

**Meeting of the Licensing Act 2003 Sub-Committee
held at the Town Hall, Peterborough on Wednesday, 2 April 2014**

RECORD OF DECISION

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	New Premises Licence – Tesco Ltd 140 Oundle Road
3.1 Application Reference	MAU 068867
3.2 Sub-Committee Members	Councillor (Chairman) Saltmarsh Councillor Kreling Councillor Jamil
3.3 Officers	Darren Dolby, Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Tesco Stores Ltd, 140 Oundle Road, Peterborough, PE2 9PJ
3.5 Nature of Application	<p><u>Application Type</u></p> <p>Application for a new premises licence.</p> <p><u>Authorisations and Times Applied For</u></p> <ul style="list-style-type: none"> • Sale of alcohol for consumption off the premises <p style="padding-left: 40px;">Monday to Sunday – 6:00am to 11:00pm</p> <ul style="list-style-type: none"> • Hours premises are open to the public <p style="padding-left: 40px;">Monday to Sunday – 6:00am to 11:00pm</p> <p><u>Summary of New Premises Licence Application</u></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a new premises licence from Tesco Stores Ltd and representation, which had been received from 47 residents and one Ward Councillor, a Responsible Authority, the licensing authority was required to hold a hearing.</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> • If granted, the licence would contribute to an increase in street drinking in the area; • If granted, the licence could lead to a rise in anti-social behaviour; and • If granted, the licence would lead to an increase in noise and

	disturbance in the area.
3.6	<p>Licensing Objective(s) under which representations were made</p> <ol style="list-style-type: none"> 1. The Prevention of Crime and Disorder 2. The Protection of Children from Harm 3. The Prevention of Public Nuisance 4. The Protection of Public Safety
3.7	<p>Parties/Representatives and witnesses present</p> <p><u>Applicant</u></p> <p>Mr Paul Baylis, Mr Rymar and Mr Ramsey, who presented the case on behalf of Tesco's Stores Ltd.</p> <p>Ward Councillor</p> <p>Councillor Thulbourn, Ward Councillor for Fletton and Woodston.</p> <p><u>Other Persons</u></p> <p>Mrs Audrey Chalmers, Mr Trevor Armstrong, local residents, Pat Alford and Anita Rodcliffe the Grove Community Centre representatives.</p>
3.8	<p>Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters</p> <p>There were no pre-hearing considerations.</p>
3.9	<p>Oral representations</p> <p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application. The key points raised in his address included:</p> <ul style="list-style-type: none"> • The premises had operated as a public house (The Boro Boro Bar and the Boys Head); • The previous premises licence was surrendered by Star Pubs and Bars on 14 October 2014; • There had been an application made by Tesco Stores Ltd, for the sale of alcohol between the hours of 6:00am and 11:00pm daily; and • No objection had been received from the Responsible Authorities. <p>Representations against the application had been received from 47 local residents and one Ward Councillor, which highlighted a number of concerns if the premises licence should be granted.</p> <p><u>Applicant</u></p> <p>Craig Baylis, representative for Tesco Stores Ltd, addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> • The new store was due to open on 6 May 2014; • Mr Rymar was the designated premises supervisor (DPS) and had experience in dealing with issues such as young people attempting to purchase alcohol; • A number of experienced staff were to be employed at the 140 Oundle Road, Tesco Store Ltd; • Tesco Stores Ltd took the sale of underage alcohol issue very seriously and had adopted the 'Think 25' initiative. Staff had been trained on awareness and would challenge those they felt could be

under 25;

- Tesco Stores Ltd had a double check system in place for the 'Think 25' initiative, in that the till sale would prompt an alert once an alcohol item had been scanned. In addition, where self-serve tills were in place, these would automatically lock once the alcohol was scanned, and the customer would be unable to continue with the purchase until it was checked and verified by a trained member of staff;
- Tesco Stores Ltd actively involved police to visit their premises, with the offer to use the sanitary and refreshment facilities that were available for their staff;
- The DPS of the Tesco Store Ltd, Oundle Road would be responsible in managing the Tesco donation of £500 towards community projects and initiatives;
- A rogues gallery would be in place at the Oundle Road Tesco store in order for staff to identify problematic members of the public that were a public nuisance to the community;
- Once identified, street drinkers would not be permitted to enter the Oundle Road Tesco Store Ltd;
- Security staff would be in place on a full time basis for a period of two to three months or as long as necessary to assess the situation of problematic members of the public and deal with any issue that may arise in order to mitigate public nuisance and provide reassurance to residents; and
- The security staff employed would be experienced in dealing with public nuisance issues.

