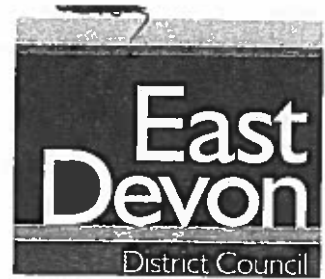


Date: 31 October 2011
Contact number: (01395) 517544
E-mail: clane@eastdevon.gov.uk
Our Reference: Chris Lane
Your Reference: -



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To: Members of the Licensing & Enforcement Sub-Committee
(Councillors: Steve Hall, David Atkins, Pat Graham)

Licensing Officer
Assistant Solicitor

Dear Sir/Madam

Licensing & Enforcement Sub-Committee, Tuesday 8 November 2011 at 9.30am

The Licensing & Enforcement Sub Committee meeting will take place in the Council Chamber, Sidmouth, to consider the matters detailed on this agenda.

Members of the public are welcome to attend this meeting. A hearing loop system will be in operation in the Council Chamber. Due to the requirements of the Licensing Act 2003 only parties to the hearing are permitted to address the sub-committee (through their representative as appropriate).

A G E N D A

- | | Page/s |
|--|--------|
| 1. To confirm the minutes of the meetings of the Licensing and Enforcement Sub Committee held on 11 October 2011. | 3 - 8 |
| 2. To receive any apologies for absence from Members of the Sub Committee. | |
| 3. To receive any declarations of interests relating to items on the agenda. | |
| 4. To consider any items which in the opinion of the Chairman should be dealt with as matters of urgency because of special circumstances. | |
| (Note: Such circumstances need to be specified in the minutes; any Member wishing to raise a matter under this item is requested to notify the Chief Executive in advance of the meeting). | |
| 5. To agree any items to be dealt with after the public (including the press) have been excluded. (There are no items which the Officers recommend should be dealt with in this way). | |

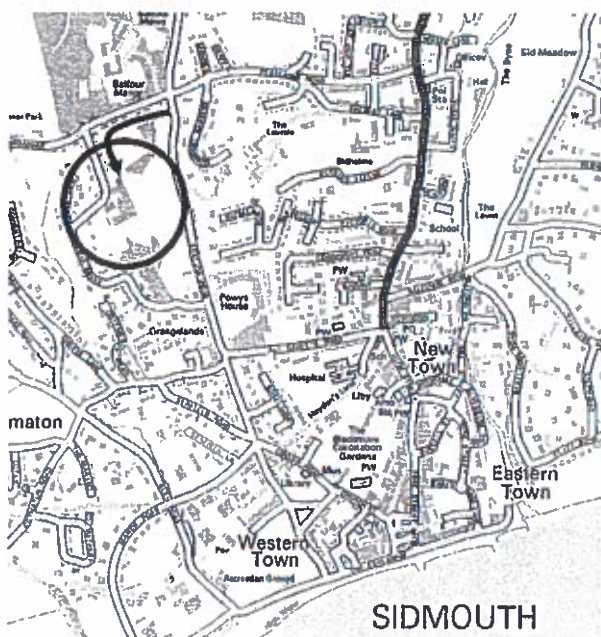
6. To consider an application for a premises licence to be granted under the Licensing Act 2003 - To permit the sale of alcohol for consumption off the premises at Tesco's, Harbour Road, Seaton.

Licensing Office
9 - 53

Members Remember!

- You must declare any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.
- Make sure you say the reason for your interest as this has to be included in the minutes.
- If your interest is prejudicial you must leave the room unless you have obtained a dispensation from the Council's Standards Committee or where Para 12(2) of the Code can be applied. Para 12(2) allows a Member with a prejudicial interest to stay for the purpose of making representations, answering questions or giving evidence relating to the business but only at meetings where the public are also allowed to make representations. If you do remain, you must not exercise decision-making functions or seek to improperly influence the decision; you must leave the meeting room once you have made your representation.
- You also need to declare when you are subject to the party whip before the matter is discussed.

Getting to the Meeting – for the benefit of visitors



The entrance to the Council Offices is located on Station Road, Sidmouth. **Parking** is limited during normal working hours but normally easily available for evening meetings.

The following **bus service** stops outside the Council Offices on Station Road: **From Exmouth, Budleigh, Otterton and Newton Poppleford – 157**

The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).

- From Exeter – 52A, 52B**
- From Honiton – 52B**
- From Seaton – 52A**
- From Ottery St Mary – 379, 387**

Please check your local timetable for times

The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users.

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle,
Sidmouth on Tuesday, 11 October 2011

- Present:** Councillors:
Steve Hall (Chairman)
Steve Gazzard
Tom Wright
- Officers:** Chris Lane – Democratic Services Officer
Giles Salter – Assistant Solicitor
Neil McDonald – Licensing Officer
- Apologies:** Councillor
Jim Knight

The meeting started at 9.30 am and ended at 11.40am.

***23 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 13 September 2011, were confirmed and signed as a true record.

***24 Declarations of interest**

Councillor/ Officer	Agenda Item	Type of interest	Nature of interest
Councillor Steve Gazzard	*25 – Application to grant a Premises Licence under the Licensing Act 2033 at the Manor, 5 St Andrews Road, Exmouth	Personal	Member of Exmouth Town Council.

***25 Application to grant a Premises Licence under the Licensing Act 2003 at The Manor, 5 St Andrews Road, Exmouth**

The Sub Committee gave consideration to an application for a Premises Licence under the Licensing Act 2003 to permit recorded music, late night refreshment on and off the premises and the sale of alcohol for consumption on and off the premises at The Manor, 5 St Andrews Road, Exmouth.

The Sub Committee carefully considered the application for a Premises Licence with the amendments the applicant proposed for the licensable activities and the proposed hours of operation 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 and the Council's own licensing policy, and the Human Rights Act 1998 in making their decision.

