

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee E

Held at Knowle, Sidmouth on Monday, 13 March 2006

Present: Councillors:

Mrs C E Drew
M J L Green
T G Reeves

Also Present: Councillor
Mrs F Newth

The meeting started at 9.40 am and ended at 12.35 pm.

*15 **Election of Chairman**

RESOLVED that Councillor Mrs C E Drew be elected Chairman for the meeting.

*16 **Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee E held on 30 August 2005, were confirmed and signed as a true record.

*17 **Schedule of applications for approval where the parties have agreed a hearing is unnecessary and representations have been withdrawn**

RESOLVED that the applications from the Farmhouse, Exmouth and Prospect Plaice, Sidmouth for new premises licences, to include the amended licensing opening hours and conditions offered by the applicant and the mandatory conditions in Section 19 of the Licensing Act 2003, be approved.

*18 **Application for a grant of a Premises Licence under the Licensing Act 2003 for Tesco Stores Ltd, 132 High Street, Sidmouth**

The Sub-Committee gave consideration to the Application for a Grant of a Premises Licence for the Tesco Store Ltd, 132 High Street, Sidmouth under the Licensing Act 2003 to permit the supply of alcohol for consumption off the premises.

The Chairman identified members of the Sub-Committee, officers, the applicant and representatives. The applicants were Mr R Needs, Tesco Area Manager, Ms A Greeacre, Store Manager and Mr G Barclay Licensing Manager, represented by Mr Davis, solicitor. The interested parties present who identified themselves were, Mr D Graham, Mr J Lovatt, Mr Lake, Mr J Moore, Mrs C Gittens, Mrs J Johnstone and Mr J Doe. No responsible authorities attended.

It was confirmed that the Sub-Committee had read the documents in respect of the application including the representations from the interested parties. Those present were advised that there was no need to duplicate or repeat information already submitted.

*18 **Application for a Grant of a Premises Licence under the Licensing Act 2003 for Tesco Stores Ltd, 132 High Street, Sidmouth (Cont'd)**

The Sub Committee received and took account of during its discussions, the procedure of Licensing Act 2003 hearings circulated to all parties present at the meeting and also the four licensing objectives agreed by the Council.

The Legal Adviser reminded members of the need to take into account the Human Rights Act 1998, the ability of parties to ask for a review of the licence and the police closure powers.

The Sub-Committee considered the application to grant a Premises Licence. The written representations received from the interested parties related to all four of the four licensing objectives. In relation to the prevention of crime and disorder, issues such as alcohol related crime, antisocial behaviour, vandalism, intimidation and aggressive behaviour. Regarding public safety, issues such as broken glass in the streets, traffic congestion and parking in front of the Tesco store. Regarding the prevention of public nuisance, possible matters such as, late night noise, litter, ripping up of garden plants and shrubs and public urinating. In relation to the protection of children from harm, children could be encouraged to drink with easy access to alcohol.

The applicant's case was, that the store was a small express format with less than 10% of the floor area devoted to alcohol sales. All staff were trained four times a year, which included Tesco "Think 21" policy and Tesco had never been prosecuted for an under age sale. Every time an alcoholic purchase was scanned at all tills the sale could not proceed until the member of staff had pressed the "Yes/No" button, based on the "Think 21" policy. The Store Manageress said that there was a policy that customers who bought alcohol to supply under age drinkers would have a life ban from the premises. All staff were aware of their responsibility not to supply alcohol to customers who already appear to be drunk.

It was emphasised that Tesco wished to be part of the community and that they employed local staff in the store. They felt that there was no attraction such as a car park or wider pavement for youths and children to loiter in the area. The store would be well lit, and would have state of the art digital external and internal CCTV including a fixed camera on the wine and beer area; the store would be appropriately managed including conflict management training.

The interested parties' case on paper was that to allow a Premises Licence would increase noise, vandalism anti-social behaviour, and general public nuisance.

At the hearing they added that the thrust of the objection was the idea of a late night outlet that would exacerbate an existing problem in that particular part of Sidmouth. They reemphasised the problems of vandalism, anti-social behaviour and general public nuisance.

After retirement to consider the application, the Sub-Committee stated it had carefully considered the application with the amendments the applicants now proposed for the variation of the Premises Licence with a view to deciding whether the application promoted the licensing objectives, as required by the Licensing Act 2003. They also took into account Government guidance, the Council's own licensing policy and the Human Rights Act 1998

In making the decision, they considered relevant representations that the applicants had made at the meeting and the written representations made by the interested parties and other documentation put before them.

The Sub-Committee took into account the particular locality of the premises in a town centre and its physical relationship with other residential and commercial premises in the vicinity. They considered it relevant that no representations had been received from the police in relation to the Licensing Act objectives, namely crime and disorder, public safety,

*18 **Application for a Variation of a Premises Licence under the Licensing Act 2003 for Tesco Stores Ltd, 132 High Street, Sidmouth (Cont'd)**

public nuisance and protection of children from harm. From this they concluded that the police did not consider that there was any significant problem associated with the current operation of the premises or that there was likely to be if the application was granted.

The Sub-Committee carefully considered the operating schedule put forward by the applicants and the likely impact of the application. Although this was a new premises, they considered that the establishment would be well managed and controlled with good policies in place and adequate supervision from line management at all times.

Members did not accept that there was currently evidence to suggest that the granting of the licence would lead to a significant increase of a public nuisance, risk to crime and disorder, risk to public safety or risk to children. The concerns of local residents about the future operation of the premises were taken into account by ensuring that the operating hours were not unreasonably late. At present there was no evidence that the operation the applicant now proposed would increase the unacceptable impact the local residents suggested.

All parties were reminded of the closure and review powers which the Government brought into force on 24 November 2005. Premises which did not operate in an acceptable way in terms of the licensing objectives may in extreme cases be closed down by police action or have their scope of operation reduced by the licensing authority.

RESOLVED

- (1) that the Premises Licence be granted on the following basis:
 - (a) The extent of the areas within which the various licensable activities will be permitted is as indicated by the legends on the applicants plan.
 - (b) Permitted hours for the licensable activities will be as set out in the amended Appendix B as offered by the applicant, which will now read 8,00am to 11.00pm, 7 days a week.
 - (c) The conditions in the operating schedule as set out in the amended Appendix F will apply.
 - (d) Conditions imposed should read: "Replace Appendix E with Appendix F conditions 1 – 10. This includes the provision of a least one external CCTV camera to cover the outside of the premises to the satisfaction of the police.
- 2). that the mandatory conditions of sections 19 of the Licensing Act 2003 will be imposed.
- 3) that the Designated Premises Supervisor would be Sara Slater of the 2 Elm close, Broadclyst, Exeter.

Chairman Date