



Oversight & Governance

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Licensing Sub Committee

Tuesday 11 January 2022
10.00 am
Council House

Members:

Councillors Jordan, Morris and Rennie.

Fourth Member:

Councillor Patel.

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

Please note that, due to the nature of this Committee, we may need to send 'to follow' documents which were not expected at the time of the agenda publication. These documents may be considered under part I or part II.

For further information on attending Council meetings and how to engage in the democratic process please follow this link - <http://www.plymouth.gov.uk/accesstomeetings>

Tracey Lee

Chief Executive

Licensing Sub 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 Stores Limited, Mount Wise Crescent, Devonport, Plymouth, PL1 4GU (Pages 1 - 12)

The Director for Public Health will submit a report on the grant of a premises licence for Tesco Stores Limited, Mount Wise Crescent, Devonport, Plymouth, PL1 4GU.

6. 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 Meeting

Agenda

Members of the Public to Note

that under the law, the Panel 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.

PREMISES LICENCE GRANT REPORT

Licensing Sub Committee



Date:	11 January 2022
Title of Report:	Grant of Premises Licence
Lead Member:	Councillor John Riley (Cabinet Member for Customer Focus and Community Safety)
Lead Strategic Director:	Dr Ruth Harrell (Office of the Director of Public Health)
Author:	Catherine Macdonald (Enforcement Officer)
Contact Email:	Licensing@plymouth.gov.uk
Your Reference:	Tesco Stores Limited, Mount Wise Crescent
Key Decision:	No
Confidentiality:	Part I - Official

Purpose of the report:

An application has been received from, Steven Andrzejuk, Licensing Manager on behalf of Tesco Stores Limited in respect of Mount Wise Crescent, Devonport, Plymouth, PL1 4GU for the Grant of a premises licence under Section 17 of the Licensing Act 2003.

Recommendations and Reasons:

That Members consider this report.

Alternative options considered and rejected:

None.

Relevance to the Corporate Plan and/or the Plymouth Plan:

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

1. Unlocking the City's Potential

Licensing systems aim to assist in the delivery of a safer, more vibrant Plymouth. This in turn should attract more visitors to the City and also support an increase in the numbers of citizens of Plymouth who will utilise the social, cultural and sporting offers available. Opportunities for increased levels of employment should follow.

2. Caring for People and Communities

The policy will allow for effective control of alcohol supply, which will assist in reducing alcohol harm and thereby reduce inequality. Whilst alcohol misuse affects individuals from all sections of society, those from the most disadvantaged communities experience the highest burden of harm.

See Our Plan Implications for Medium Term Financial Plan and Resource Implications:

Not applicable

Financial Risks

Not Applicable

Carbon Footprint (Environmental) Implications:

None

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

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.

Published work / information:

For more information please see the below links.

[Statement of Licensing Policy](#)

[Licensing Act 2003](#)

[Revised guidance issued under section 182 of the Licensing Act 2003 - April 2018](#)

Appendices

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A</i>						
		1	2	3	4	5	6	7
A	Briefing report (mandatory)							

Background papers:

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of background paper(s)	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>

	1	2	3	4	5	6	7
Application							

Sign off:

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Originating Senior Leadership Team member: Click here to enter text.											
Please confirm the Strategic Director(s) has agreed the report? Choose											
Date agreed: Date.											
Cabinet Member signature of approval: [electronic signature (or typed name and statement of 'approved by email') on Cabinet member approval only]											
Date: Date.											

INTRODUCTION

1.1 On the 24/11/2021 the licensing department received an application from Steven Andrzejuk, Licensing Manager on behalf of Tesco Stores Limited for the Grant of a Premises Licence under Section 17 of the Licensing Act 2003 in respect of in respect of Tesco Stores Limited situated at Mount Wise Crescent, Devonport, Plymouth, PL1 4GU

1.2 Grant application.

Retail premises (supermarket) selling a range of goods and services. This includes the sale of alcohol for consumption off the premises. Sales of alcohol for consumption off the premises are made from the supermarket sales floor as shown on the enclosed plan.

1.3 Licensable Activities.

The following licensable activities and timings have been requested:

(i) Late Night Refreshment (Indoors)

Hours Monday – Sunday 23:00-00:00

Non Standard Timings.

(j) Supply of Alcohol for consumption OFF the premises.

Hours Monday – Sunday 06:00-00:00

Non Standard Timings.

(l) Hours Premises are Open to the Public

Hours Monday to Sunday 06:00- 00:00

Non Standard Timings.