***25 Application to grant a Premises Licence under the Licensing Act 2003 at The Manor, 5 St Andrews Road, Exmouth (Cont)**

The Sub Committee carefully considered the relevant representations that all parties had made and the written representations and other documentation put before the Sub Committee. They considered the particular locality of the premises in a busy town centre and its physical relationship with other residential and commercial properties in the vicinity. It was considered relevant that representations had been received from the Police in relation to the Licensing Act objectives that had been the subject of comments and observations made at the hearing, that is to say: public safety, public nuisance, prevention of crime and disorder and protection of children from harm, had been negotiated prior to the hearing. From this it was concluded that the Police do not consider that there was currently any significant problem associated with the proposed operation of the premises or that there was likely to be if the application was granted provided the conditions they had requested were imposed.

The applicant, Tammy Dyer represented by Anthony Williams from Vice Orchard Solicitors, case was that the application concerned a Premises Licence that had previously existed, known as The Manor Cottage Club. The size and position of the premises limited what could effectively be achieved at these premises.

The applicant's intention was to run a restaurant, similar to the previous licensee with a maximum of 60-70 covers, attracting an older clientele. It was not the intention for the premises to become a large dispenser of alcohol or a large scale operation. In making their case the applicant withdrew the application for recorded music and stated that she had only ever wanted background music in the premises.

The applicant agreed to delineate on the plan an area of the garden abutting St Andrews Road where tables and chairs would not be placed. The applicant also agreed to place appropriate signage displayed to patrons requesting that they would leave the premises in a way so as not to cause noise disturbance to any neighbouring premises.

At the hearing, Ms Jill Wheller, Environmental Health Officer stated that there were concerns over the issue of recorded music and that in negotiation the applicant had agreed to a sealed noise limiter. There was some discussion around the issue of noise and nuisance after which the applicant withdrew the application for 'recorded music'. The applicant would not be able to control patrons exiting the property into St Andrews Road from causing nuisance or anti social behaviour to neighbours and properties in close proximity. They drew on their experience of other licensed establishments which they considered caused uncouth behaviour in Exmouth town centre late into the evening.

The interested parties, Ms Elizabeth Flint and Terri Ann Hole case was that they were concerned with noise nuisance and disturbance from the premises particularly late at night. The applicant would not be able to control patrons exiting the property into St Andrews Road from causing nuisance or anti social behaviour to neighbours and properties in close proximity. They drew on their experience of other licensed establishments which they considered caused uncouth behaviour in Exmouth Town Centre late into the evening.

*25 **Application to grant a Premises Licence under the Licensing Act 2003 at The Manor, 5 St Andrews Road, Exmouth (Cont)**

They were concerned about the use of the premises if the restaurant application was unsuccessful and feared that the premises would become mixed premises for music and drinking in the future. There were also concerns expressed about the noise from the garden area at the premises late into the evening. There was a fear that the applicant could not control the noise from drinkers and/or smokers.

The Sub Committee carefully considered the operating schedule put forward by the applicants and the likely impact of the application. In relation to the submissions heard regarding the history of the premises, they considered that the establishment would be well managed and controlled with good policies in place and adequate supervision of staff from line management.

The Sub Committee did not accept that there was evidence of a significance public nuisance, risk to crime and disorder, risk to public safety, risk to children arising from the proposed operation of the premises. This was because of a lack of evidence of complaints to the statutory authorities. This was a new Premises Licence. The concerns of local residents were taken into account about future operation by ensuring that suitable conditions were imposed to allay their worst fears.

All parties were reminded of the closure and review powers which the Government brought into force once new premises licences were operational from 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 as follows:

(a) The extent of the areas within which the various licensable activities will be permitted is as indicated by the legends on the applicant's plan to be amended as agreed by the applicant at the hearing.

(b) Permitted hours for the various licensable activities will be as set out in the amended Appendix A.

(c) The conditions will now be as shown in Appendix F and G.

The Sub Committee also added the following conditions to the licence:

1. After 10 pm, except for emergencies, all patrons to exit the premises via the porch and the garden gate.

2. Appropriate signage requesting patrons to leave the premises so as not to cause a noise disturbance to any neighbouring premises must be displayed at the exits to the premises.

3. The area delineated on the plan by a blue line shall have no table and chairs placed within it at any time.

The comments below sets out the additions to the plan and reflect the conditions offered by the applicant:

A blue line to be indicated on the plan which sets out the area where no tables and chairs are to be placed in the garden.

The applicant to supply a signed and updated plan which reflects the changes made by the applicant to the premises, and in particular the addition of an inner lobby door at the entrance (left hand door) on the plan.

The applicant to seek advice from the Environmental Health Service on background noise but it is advised that it is the applicant's responsibility to set the level of the background music a so that it will not cause a nuisance or disturbance to neighbouring premises.

d) The mandatory conditions of Section 19 of the Licensing Act 2003 will be imposed.

2) that whilst the Sub Committee acknowledged the concerns expressed by the interested parties before us today, the Sub Committee believe the concerns expressed in representations had been addressed by the hours of operation for the licensable activities and the conditions that have been imposed which have been tailored to the size, characteristics and activities on the premises which the Sub Committee believe were necessary and proportionate.

- 3) that the Designated Premises Supervisor would be Helen Louise Martinez of 14 Truro Drive, Exmouth, EX8 5QF.

***26 Schedule of applications for Sub Committee approval where an agreed position has been reached and all Parties have agreed a hearing is unnecessary**

Consideration was given to the report of the Licensing Officer which set out a schedule of applications for Sub Committee approval where an agreed position had been reached and all parties had agreed that a hearing was unnecessary.

The Licensing Officer explained the background of the application and the negotiations carried out.

RESOLVED that the application be granted as below, subject to the agreed positions set out in the schedule and any relevant statutory conditions and the applicants having complied with relevant statutory requirements.

