

The following declaration of interest was made during the meeting in accordance with the Code of Conduct from a Member in relation to an item under consideration at this meeting –

Name	Item	Interest	Reason
Councillor Ian Gordon	42, Grant of Premises Licence – Tesco, Unit 1, St. Mary's Bridge, Plympton, Plymouth	Personal	He knew one of the parties objecting to the application

41. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

42. GRANT OF PREMISES LICENCE - TESCO, UNIT 1, ST. MARY'S BRIDGE, PLYMPTON, PLYMOUTH

The Committee having –

- (i) considered the report from the Director for Community Services;
- (ii) considered the written representations and heard from interested parties present;
- (iii) considered representations from the Devon and Cornwall Constabulary;
- (iv) heard from the applicant and their legal representative in support of the application and in particular that –
 - the premises had been open for the last couple of months acting with Temporary Events Notice's and there had been no reported problems
 - the application had been amended so that the hours of operation and sale of alcohol took place between 0700 and 2300 hours rather than starting at 0600;

- the store manager was committed to working with the local community and ward councillors and was willing to provide his contact number for use if problems arose. The committee noted this and welcomed this gesture;
- (v) heard and considered representations under the licensing objectives as follows:
- (a) **Prevention of Public Nuisance –**
- problems existed at other such stores with young people congregating outside and harassing local residents. Interested parties were concerned this would occur at these premises. This was considered to be relevant however there was no evidence to suggest this would be a problem at these premises;
 - St Mary's Church, opposite Market Road, attracted young people using the area as a playground and interested parties were concerned that this would be exacerbated with a shop nearby and that it would lead to areas such as the church and the nearby Infant School being used as a depository for empty can/bottles etc. This was considered to be relevant however there was no evidence that this would be a problem at these premises. Members also noted the fact that non alcoholic drinks were also sold in glass bottles and that the applicant had indicated they were prepared to work with the local residents to do a 'clear up' in the area from time to time.
- (b) **Prevention of Crime and Disorder –**
- the Police made representations that the applicant's initial operating schedule did not adequately cover their concerns under this objective however conditions had since been agreed which the Police as follows:
 - (1) CCTV cameras would be kept clean and maintained;
 - (2) at the request of the Police CCTV images would be downloaded to a recognised format as soon as practicable and within 24 hours;
 - (3) if for any reason the CCTV was not working correctly the Premise will take appropriate steps to ensure any faults were rectified as soon as possible;
 - the Police confirmed that this would address their initial concerns. This was considered relevant and members agreed that these conditions should be attached to the licence to promote this licensing objective;
 - the police also advised that having checked their records for the area there had only been 5 reported problems in the area with youths in the last year.
- (c) **Protection of Children from Harm –**
- the premises were located next to St Mary's Playing fields which had an alleged reputation as a location for underage drinkers. The concern from interested parties was that an establishment selling alcohol so close by would exacerbate the problems that already exist. This was

considered to be relevant however the problems appeared to already exist without these premises and there was no evidence to suggest that problems would increase if the licence was granted. It was also noted that there had been no increase in problems during the recent opening of the store.

(d) **Public Safety –**

- there was already an amount of broken bottles and tins in local children's playground where teenagers met in the evening. The concern from interested parties was that this was already a danger to those who use the area and this would increase if the licence was granted. This was considered to be relevant however there was no evidence to suggest that problems would increase if the licence was granted.

(e) **Other representations –**

- interested parties had concerns over how deliveries to the store would be managed. This was not considered to be relevant as it did not relate to the licensing objectives;
- there were already two pubs and off licenses selling beer and spirits in the area and there was no need for anymore. This was not considered to be relevant as it did not relate to the licensing objectives;
- there were concerns about the hours during which alcohol was proposed to be sold. This was not considered to be relevant as this was not a relevant representation as it did not come under one of the four licensing objectives;
- interested parties were concerned with the amount of additional traffic the establishment would generate which was already a difficult area to negotiate. This was not considered to be relevant as it did not relate to the licensing objectives.

Resolved that having taken into account all of the above representations the application be granted as applied for and subsequently amended so that the hours of operation and sale of alcohol commence at 0700 hrs and subject to mandatory conditions contained in the Licensing Act 2003 and conditions consistent with the applicants operating schedule (amended at the hearing in relation to hours) and subject to the conditions agreed with the Police.

(Councillor Gordon declared a personal interest in respect of the above item.)

43. **TRANSFER OF PREMISES LICENCE AND VARY LICENCE TO SPECIFY INDIVIDUAL AS PREMISES SUPERVISOR - MR JOHN HART**

Mr John Hart attended and withdrew his applications for the transfer of a premises licence and to vary a licence to specify an individual as premises supervisor.

44. **EXEMPT BUSINESS**

There were no items of exempt business.