1.4 The applicant has submitted an Operating Schedule (Appendix 1).

1.5 Location Plan supplied by applicant (Appendix 2).

1.6 Site Plan of premises supplied by applicant (Appendix 3).

1.7 Representations have been received in respect of this application.

1.8 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 Police* – no representations.
- 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.
- 2.8 *Health Authority (ODPH)* – no representations.
- 2.9 *Licensing Authority* – no representations.

3.0 OTHER PARTIES

One letter of representation has been received that is attached to this report marked appendix 4.

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 with the following paragraphs relevant to this application: 1.2 – 1.5, 1.16 – 1.17, 2.1,2.3, 2.15 – 2.21, 9.3,9.11, 9.33 - 9.36, 9.38 – 9.40 and 10.10,
- the Council's own Licensing Policy with the following headed paragraphs being relevant to

this application: Dispersal Policy (Page 12); Licensing Hours (Page 12), Location and Trading restrictions (page 17), Protecting children from harm (page 18), Public Nuisance (Page 19), Licensing conditions (page 22)

- the representations (including supporting information) presented by all the parties.

The Committee must take such of the following steps as it considers appropriate 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 appropriate in order to promote the licensing objectives.

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Tesco is a large national operator with a range of head office and local support. The company has devised policies, procedures, systems and training to ensure that they sell alcohol in a responsible manner.

There is a detailed programme which ensures that comprehensive training is provided to employees having regard to their role and the responsibilities and such training is regularly reviewed, and records kept.

b) The prevention of crime and disorder

We will have a digital CCTV system that covers the premises, including the main area which will be used for display of alcohol. Images will be retained for 31 days.

A member of the management team will be on the premises all the times the store is open. This colleague will have responsibility for the premises and will be the initial point of contact for any issues that may arise.

c) Public safety

The premises licence holder is fully aware of its responsibilities under a range of health and safety related legislation and has policies and procedures in place to be confident of complying with the relevant obligations which arise.