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for a variation of a premises licence	The Famous Old Barrel, 1 Princes Street, Exmouth, EX8 1JA	<p>Following mediation the applicant and the Devon & Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the reduction of the hours for the provision of late night refreshment and the sale of alcohol to end at 12 midnight on Fridays and Saturdays. Opening hours for the premises will be 10:00hrs to 00:00hrs Monday to Sunday and with the addition of the following conditions:-</p> <ol style="list-style-type: none"> 1. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police in accordance with the requirements set out in the EDDC Licensing Policy. 2. CCTV images must be retained for a minimum of 14 days and to be produced on the request of the Police or a Licensing Officer of East Devon District Council. Recording media must be set to 25 frames per second. 3. The CCTV system must be operational at all times the premises are trading. If

		<p>the system is faulty or not working then the Police and East Devon District Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.</p> <p>4. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.</p> <p>5. There will be a thirty minute period prior to the premises closing when alcoholic beverages will not be sold.</p> <p>6. There will be no exhibition, demonstration or performance of hypnotism at the premises as defined in the Hypnotism Act 1952.</p>
	<p>Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003</p>	
<p>Application for a variation of a premises licence to be granted</p>	<p>The Heavitree Arms, High Street, Exmouth, EX8 1NP</p>	<p>Following mediation the applicant and the Council's Environmental Health Service have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the following amendments:</p> <p>To withdraw the request to extend licensable activities and opening times on Sundays to Thursdays.</p> <p>To allow an extension of licensable activities and opening times until 01:00 on Fridays, Saturdays and Bank Holiday Sundays.</p>
	<p>Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003</p>	

Chairman Date

Agenda Item 6

Licensing & Enforcement Sub Committee

8 November 2011

NMc

Application for a premises licence to be granted under the Licensing Act 2003

Summary

The report summarises an application for a premises licence to be granted.

Recommendation

That members consider the application for a premises licence to be granted under the Licensing Act 2003 - To permit the sale of alcohol for consumption off the premises at Tesco Supermarket, Harbour Road, Seaton, EX12 2PB.

a) **Reasons for Recommendation**

To comply with statutory processes.

b) **Alternative Options**

To either grant, refuse or modify the application.

c) **Risk Considerations**

None

d) **Policy and Budgetary Considerations**

The Council's Licensing Policy is referred to in the body of the report. There is a possibility of the Council having to pay the applicant's court costs if a successful appeal is brought against the decisions made today.

e) **Date for Review of Decision**

The council's decision may be appealed to the Magistrates Court. The Licensing Act 2003 also contains review provisions.

1 **Description of Application**

- 1.1 An application has been received from Tesco Store Ltd, Tesco House, Delamare Road, Cheshunt, Waltham Cross, Hertfordshire, EN8 9SL.
- 1.2 The proposed timings and licensable activities applied for are produced in table form at **Appendix A**.
- 1.3 The application is to allow the sale of alcohol for consumption off the premises only Monday to Sunday.

- 1.4 The premises are to be a single storey supermarket situated in a mixed residential and commercial part of Seaton Town on land north of Harbour Road.
- 1.5 A full copy of the application is reproduced at **Appendix B**.
- 1.6 A plan of the premises will be available at the meeting to show the layout of the premises and the areas of licensable activity.

2 Statutory Bodies' Response

- 2.1 Devon & Cornwall Constabulary
Representations received.
- 2.2 Devon & Somerset Fire & Rescue Service
No representations have been received.
- 2.3 Area Child Protection Committee and Local Safeguarding Children Board
No representations have been received
- 2.4 Devon Trading Standards
No representations have been received
- 2.5 East Devon District Council, Environmental Health Service
No Representations have been received
- 2.6 East Devon District Council, Planning & Countryside Service
No representations have been received

3 Representations and Responses to Notices of Hearing

- 3.1 Representations have been received from the Devon and Cornwall Constabulary, one District Councillor and sixteen local residents, details of the representations are attached at **Appendix C**.
- 3.2 Details of the responses received to the statutory Notice of Hearing are attached at **Appendix D**.
- 3.3 Nine responses to the notice of hearing were received within the required time frame. Eight of the responses were from local residents all of whom indicated that they wished the hearing to go ahead but none of them would be attending the hearing. The other response to the notice of hearing was received from the applicants who indicated that they would be attending and would be represented by their solicitor, Licensing Manager and the new manager of the Seaton store.
- 3.4 The police have reached an agreed position and have advised that they will not be attending the hearing.

4 Proposed Operating Schedule and Mediation

- 4.1 The proposed operating schedule offered by the applicants has been reproduced at **Appendix E** and numbered for ease of reference.
- 4.2 The police representation related to the CCTV conditions offered by the applicant. Following mediation they have now reached an agreed position with the applicant on the wording



of the CCTV conditions and these are reproduced at **Appendix F**.

5 Relevant Licensing Policy Considerations

Licensing Objectives

- 5.1 Section 2.1 of the Policy states: 'The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives.' These objectives are the only matters to be taken into account in determining the application and any conditions attached must be necessary to achieve the licensing objectives.
- 5.2 Section 2.2 of the Policy states: A licence will only be granted where the licensing authority is satisfied that these objectives have been met.
- 5.3 Section 2.3 of the Policy lists the kind of measures the licensing authority will be expecting to see taken into account to promote the objectives.

Conditions

- 5.4 Section 4 of the policy sets out what the Sub Committee should consider before imposing conditions on a licence.
- 5.5 The **Guidance** issued under Section 182 Licensing Act 2003 also states:

The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are necessary to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.

It is perfectly possible that in certain cases, because the test is one of necessity, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.

The Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned.

Licensing authorities should therefore ensure that any conditions they impose are only those which are necessary for the promotion of the licensing objectives, which means that they must not go further than what is needed for that purpose.

Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for the licensing objectives. If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties.

Licensing Hours

- 5.6 Section 6.1 of the Policy states: The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence with licensing hours beyond midnight higher standards of control will generally need to be included in operating schedules to promote the licensing objectives especially for premises which are situated near residential areas. There is no presumption within the



legislation for longer opening hours and the licensing objectives are paramount in any consideration of an application.

- 5.7 Section 6.3 of the Policy states: The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect the licensing objectives unless, after hearing relevant representation the licensing authority believe it necessary, proportionate and reasonable to restrict the hours required.

Nuisance

- 5.8 Section 17.1 of the Policy states: To promote the licensing objectives, applicants for licences for licensable activities will be required to demonstrate the measures they have in place for the prevention of public nuisance. The impact of the licensable activities on people living in the vicinity should not be disproportionate or unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. The prevention of public nuisance can include low-level nuisance affecting a few people living locally as well as a major disturbance affecting the whole community. It may also include the prevention of the reduction of the living and working amenity and environment of interested parties.

