

Public Document Pack



BARRY KEEL

Chief Executive
Floor 1 - Civic Centre
Plymouth
PL1 2AA

www.plymouth.gov.uk/democracy

Date: 19/02/10 Telephone Enquiries 01752 304022 Fax 01752 304819

Please ask for Helen Rickman,
Democratic Support Officer e-mail helen.rickman@plymouth.gov.uk

LICENSING SUB COMMITTEE (MISCELLANEOUS)

DATE: TUESDAY 2 MARCH 2010

TIME: 10.00 AM

PLACE: COUNCIL HOUSE, PLYMOUTH (NEXT TO THE CIVIC CENTRE)

Members –

Councillors Mrs Bowyer, Gordon and Reynolds

Fourth Member –

Councillor Rennie

Members are invited to attend the above meeting to consider the items of business overleaf

Members and Officers are requested to sign the attendance list at the meeting.

BARRY KEEL

CHIEF EXECUTIVE

LICENSING SUB COMMITTEE (MISCELLANEOUS)

PART I (PUBLIC COMMITTEE)

AGENDA

1. APPOINTMENT OF CHAIR AND VICE-CHAIR

The Committee will appoint a Chair and Vice-Chair for this particular meeting.

2. APOLOGIES

To receive apologies for non-attendance submitted by Committee Members.

3. DECLARATIONS OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this Agenda.

4. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

5. GRANT OF PREMISES LICENCE - TESCO, UNIT 1, ST. MARY'S BRIDGE, PLYMPTON, PLYMOUTH (Pages 1 - 12)

The Director for Community Services will submit a report on an application for the grant of a premises licence.

6. TRANSFER OF PREMISES LICENCE AND VARY LICENCE TO SPECIFY INDIVIDUAL AS PREMISES SUPERVISOR - MR JOHN HART (Pages 13 - 16)

The Director for Community Services will submit a report on an application for the transfer of a premises licence and to vary a licence to specify an individual as premises supervisor.

7. EXEMPT BUSINESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE COMMITTEE)

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Sub-Committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

Nil.

This page is intentionally left blank

CITY OF PLYMOUTH

Subject: Tesco, Unit 1, St. Mary's Bridge, Plympton,
Plymouth
Grant of Premises Licence

Committee: Licensing Sub Committee (Miscellaneous)

Date: 2 March 2010

Cabinet Member: Councillor Peter Brookshaw

CMT Member: Director for Community Services

Author: Peter Clemens
e-mail: licensing@plymouth.gov.uk

Contact: 01752 305465

Ref: ERS/LIC/PREM

Part: I

Executive Summary:

An application has been received from Tesco Stores Ltd in respect of Tesco Unit 1 St. Mary's Bridge, Plympton, Plymouth for the Grant of a premises licence under Section 17 of the Licensing Act 2003.

Corporate Plan 2009- 2012:

This report links to the delivery of the corporate improvement priorities. In particular:

1. Informing and involving residents.
 2. Providing more and better culture and leisure activities.
-

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

Not applicable.

Other Implications: eg. Section 17 - Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment etc.

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

Recommendations and Reasons for recommended action:

That Members consider this report.

Alternative options considered and reasons for recommended action:

None.

Background papers:

Application.

Licensing Act 2003.

Guidance issued under Section 182 Licensing Act 2003.

Council's Licensing Policy.

Sign off:

Head of Fin		Head of Leg		Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

1.0 BACKGROUND

1.1 On the 5th January 2010 the licensing department received an application from Tesco Stores Ltd for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of Tesco situated at Unit 1, St. Mary's Bridge, Plympton, Plymouth.

1.2 Grant application.

Retail premises (supermarket) selling a range of goods and services including the sale of alcohol for consumption off the premises.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

Supply of Alcohol for Consumption OFF the Premises

Mon to Sun 06.00hrs to 23.00hrs

Hours Premises are Open to the Public

Mon to Sun 06.00hrs to 23.00hrs

1.4 Representations have been received in respect of this application.

1.5 Cumulative Impact Policy

This application does not fall within an area to which the Cumulative Impact Policy applies.

2.0 RESPONSIBLE AUTHORITIES

2.1 Devon & Cornwall Constabulary – have made representations relating to the Prevention of Crime and Disorder (Appendix 1).