Ward Councillor – Councillor Thulbourn

Councillor Thulbourn, Ward Councillor for Fletton and Woodston, addressed the Sub-Committee. The key points raised in his address and responses to questions included:

- The issues being experienced in the area had not arisen by young people per se, but by a significant number of street drinkers;
- Street drinkers should be refused the sale of alcohol;
- Street drinkers had historically caused issues for church visitors, weddings and for the local school. The community had worked hard with the police over the past two years to eradicate and resolve the street drinking issues that had been experienced;
- It was felt that the Oundle Road Tesco Store would encourage the street drinkers to return to the area and trigger the historic issues experienced previously;
- There were concerns over the safety of children;
- It was felt that the proposed sale of alcohol hours from 6:00am to 11:00pm, would act as a magnet for street drinkers;
- Consideration should be given by the Committee to limit the strength of alcohol that should be on sale if the premises licence was to be granted to Tesco Stores Ltd, 140 Oundle Road; and
- Consideration should also be given by the Committee to restrict the sale of alcohol by Tesco Stores Ltd, 140 Oundle Road until 9:00pm.

Other Persons – Trevor Armstrong and Audrey Chalmers

Mr Trevor Armstrong and Audrey Chalmers, local residents addressed the Sub-Committee and responded to questions. The key points raised in their

address and responses to questions included:

- There had been problems experienced previously when the premises had operated as the Boro Boro Bar. Visitors to the premises would sit on Mr Armstrong's fence to drink alcohol;
- There were 10 outlets offering the sale of alcohol along the Oundle Road route; and
- Tesco Store Ltd, 140 Oundle Road would prove to become a Trojan Horse for further stores with similar business;
- There was an uncertainty over why the police had not made representation against the application as they had worked hard with residents to resolve the public nuisance issues that had been experienced in the area;
- It was felt that the Council should support local residents of Oundle Road in order to avoid the public nuisance issues returning; and
- There had been a young person's hostel located on Oundle Road which supported the wellbeing of those young persons that suffered with drug and alcohol related problems and it was felt that granting the premises licence to the Oundle Road Tesco Store would provide them with increased opportunity to obtain alcohol.

Other Persons – Pat Alford and Mrs Radcliffe

Pat Alford, South Grove Community Centre employees, addressed the Sub-Committee and responded to questions. The key points raised in their address, and responses to questions included:

- Issues such as littering and defecating around the South Grove (SG) Community Centre had been created by street drinkers that frequented the area;
- The SG Community Centre employees would need to remove the rubbish and fowling that had been created around the building; and
- An outlet that offered the sale of alcohol from 6:00am would exacerbate the street drinkers addiction.

Summing Up

All parties were given the opportunity to summarise their submissions.

Applicant

Mr Baylis, the Applicant's representative (Tesco Stores Ltd) expressed that it had been helpful to learn about the issues of public nuisance that were experienced previously in the Oundle Road area and provided reassurance that the concerns raised by residents would be taken seriously. Furthermore, Mr Baylis advised that the Applicant wished to amend the application in order to change the start time of premises licence from 6:00am to 8:00am in order to help alleviate the concerns raised by local residents.

In addition, a meeting was requested by the representative of Tesco Store Ltd, 140 Oundle Road to be held between the store manager and Councillor Thulbourn in order to identify the issues that had been experienced in the area, in order to mitigate any future reoccurrence of public nuisance.

3.10 Written representations and supplementary

Applicant

<p>material taken into consideration</p>	<p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p> <p><u>Ward Councillor</u></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from Ward Councillor Thulbourn.</p> <p><u>Other Persons</u></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from the 47 resident representations.</p>
<p>3.11 Facts/Issues in dispute</p>	<p><u>Issue 1</u></p> <p>Whether the premises licence application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><u>Issue 2</u></p> <p>Whether the premises licence application would further support the 'Protection of Children from Harm' Licensing Objective.</p> <p><u>Issue 3</u></p> <p>Whether the premises licence application would further support the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><u>Issue 4</u></p> <p>Whether the premises licence application would further support the 'Protection of Public Safety' Licensing Objective.</p>
<p>4. Decision</p>	<p>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</p> <p>During its deliberations, the Sub-Committee considered the following:</p> <ul style="list-style-type: none"> • The application for a premises licence relating to Tesco Stores Ltd, at 140 Oundle Road, Peterborough; • The concerns raised by residents and the Ward Councillor regarding the licence exacerbating the noise and public nuisance in the area and other issues associated with street drinkers; • Concerns raised regarding the position of the premises near a school; • The contents of the 47 identical letters received from concerned residents; and • That no representations had been made by any responsible authority. <p>The Sub-Committee was satisfied that the operating schedule was sufficient to alleviate any perceived problems associated with the premises in the future.</p> <p>The applicant offered, via their representative to reduce the hours that alcohol would be sold, with a start time of 8:00am. The Sub-Committee welcomed, accepted and directed the application to be amended accordingly.</p>

The Sub-Committee disregarded irrelevant factors not evidenced before them and perceived problems that may be associated with the premises.

The Sub-Committee therefore, decided to grant the application as applied for with the amended times for the sale of alcohol as follows:

- **Sale of alcohol for consumption off the premises**

Monday to Sunday – 8:00am to 11:00pm

The Sub-Committee advised that any party in objection to the decision could appeal to the Peterborough Magistrates Court within 21 days of receiving the formal decision notice.

Chairman
Start 9:30am – Finish 10:58pm