Capacity

- 5.9 Section 18.1 of the Policy states: Where it is considered necessary to control the maximum numbers of persons attending premises for the purpose of preventing crime and disorder or for public safety the licensing authority will expect this to be addressed in the operating schedule. The licensing authority, if relevant representations are made and only then if such conditions are deemed necessary proportionate and reasonable, may impose a condition stipulating a maximum number of persons permitted to attend premises where it considers it necessary to prevent crime and disorder or for public safety purposes.

6. Observations

- 6.1 The application being considered is for the grant of a Premises Licence to permit :

the supply of alcohol for consumption off the premises

- 6.2 The representations received from the interested parties relate to all four of the licensing objectives. They are concerned that the hours proposed by the applicants are excessive for a residential area and several have suggested that alcohol sales should cease at 10:00pm. There are also concerns that existing anti social behaviour and vandalism affecting the surrounding residential areas will increase and that there will be disturbance caused by people and vehicles using the store. There is also concern that there will be an increase in the amount of rubbish left in the area and that the late hours will attract youngsters to the area which may lead to an increase in underage drinking.

- 6.3 The conditions offered by the applicant appear at **Appendix E**. To assist the Sub Committee a set of conditions have been prepared at **Appendix G** that members may wish to consider having heard from both the applicant and the interested parties. The conditions are in part suggested to replace those offered by the applicant with conditions that reflect the applicants intentions but offer a more concise and enforceable operating schedule.



- 6.4 The Sub Committee will now need to consider whether to grant this application as it stands or in the light of the representations to refuse the application or grant it in a different form.
- 6.5 A location plan is attached at **Appendix H**.
-

Legal Implications

1. As relevant representations have been made in respect of the application, this hearing must be held. (Relevant representations are about the likely effect of the grant of the application on the promotion of the licensing objectives, by interested parties or responsible authorities). The sub-committee must disregard any information or evidence not relevant to the licensing objectives.
2. The sub-committee must consider this application in accordance with Section 4 of the Licensing Act 2003, which requires that licensing functions must be carried out with a view to promoting the four licensing objectives. The licensing authority must also have regard to its own licensing policy and the Secretary of State's guidance, but may depart from both if it has good reason to do so. Those reasons should be stated.
3. Section 18 of the Act requires the licensing authority to grant a premises licence unless it considers additional steps are needed for the promotion of the licensing objectives having regard to any relevant representations.

The steps are:

- (a) to grant the licence subject to:
 - (i) the conditions in the operating schedule modified to such extent as members consider necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under sections 19, 20 or 21 be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates
- (c) to refuse to specify a person in the licence as the premises supervisor
- (d) to reject the application.

The conditions of the licence are modified if any are altered or omitted or any new condition is added. Different conditions may be applied to different parts of the premises, and to different licensable activities. The sub-committee must give its reasons for its decision to take any of these steps. Similarly, if any part of an application is rejected, the sub-committee must give its reasons.

4. The Act requires mandatory conditions to be imposed where supplying alcohol or exhibiting films are approved as licensed activities. It also requires a mandatory condition to be imposed where door supervisors or other individuals carrying out security activities are conditions on the licence.

(a) Section 19 - Mandatory conditions relating to the supply of alcohol

1. (a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time



when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.

- (b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Source: Section 19 Licensing Act 2003

- 2. (a) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

- (b) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Source: Section 19 & 19A Licensing Act 2003

- (b) **Section 20 - Mandatory condition relating to exhibition of films – Not applicable to this application**

Children may only be admitted to films in accordance with the classification recommendations of the British Board of Film Classification, or as recommended by the licensing authority.

- (c) **Section 21 - Door Supervision – Not applicable to this application**

Where door supervisors are specified by condition, those individuals must be licensed by the SIA.

- 5. The sub-committee will need to consider the hours of operation proposed in relation to the licensable activities in the light of the promotion of the licensing objectives, the effectiveness of the operating schedule proposed by the applicant, the representations received, the location of the premises in relation to residential and other commercial properties including other licensed premises, the history of the management of the premises and how it is proposed to be run in the future, the evidence produced of any problems in the past, and the likely impact of any extension of hours and activities. These issues, and any other relevant ones, may be explored at the hearing.

6. Human Rights Act 1998

- 6.1 The sub-committee must also have regard to the provisions of the Human Rights Act 1998 when determining this application. The 1998 Act made the European Convention of Human Rights directly enforceable in British courts. The relevant provisions are Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 11 (freedom of association) and Article 1 of the First Protocol (right to peaceful enjoyment of one's possessions). These provisions are explained below. Essentially, they require the sub-committee to identify correctly the competing interests, give each appropriate weight in the circumstances of the case, and balance them against each other in order to arrive at a fair and reasonable decision.

- 6.2 Under Article 6, "everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law". The procedures established by this Council for hearings under the Licensing Act 2003 are compliant with Article 6.



- 6.3 Under Article 8, "everyone has the right to respect for his private and family life, his home and his correspondence". This right may not be interfered with except in accordance with the law and as may be "necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others". In Licensing Act cases this means that the sub-committee must have regard to the effect of its decisions on local residents, and balance their interests against those of the public at large (e.g. the customers of the premises under consideration) and the people operating the business from the premises.
- 6.4 Under Article 11, "everyone has the right to freedom of peaceful assembly and to freedom of association with others" except where it is lawful to restrict that freedom in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others". In Licensing Act cases this means, for example, that the sub-committee is entitled to impose conditions to ensure that patrons of licensed premises do not unreasonably disturb others living or working nearby. Again, the sub-committee should balance the competing interests.
- 6.5 Article 1 of the First Protocol (that is, the first amendment to the Convention) says that every natural or legal person (meaning a human being or a company) is entitled to peaceful enjoyment of his possessions, except where the law provides for restrictions on that right in the public interest. This means, for example, that it is compliant with the Convention to impose restrictions, such as those provided in the Licensing Act 2003, upon business premises where it is in the public interest to do so. On the other hand the same applies to the owners and occupiers of neighbouring premises.