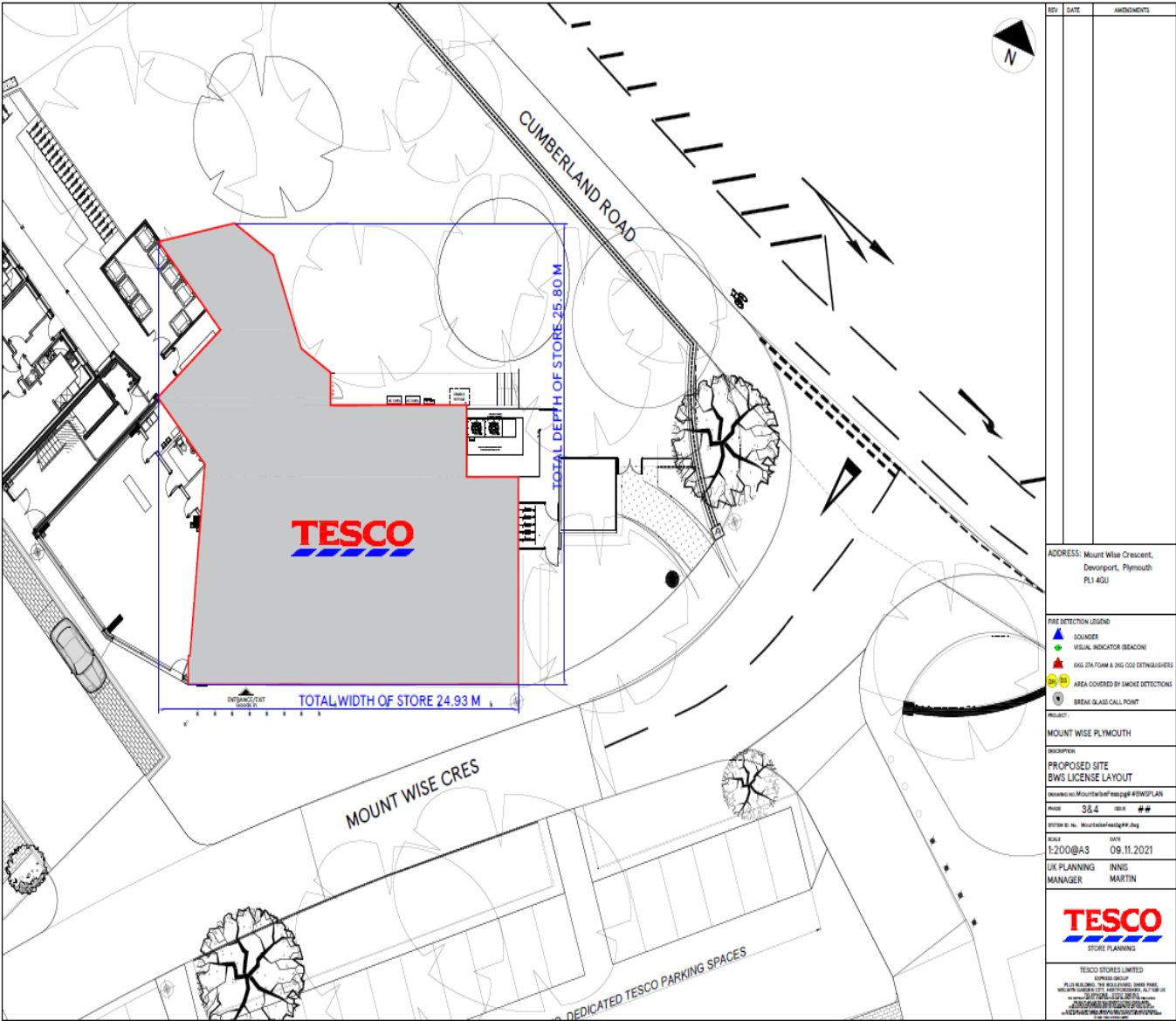
d) The prevention of public nuisance

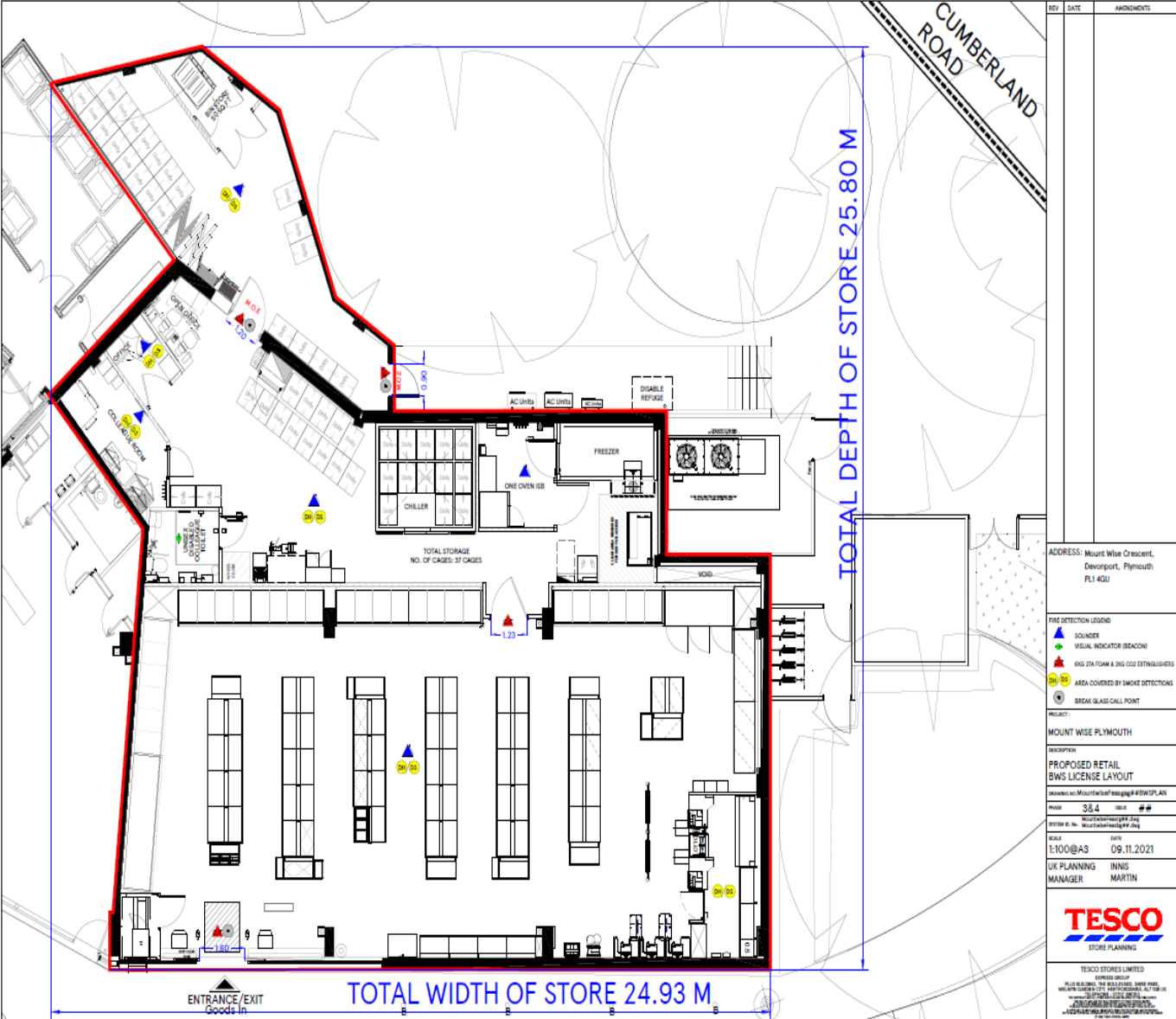
The company has a “good neighbour” ethos which seeks to ensure that the premises plays an active part in the local community.