2.2 *Environmental Health* – no representations

2.3 *Devon & Somerset Fire & Rescue Service* – no representations.

2.4 *Trading Standards* – no representations

2.5 *Planning Officer* - no representations.

2.6 *Child Protection* – no representations

2.7 *Health & Safety Executive* – no representations.

3.0 INTERESTED PARTIES

6 - letters of representation has been received from a residents living within the vicinity of the premises (Appendices 2 – 7).

4.0 CONSIDERATIONS

4.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;

- the prevention of public nuisance;
- the protection of children from harm.

In making its decision the Committee is also obliged to have regard to the guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy and the representations (including supporting information) presented by all the parties.

The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

1. Grant the licence as asked.
2. Modify the conditions of the licence, by altering or omitting or adding to them.
3. Reject the whole or part of the application.
4. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities.

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

Clemens, Peter (DEVELOPMENT)

From: Fred.PROUT
Sent: 02 February 2010 11:59
To: Licensing (DEVELOPMENT); Clemens, Peter (DEVELOPMENT)
Subject: Application for the Grant of Premises Licence. NOT PROTECTIVELY MARKED

Pete

Reference: Application for the Grant of a Premises Licence for Tesco Stores Ltd. Unit 1, St Mary's Bridge, Plympton, Plymouth PL7 4JP.

The Devon and Cornwall Police give notice of their objection to the grant of the above application. The grounds of the objection are that the operating schedule does not adequately cover the concerns of the Constabulary with regards to the prevention of crime and disorder objective of the Licensing Act 2003.

An e mail was sent to Tesco Licensing team on the 6th January 2010 requesting certain information. This e mail receipt has been confirmed and 2 further telephone calls to the department have not produced any further information, action or reply.

Regards

Fred Prout

*Devon and Cornwall Constabulary
Alcohol Related Crime Reduction (Licensing) Officer
Charles Cross Police Station
Hampton Street
Plymouth
PL4 8HG*

Tel:01752

Fax:01752

e mail:

"Committed to bringing down crime and the fear of crime in the city of Plymouth"

Devon & Cornwall Constabulary aims to serve the communities of Devon & Cornwall and help inspire greater confidence in the Police. For more information please visit our website at www.devon-cornwall.police.uk

This e-mail is intended for the named individual(s) only and may contain information which is protected in law. If you have received this e-mail in error, you may not read, copy, disseminate or otherwise deal with it. In this case, please delete the e-mail and contact the sender immediately.

Internet e-mail is not secure. Therefore Devon & Cornwall Constabulary does not accept legal responsibility for the contents or distribution of this message including file attachments. Any views or opinions presented are solely those of the author and do not necessarily represent those of Devon & Cornwall Constabulary. All reasonable efforts have been made to check that any attached software or other material is/are free of computer viruses, but Devon & Cornwall Constabulary accepts no responsibility for any damage, howsoever arising, as a result of their transmission to the recipient's computer or network.

02/02/2010

From:
Sent: 19 January 2010 20:05
To: Licensing (DEVELOPMENT)
Subject: PREMISES LICENSE TESCO ST MARY'S BRIDGE PLYMPTON

I wish to object to the application by the above to serve alcohol between the hours of 06.00 and 23.00 seven days per week. The premises are located immediately next to St Mary's Playing Fields which has a reputation as a location for underage drinkers. An establishment selling alcohol so close by, no matter how well trained the staff are, will always be a magnet for the young people and there is always someone over 18 willing to buy alcohol for those underage. In the past there have been problems with young people congregating outside the Tesco Express on Glen Road and with the park close by I can see this also occurring here.

On the opposite side of Market Road is St Mary's Church and cemetery and as there have been problems with young people using this area as a "playground", I can envisage this would be exacerbated with the attraction of a shop nearby and the church and the infants school grounds, only a few meters up Market Road, would make an ideal depository for empty cans/bottles etc.

Another concern is the additional traffic this establishment will generate. The mini roundabout at the junction of Market Road, Glen Road, Mudge Way and Plymouth Road is difficult enough to negotiate without the problem of shoppers attempting to join the streams of traffic, either from the miniscule car park at the premises or from the one attached to St Mary's Playing Fields. The new housing development on the site of the old cattle market will also bring additional traffic to the area all trying to exit from the bottom of Market Road. A further point of concern is how will the deliveries to the store be managed.