7. Appeals

If the sub-committee imposes conditions on the licence with which the applicant disagrees, or modifies the licensable activities permitted or refuses to specify a person as a designated premises supervisor, he or she may appeal within 21 days of notification of the decision to the Magistrates' Court. The applicant may also appeal if an application for a premises licence is rejected. Those making relevant representations may appeal if they believe that the licence should not have been granted, or that, when granting the licence, the licensing authority ought to have imposed different or additional conditions or excluded a licensable activity or refused to specify a person as designated premises supervisor. The magistrates' court may dismiss the appeal, or substitute its own decision, or send back the case to the licensing authority with directions as to how the case is to be dealt with. The magistrates' court may make any costs order it thinks fit.

8. Review Provisions

If extended hours/licensable activities are granted, the Licensing Act contains review provisions which enable those living or running businesses in the vicinity of the premises, bodies representing them or any of the responsible authorities to apply to this licensing authority for a review of the licence. A hearing follows which enables the sub-committee to use the normal powers at a hearing (set out above) but also to suspend the licence for a period of up to three months or to revoke it.

9. Police Closure



A senior police officer may close any premises for 24 hours (this can be extended) where s/he reasonably believes there is or is likely imminently to be disorder on, or in or in the vicinity of the premises and their closure is necessary in the interests of public safety. Closure can also be affected if public nuisance is being caused by noise coming from the premises and closure of the premises is necessary to prevent that nuisance

Financial Implications

No apparent financial implications

Appendices

- Appendix A – Requested times and activities in table form
- Appendix B – Copy of licensing application
- Appendix C – Details of representations received
- Appendix D – Details of responses to the Notice of Hearing
- Appendix E – Applicants proposed operating schedule
- Appendix F – Conditions 'agreed with the police'
- Appendix G – Proposed conditions
- Appendix H – Location Plan

Background Papers

- Licensing Application dated 9 September 2011
- The District Council's Statement of Licensing Policy
- Amended S. 182 Guidance of the Licensing Act 2003

Neil McDonald ext 2079
Licensing Officer

Licensing & Enforcement Sub Committee
8 November 2011



Tesco - Seaton

Proposed Timings

	m) Sale of alcohol for consumption off the premises	Hours premises are open to the public
Monday	6:00am - midnight	6:00am - midnight
Tuesday	6:00am - midnight	6:00am - midnight
Wednesday	6:00am - midnight	6:00am - midnight
Thursday	6:00am - midnight	6:00am - midnight
Friday	6:00am - midnight	6:00am - midnight
Saturday	6:00am - midnight	6:00am - midnight
Sunday	6:00am - midnight	6:00am - midnight

Application for a premises licence to be granted
under the Licensing Act 2003

RECEIVED
13 SEP 2011

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We	Tesco Stores Ltd
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(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Tesco Stores Ltd Harbour Road Seaton			
Post town	East Devon	Post code	EX12 2PB

Telephone number at premises (if any)	-
Non-domestic rateable value of premises	Not Yet Assessed, but enclosing cheque for £635 to cover fee

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

a)	an individual or individuals *		please complete section (A)
b)	a person other than an individual *		
	i. as a limited company	X	please complete section (B)
	ii. as a partnership		please complete section (B)
	iii. as an unincorporated association or		please complete section (B)
	iv. other (for example a statutory corporation)		please complete section (B)
c)	a recognised club		please complete section (B)

d)	a charity		please complete section (B)
e)	the proprietor of an educational establishment		please complete section (B)
f)	a health service body		please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital		please complete section (B)
h)	the chief officer of police of a police force in England and Wales		please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:		
		Please tick yes
• I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or		X
• I am making the application pursuant to a		
• statutory function or		
• a function discharged by virtue of Her Majesty's prerogative		

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				Please tick yes	
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				Please tick yes	
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Tesco Stores Ltd
Address Tesco House Delamare Road Cheshunt Waltham Cross Herts EN8 9SL
Registered number (where applicable) Company Number: 00519500
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) 01707 298345
E-mail address (optional) licensing.team@uk.tesco.com PLEASE NOTE THIS EMAIL ADDRESS HAS RECENTLY CHANGED.

Part 3 Operating Schedule

When do you want the premises licence to start?	Day as soon as possible Month Year
If you wish the licence to be valid only for a limited period, when do you want it to end?	Day Month Year

Please give a general description of the premises (please read guidance note1)

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

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.	N/A
--	-----

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

<u>Provision of regulated entertainment</u>		Please tick yes
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	
<u>Provision of entertainment facilities:</u>		
i)	making music (if ticking yes, fill in box I)	

j)	dancing (if ticking yes, fill in box J)	
k)	entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)	
Provision of late night refreshment (if ticking yes, fill in box L)		
Supply of alcohol (if ticking yes, fill in box M)		X

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)			
Wed						
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
			State any seasonal variations for the performance of live music (please read guidance note 4)	
Wed				
Thur				
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Fri				
Sat				
Sun				

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>Indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)			
Wed						
Thur			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)			
Fri						
Sat						
Sun						

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	
Mon				Outdoors	
				Both	
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thurs			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing			
			Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 2)			Indoors
			Outdoors			
			Both			
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)			
Wed						
Thurs			Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 5)			
Fri						
Sat						
Sun						

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors				
				Outdoors				
				Both				
Please give a description of the facilities for dancing you will be providing								
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed								
Thurs								
Fri								
Sat								
Sun								
						State any seasonal variations for providing dancing facilities (please read guidance note 4)		
						Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thurs			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thurs					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises				
				Off the premises	X			
				Both				
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	0600	2400						
Tue	0600	2400				N/A		
Wed	0600	2400						
Thur	0600	2400				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	0600	2400				N/A		
Sat	0600	2400						
Sun	0600	2400						

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Greg Bartley	
Address 39 Offley Road Hitchin Herts	
Postcode	SG5 2BB
Personal Licence number (if known) Harlow/pers/0094	
Issuing licensing authority (if known) Harlow District Council	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

N/A

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) N/A
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) N/A
Mon	0600	2400	
Tue	0600	2400	
Wed	0600	2400	
Thur	0600	2400	
Fri	0600	2400	
Sat	0600	2400	
Sun	0600	2400	

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

We are a national retailer that sells alcohol as part of a broad offering of goods and services. We have held off-licences in our stores for many years and are an approved British Institute of Inn-keeping examination centre. We have written training policies and formal training programmes are in place, which ensure our people are equipped to meet all licensing objectives. All training and revision/refresher materials are reviewed regularly. All stores have a 'Think 25' policy. Awareness is created to customers through point of sale material within the store. We take legal compliance very seriously and in addition to local training we employ a central alcohol licensing compliance manager and have a compliance committee.

b) The prevention of crime and disorder

The premises will have digital CCTV system that covers many areas of the shop floor, including the proposed area which will be used for the main display of beer, wine and spirits should we be successful with our application.