e) The protection of children from harm

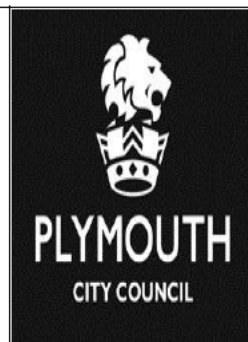
The premises will operate a Think 25 policy. The checkouts will be programmed to prompt the customer assistant when an alcohol product is scanned at the checkout to follow the Think 25 policy.

All colleagues will receive training in relation to the underlying law and Tesco policy, systems, and procedures. This training will be documented, and refresher training will be provided on a regular basis.





LICENSING REPRESENTATION



Case reference: FS-Case-382598616

Premises	
Name of the premises:	Tesco
With regard to the following application I want to:	Object
Premises address:	2 Charles Darwin Road, Plymouth, Devon, PL1 4GU
Representation	
In what capacity are you applying:	Any other person

div>

Name:	
Telephone number:	
Mobile number:	
Email address:	
Address:	
Representation details	
Whick of the following Licensing Objectives is this representation relevant to:	A. The prevention of crime and disorder,C. The prevention of public nuisance,D. The protection of children from harm

<p>Please explain the likely effect the granting of the application would have on the promotion of the above Licensing Objectives:</p>	<p>The late night opening hours, which will include the sale of alcohol, will inevitably lead to an increase in both footfall and traffic along Charles Darwin Road and Mountwise Crescent late at night. There is a coop store in very close proximity to this location which already sells alcohol. They regularly have people loitering outside until late at night, drinking and leaving litter. As the new Tesco store plan to sell alcohol for 2 hours after the coop store closes, there is a high likelihood that people will migrate to Charles Darwin Road in order to continue. This will result in an increase in litter along the street, evidenced by the high number of cigarette ends on the road, paths and benches outside coop, despite the provision of bins outside the store. Not only that, with the shop opening until midnight, noise and light pollution on Charles Darwin Road will significantly increase, in comparison to the current conditions, which will affect the ability of residents in close proximity to experience quiet enjoyment of their property. There are a number of children living in houses on the street who will be prevented from sleeping properly due to the increased vehicle noises (driving past, engines starting, doors opening and closing, parking sensors etc) and people talking in the street as well as coming and going from the shop. Due to the design of the houses, noise does travel very well along the street, including to the top floor of the houses. Late night alcohol sales could also encourage increased instances of anti social behaviour within the site itself. Unfortunately, alcohol consumption and antisocial behaviour can often go hand in hand together. I am concerned that this could lead to damage to both public property (benches etc) and private property (cars and homes). To reduce these factors the sale of alcohol could be stopped at the same time as the nearby coop and to further reduce noise nuisance and light pollution to local residents, the store could close at the same time as the nearby coop (2200).</p>
<p>Is there any reason why you do not want your personal details to be passed on to the premises licence holder:</p>	<p>Yes</p>
<p>Provide reasons:</p>	<p>I live on the same street</p>
<p>Number of documents in support of your representation uploaded:</p>	<p>0</p>
<p>Declaration</p>	
<p>By submitting this form I declare that I have read the representation guidance notes and agree that a copy of my representation will be given to the licence premis owner:</p>	
<p>I confirm I have read the representation guidance notes and agree that a copy of my representation will be given to the premises licence holder.</p>	
<p>Signed:</p>	
<p>Date:</p>	<p>2021-12-02</p>

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