I also feel that the manner in which this application was advertised on the site of the store leaves a lot to be desired. Yes it was on A4 sized blue paper and I am sure that the font used was 16, but compared to the size of the windows and their own promotional material next to it, meant it was not easy to spot or read in daylight let alone at night, especially when a plastic covering was put over the windows.

Whilst I can appreciate that the size of this company makes it difficult to refuse an alcohol license I hope that Plymouth City Council will give serious consideration to restricting the hours they are allowed to sell alcohol to the public to a more reasonable time such as 10.00 to 19.00, especially on Fridays and Saturdays when the problems with underage drinkers are at their worst.

Market Road
Plymouth
PL7

Insley Rd
 Plympton
 Plymouth
 PL7

To whom it may concern,

Ref. Jescos store in Plympton.

Whilst I am pleased to welcome a new store within my reach, I am sincerely asking please, for alcohol NOT to be made available.

In the past we have had a lot of trouble with drinkers using the premises already here in Plympton. We already have two shops in Underwood plus two pubs selling beer and spirits - do we REALLY need any more?

A Jescos without the alcohol will be most welcome here, and will be used by many, but with all the temptations that go with drink - that is something this village can do without.

most days, and the amount of broken bottles (which I try to clear up) and tin's where the teenagers meet in the evening. Also on a personal basis as a churchwarden of St Mary Church the store will be across the road (this is my view not the church whom I have not asked for the views). I know you can't stop stores selling drink cheap but you can stop the length of time they serve it.

Yours Sincerely

MAIDENHEAD RD
 RYALTON
 RYMOND
 R7
 29.1.10

Dear Sirs, With reference the new "Tesco store" at the bottom of Market road and the licensing of alcohol from 06:00-23:00, I object to the length of time it serve alcohol the reason being that we have two shops very close by one with a disgusting name of "Borgain Boogie", most important of all I live by the park and a children play ground which is kept in good condition and well used, I pass

25 January 2010

*The Licensing Department,
Floor 6,
Civic Centre,
Armada Way,
Plymouth
PL1 2AA.*

TESCO STORE Plymouth Road Plympton

Dear Sir,

I am concerned that the new TESCO STORE situated next to St Mary's Park Plympton will be able to serve Alcohol between the hours of 0600 and 2300.

In the present climate where the Government is trying to cut down drinking you will be allowing another supplier to open up making it even more easier. We have enough shops selling alcohol in the area now. In fact a shop in Underwood has just re-marketed itself as a **cheap booze shop**.

There is already an underage drinking problem in that area. Just visit the play park in St Mary's on most nights and you will witness youths drinking lager or cider and generally making a nuisance of themselves.

It is quite intimidating to go down that area at night now so I feel it will get worse with this new magnet.

Yours faithfully

UNDERLANE
PLYMPTON
PLYMOUTH
PL7

Dear Sir / Madam

I wish to register
on objection to the proposed new
Tesco store on the Plymouth Rd as
it will be selling alcohol from
06.00-23.00 daily we already have
a problem with drunken youngsters
at the adjacent St Mary playing
field a another cheap drink
source will inflame the situation
Yours sincerely

2

Underwood Road

Plymouth

Plymouth

PL7

1.2.10

Dear Sir or Madam

I am amazed to hear that Tesco are opening a store at the end of Glabest Road. There is an obvious danger by this excessive use of alcohol, this has resulted in the police being involved to sort out incidents brought on by youngsters congregating for the purpose of consuming large amounts of alcohol. Also the broken glass from these events is then left behind to endanger the many young children who regularly use the park on their way to and from St Mary's Infants School and Old Priory Junior School. Also the football teams who use the pitch and the dogs who are frequently exercised there.

However, I am writing to you to express my dismay at the proposal by Tesco to apply to serve alcohol between the hours of 06.00 to 23.00. It is the length of the opening hours I so strongly object to. Surely there is no need for

The alcohol to be made so easily available until such a late hour.