Images, where retained, will be kept for a minimum of 21 days and made available on enforcement request.

Ordinarily, a member of the Management team will be on the premises all the time the store is open. A person will have responsibility for the premises whilst the premises are open.

c) Public safety

A person will have responsibility for the premises whilst the premises are open. Management will be trained to support the running of the premises including looking after our customers and staff. The store will adhere to all rules and regulations relating to public safety.

d) The prevention of public nuisance

We intend to be an active member of the community.

We welcome the opportunity to liaise with Police and enforcement authorities should the need arise.

e) The protection of children from harm

All staff will be trained and regularly refreshed in the corporate 'Think 25' Policy. Staff will be trained to look at the customer and 'Think 25' when selling alcohol.

A till prompt will appear on the initial sale of alcohol that will remind the seller of their responsibilities including not to sell alcohol to anyone under the age of 18.


The store will display signage around the premises informing both staff and customers of our 'Think 25' policy on alcohol.

		Please tick yes
<input type="checkbox"/>	I have made or enclosed payment of the fee	X
<input type="checkbox"/>	I have enclosed the plan of the premises	X
<input type="checkbox"/>	I have sent copies of this application and the plan to responsible authorities and others where applicable	X
<input type="checkbox"/>	I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable	X
<input type="checkbox"/>	I understand that I must now advertise my application	X
<input type="checkbox"/>	I understand that if I do not comply with the above requirements my application will be rejected	X

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	9/9/11
Capacity	Greg Bartley - Licensing Manager

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (Please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Greg Bartley Licensing Team, Tesco Stores Ltd, Cirrus Building C, Shire Park			
Post town	Welwyn Garden City	Post code	AL7 1ZR
Telephone number (if any)	01707 298348		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) licensing.team@uk.tesco.com			

REPRESENTATIONS LIST

APPENDIX C

Application No: 029896 **Application Date:** 13 September 2011
Licence Type: Premises Licence WITH Alcohol **Licence No:** N/A
Application Type: New Application

Premises: Tesco Seaton
Harbour Road, Seaton, Devon, EX12 2PB.

Applicant: Tesco Stores Ltd
Tesco House, Delamare Road, Cheshunt, Waltham Cross, Herts, EN8 9SL.

Person making Representation: W H & J Ballard
22 Riverdale Orchard, SEATON, Devon, EX12 2RG.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: We would like to object to the proposed late hour that the new Tesco in Seaton have applied to sell alcohol, namely until midnight (2400 hrs).

This will only encourage more unruly behaviour and more annoyance to local residents, and cause extra work for our already over-stretched Police Force. It would also be detrimental to public health due to alcohol related illnesses including underage drinking and even more strain on the National Health Service

Extra rubbish will be created with broken bottles and beer cans littering our streets and we suggest that councillors should take an early Sunday morning walk to see the already existing problems for themselves.

Perhaps we could also be enlightened as to the actual benefits of allowing these licensing hours to happen.

Evidence:

Suggestion:

Application No: 029896
Premises: Tesco Seaton
Harbour Road, Seaton, Devon, EX12 2PB.

Person making Representation: Brian Coates
3 Riverdale, SEATON, Devon, EX12 2SQ.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: May I please raise my objections to the Application by Tesco Stores to be allowed to sell Alcohol from 0600 to 2400 for the following reasons.

1. If they are allowed to sell alcohol late in the evenings it can only lead to further disorder amongst the young people who congregate in the town in the late evenings, this at a time when the police have been working very hard to reduce the use of alcohol by the youngsters of the town the store is very close to the skate park where the youngsters congregate.
2. To make alcohol readily available at this time of night can only lead to crime and disorder, with a reduced police presence in the town there will be no one available to deal with the outcome of off licence alcohol available that late in the evening.
3. This raises the outcome of public safety, with no body available to supervise the town, I can foresee a great many of our local children being put at risk, due to Tesco not having sufficient staff available both early in the morning and late at night to ensure that the area where the alcohol is on display is secure and properly supervised. It will become a magnet for the older children to steal alcohol and either give it or sell it to the youngsters, despite what Tesco say in their application about having trained staff on duty at all time.

I realise that it may not be a point on which can officially object but who in their right mind would want to purchase alcohol at 0600 in the morning, or between 2200 and 2400 why can they not just stick to normal off licence hours, ie 0900 to 2200

Evidence:

Suggestion:

Person making Representation: Barbara A Dearden-Potter
12 Jubilee Lodge, The Underfleet, Seaton, Devon, EX12 2WF.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: I understand Tesco have applied for a License to sell alcohol from 6am to 12 midnight seven days a week. I also understood the new store at Seaton was not to be open for 24 hours but would keep to 8am to 10pm Monday to Saturday and 10am to 4pm on Sundays. The excessive hours of the License application do not make sense and I wish to oppose them. They will obviously need a license to sell alcohol like any other supermarket, but not for longer than their trading hours.

There are many older people living in this building, right opposite the store. We already have alcohol-related noise in this area, keeping people awake, and a license to midnight would only exacerbate the problem.

Please do not grant the license as applied for but restrict it to the hours I have stated.

Evidence:

Suggestion:

Application No: 029896

Premises: Tesco Seaton
Harbour Road, Seaton, Devon, EX12 2PB.

Person making Representation: Brian Collins
44 Colyford Road, SEATON, Devon, EX12 2SN.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: I wish to object to the Tesco liquor application in Seaton. The hours they want are far too long for Public Safety, Road Safety and Public Disorder. No respect for the Lord's day on Sundays. We have enough trouble with the Grove Nightclub in Seaton without Tesco adding to it and what about the store opening hours? Surely these should be as the Co-Op which are perfectly adequate. We do not want an open all hours store. Lets have the same as Sainsbury in Ottery.

Evidence:

Suggestion:

Person making Representation: J & K Pople
Apartment 2, Kings Court, Harbour Road, SEATON, Devon, EX12 2LU.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: We are concerned about the above for the following reasons:

It will encourage the consumption of alcohol throughout the day leading to
(i) health issues
(ii) unsociable behaviour
(iii) public nuisance
(iv) criminal damage to property

This will lead to increased policing of Harbour Road and probable seafront areas
(i) since new bus shelters in Harbour Road are ideal spots for alcohol consumption
(ii) this could encourage under-age drinking both here and at the seafront
(iii) discarded cans, bottles etc could be used for further crime

We wonder what is happening from 1.00 - 6.00 hrs. Even if the shop is closed during these hours there will be
(i) stacking of shelves
(ii) deliveries
(iii) cleaning of property
(iv) lighting of area both inside and outside

All will have an impact on noise and lighting which are environmental issues for residents in Harbour Road.

n.b. According to our lease we cannot make undue noise between the hours of 11.00pm - 7.00 am as most of us at Kings Court are senior citizens.

We also feel vulnerable because our cars are parked behind the fence along the perimeter of the walkway and discarded litter of cans and bottles could damage these.

Evidence:

Suggestion:

Application No: 029896
Premises: Tesco Seaton
Harbour Road, Seaton, Devon, EX12 2PB.

Person making Representation: Joyce West
Amberley, Westwood Way, SEATON, Devon, EX12 2DH.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: I strongly object to Tesco having a licence to sell alcohol until midnight. Tesco keep emphasising they are here to help our town. This would do just the opposite.
We have very little crime at the moment. Most of those actual crimes are drink related.

There would be only one benefit in having this late licence and that would be, to Tesco's takings for the day

Evidence:

Suggestion:

Person making Representation: Tina Trapiani
38 Jubilee Lodge, The Underfleet, SEATON, Devon, EX12 2WF.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: This email is being sent to object to the Tesco (Seaton) alcohol licence application. The reasons for the objection are set out below and are centred on the late finish time (ie midnight).

The store is (and will be) very close to the Underfleet Car Park where anti social driving has been an ongoing problem for residents and the Police.
The Police have worked very hard to reduce this problem with some success and it would be ridiculous to allow any other factor to reverse this.
The nights and times when the problems are at their worst are when there are functions that finish late (eg. the nightclub).
Having an alcohol licence until midnight at the Tesco store risks regularly extending the time when drinking takes place in the Town.

Of the 4 criteria that have to be considered when an objection is made, at least 3 apply in this case.

1. Crime and Disorder

Being able to obtain alcohol so easily at this time of night can only lead to an extension of the problem which already exists in the area. In fact it could make behaviour which is already "disorder" but is presently just thoughtless and stupid into something that would actually be "crime" (eg taking drinking to over the limit for driving and increasing the likelihood of other alcohol related criminal behaviour).

2. Public Nuisance

The noise in the Underfleet Car Park caused by anti social driving (and in the rest of the town when the drivers decide to go on a circuit of the Town) is already a public nuisance. As above at 1., alcohol that is easily and cheaply available until this late hour can only make this worse.

3. Public Safety

Given 1. and 2. above, this really speaks for itself. People in the Town are at risk when drivers and others who have had too much to drink behave badly. The late licence would mean drink being consumed for longer and alcohol related behaviour (including drink driving) increases risk to others.

4. Protection of children from harm

Although this has not been included in the above at 1. - 3. above, it is a fact that the Police do take alcohol from under-age drinkers. While at times these "children" can actually be the cause of some of the issues in 1. -3., it also needs to be considered that drinking to excess is harmful to them and that, therefore, alcohol should not be available to them at this late hour.

Evidence:

Suggestion:

Application No: 029896

Premises: Tesco Seaton
Harbour Road, Seaton, Devon, EX12 2PB.

Person making Representation: Devon & Cornwall Constabulary
Police Station, 1 North Street, Exmouth, Devon, EX8 1JZ.

Representation Accepted: Representation has been withdrawn

Reason: Agreed Position

Details: Please accept this as notice that the Police wish to object to this application.

Evidence:

Suggestion:

Person making Representation: Maureen Wilkinson
Foxford, 51 Fore Street, SEATON, Devon, EX12 2AN.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: I have just learned that Tesco, soon to open its supermarket in Seaton, has applied for a licence to sell liquor until midnight in its store. I wish to express my disapproval and objection to this, as I think it will encourage more booze-bingeing and lead to disturbance and violence in the town.

Evidence:

Suggestion:

Person making Representation: Dulcie Humphrey
2 Jubilee Lodge, The Underfleet, SEATON, Devon, EX12 2WF.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: I am writing to say I am totally against licence being given to Tesco, Seaton to sell alcohol up to twelve o'clock midnight.

It will undoubtedly be to the detriment of Seaton by allowing this, giving opportunity to over consumption of alcohol sold at reduced prices, especially at night time.

We all well know the ultimate consequence and cost to everyone arising from this problem.

Please do not grant licence up to this extended time for alcohol sales.

Evidence:

Suggestion:

Application No: 029896
Premises: Tesco Seaton
Harbour Road, Seaton, Devon, EX12 2PB.

Person making Representation: Judith Pearce
27 Jubilee Lodge, The Underfleet, SEATON, Devon, EX12 2WF.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: I understand that Tesco have applied for a licence to sell alcohol between the hours of 6am and 12 midnight seven days a week in their new store due to open on 21st November 2011 (this date being confirmed to me by Tesco).

I wish to object for the following reasons:

1. The store is located in a predominantly residential area and the comings and goings of shoppers and deliveries during these late hours is unacceptable and constitutes a public nuisance. Residents here have already had to endure many months of disruption twenty four hours a day since the development started, when Tesco's contractors were bringing in the infill throughout the night and also the extended working hours outside of the contracted hours to accommodate Tesco's building requirements.