Thus at the edge of St. Mary's Park which is already notorious for groups of youngsters congregating for the purpose of consuming large amounts of alcohol. After this has resulted in the police being involved to sort out incidents brought on by this excessive use of alcohol.

Also the broken glass from these events is then left behind to endanger the many young children who regularly use the park on their way to and from St Mary's Infants School and Old Priory Junior School. Also the football teams who use the pitch and the dogs who are frequently exercised there.

I am not satisfied by any means

3

but I think that our area of Plympton is already very well served with places to obtain alcohol without ^{needing} another late licence. It seems to me such a contradiction when in the media we are almost constantly being reminded of the problems with under-age drinking, binge drinking, aggressive behaviour through over indulgence of alcohol, the health effects on individuals and the social effects on communities.

All I ask is that some serious thought is given to the wisdom of granting such an extended hours licence.

Yours faithfully

CITY OF PLYMOUTH

Subject: Mr John Hart
1. Transfer of Premises Licence
2. Vary Licence to Specify Individual as Premises Supervisor

Committee: Licensing Sub Committee (Miscellaneous)

Date: 2 March 2010

Cabinet Member: Councillor Peter Clemens

CMT Member: Director for Community Services

Author: Peter Clemens
e-mail: licensing@plymouth.gov.uk

Contact: 01752 305465

Ref: ERS/LIC/PREM

Part: I

Executive Summary:

An application has been received from Mr John Hart for the Transfer of a premises licence under Section 42 of the Licensing Act 2003 and to vary the licence to specify an Individual as Premises Supervisor under Section 37 of the Licensing Act 2003 in respect of the Bristol Castle 4-6 Duncan Street, Devonport, Plymouth.

Corporate Plan 2009- 2012:

This report links to the delivery of the corporate improvement priorities. In particular:

1. Informing and involving residents.
 2. Providing more and better culture and leisure activities.
-

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

Not applicable.

Other Implications: eg. Section 17 - Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

Recommendations and Reasons for recommended action:

That Members consider this report.

Alternative options considered and reasons for recommended action:

None.

Background papers:

Application.

Licensing Act 2003.

Guidance issued under Section 182 Licensing Act 2003.

Council's Licensing Policy.

Sign off:

Head of Fin		Head of Leg		Head of HR		Head of AM		Head of IT		Head of Strat Proc	
Originating CMF Member											

1.0 BACKGROUND

- 1.1 On the 19th January 2010 the licensing department received an application from Mr John Hart for the Transfer of a Premises Licence under Section 42 of the Licensing Act 2003 and an application to Vary the Licence to Specify an Individual (Mrs Marilyn Hodge) as Premises Supervisor under Section 37 of the Licensing Act 2003 in respect of the Bristol Castle situated at 4-6 Duncan Street, Devonport, Plymouth.
- 1.2 In accordance with Sections 38 and 43 of the Licensing Act 2003, both applications had immediate effect so that until the applications are determined or withdrawn the applicant is acting as premises licence holder and Mrs Hodge is acting as designated premises supervisor.

2.0 Devon & Cornwall Constabulary

- 2.1 Have given notice that they are satisfied there are exceptional circumstances whereby the granting of the applications would undermine the crime prevention objective. The police will say they have concerns regarding Mr Hart's previous background and also Marilyn Hodge's previous history as a designated premises supervisor.

3.0 CONSIDERATIONS

- 3.1 The Committee is obliged to determine this application with a view to promoting the crime prevention objective:
- 3.2 In making a decision the committee is obliged to have regard to:
 - i) Guidance issued under Section 182 of the Licensing Act 2003 paragraphs 4.28 – 4.30 and 8.108 – 8.111 are relevant to the variation of the designated premises supervisor and .transfer of premises licence respectively.
 - ii) It's own Licensing Policy.
 - iii) Notice of objection from the Police and any representations from the applicant.
- 3.3 The Committee may make one of two determinations:
they may
 1. Grant the applications or
 2. Reject the applications if having regard to the Police objection they consider it necessary for the promotion of the crime prevention objective.
- 3.4 If the committee decide to reject the applications they may only do so if they have been satisfied by the Police that the grant of the licence would be detrimental to the promotion of the crime prevention objective.

This page is intentionally left blank