2. There are plenty of outlets in this area currently selling alcohol during normal trading hours and any extra hours will only encourage people to purchase more alcohol late into the night thus causing a nuisance and disturbance and likely to increase crime and disorder, requiring the intervention of the police, and matters will undoubtedly get out of control.

In April this year a pr consultant of Tesco, by the name of Emma Webster from Green Issues, based in Reading, invited herself to visit the residents' lounge of Jubilee Lodge, The Underfleet Seaton (where I live) to explain Tesco's proposals, and in doing so confirmed that the store's opening hours were to be 8am to 10pm Mon - Sat and 10am to 4pm Sundays. At the time of writing, I am awaiting a call back from Tesco in answer to my question to them regarding these opening hours since the licence application indicates that they would wish to open much longer hours to coincide with the application, possibly 24 hours a day?

I trust that the above objections will be given due consideration. Thank you.

Evidence:

Suggestion:

Person making Representation: Geoff Bennett
Apartment 9, Kings Court, Harbour Road, SEATON, Devon, EX12 2LU.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: On behalf of myself and my wife I object to the proposal to grant Tesco Seaton a licence to sell alcohol from 0600 - midnight from Mon - Sunday.

My reasons are as follows. To put you in the picture we live in Harbour Rd & we overlook Tesco and we have an adjoining fence separating ourselves from them so we are in close proximity.

1.Noise from the public buying alcohol, esp late at night

2.Disturbance to our privacy, esp. if gangs of youths decide to buy alcohol and congregate around the piazza area, making a noise and throwing or smashing glass bottles

3.Safety of the public if drunks hang around the Tesco site and then cause trouble in and around the site, urinating wherever they like, shouting and singing etc.

Please convey this message to the licensing committee and get them to make the sensible choice and refuse the licence.

Evidence:

Suggestion:

Application No: 029896

Premises: Tesco Seaton
Harbour Road, Seaton, Devon, EX12 2PB.

Person making Representation: James Hiney
Apartment 5, Kings Court, Harbour Road, SEATON, Devon, EX12 2LU.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: I understand that Tesco have applied for a Licence to sell alcohol for their new store on their site described as "North of Harbour Road, Seaton" and that they seek permission to remain open for this purpose until midnight.

Our home is immediately to the south of the Tesco Store and very close to it. When we came to Seaton, we knew a Supermarket would be built.

I would have no objection to Tesco's being granted a licence until 22.00 hours, but object to the later limit on the grounds stated below:

1. Late selling of alcohol contributes to late public drinking, which in turn contributes to rowdy behaviour, noise and mess, e.g. bottles and cans being kicked around and thrown over fences, etc., fighting and even vomiting.
2. It must be known that this is not "conjecture". This sort of trouble occurs quite frequently in the Co-op Carpark, when the Grove Nightclub patrons leave.
3. We have the right to enjoy a peaceful night and to open our bedroom windows, but neither seems likely if drinking to such a late hour is permitted.
4. Public Safety. Most people will leave Tesco by car ... but can anyone guarantee that they will not have started drinking before they start their cars?

Evidence:

Suggestion:

Person making Representation: Stephanie Jones
FLAT 50, NORCOMBE COURT, HARBOUR ROAD, SEATON, Devon, EX12 2XN.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: I wish to object to the Premises Open Hours as requested on this application.

I have no objection to the store being granted an application to sell alcohol but feel that the hours requested are over and above what would be required. The store is situated near residential properties and I have concerns that granting a licence to sell alcohol from 6am until midnight could cause a public nuisance to the nearby residents particularly late at night. The Co-Op store near by has store opening hours of 8am till 10pm and I feel that the licence granted to Tesco could reflect those hours. The car park around the Co-Op does attract youngsters to gather in groups and I fear that a similar situation is likely to occur when the Tesco store opens and the longer licensing hours will only exasperate this situation.

I have spoken to the Eastern Planning Team who state that the opening hours of the store have still to be decided and talks are currently taking place regarding this issue and I will send my comments to them regarding the proposed store opening hours, particularly early morning and late evening.

I hope that my comments will be taken into consideration when a decision is being made with regards to the granting of the Licence to sell alcohol.

Evidence:

Suggestion:

Application No: 029896
Premises: Tesco Seaton
Harbour Road, Seaton, Devon, EX12 2PB.

Person making Representation: Nancy & Robert Benfield
26 Jubilee Lodge, The Underfleet, SEATON, Devon, EX12 2WF.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: We strongly oppose this application and it must be refused.

Evidence:

Suggestion:

Tesco, Seaton – Responses to Notice of Hearing

Applicant

Tesco Stores Ltd, Tesco House, Delamare Road, Cheshunt, Waltham Cross, EN8 9SL	
Hearing Unnecessary	No
Attending	Jeremy Bark - Solicitor Greg Bartley - Licensing Manager Ian Dyer - Store Manager & DPS
Represented by	Jeremy Bark - Solicitor
Supporting documents	No
Summary of key points	No

Responsible Authorities & Interested Parties

1. Mr R J Benfield, 26 Jubilee Lodge, The Underfleet, Seaton, EX12 2WF	
Hearing Unnecessary	No
Attending	No
Summary of key points	Yes
Prevention of Crime and Disorder	It is clear that if allowed it will enable anyone wishing it to obtain alcohol after the nightclub closes and even to 6am.
Public Safety	We all know the result of drinking too much and this if approved will cause more alcohol problems to the Town and Police.
Prevention of Public Nuisance	As above
Protection of Children from Harm	I do understand as a supermarket they will sell alcohol but not at 6am but preferably not at all.
2. Mr B J Collins, 44 Colyford Road, Seaton, EX12 2SN	
Hearing Unnecessary	No
Attending	No
Summary of key points	Yes
Prevention of Crime and Disorder	To open until midnight everyday is asking for more trouble which we already have with the Grove Nightclub in Seaton, that has never been cured.
Public Safety	There are now several unlit roads that carry a lot of traffic through Seaton where there are no footpaths. Narrow Colyford Road is one of them – this is a great danger to pedestrians.
Prevention of Public Nuisance	More people drinking at night along the streets of Seaton. Already there is too much litter, noise, beer cans left on the Seaton roads such as Seaton Down Hill, Harepath Valley View and Colyford Roads.
Protection of Children from Harm	The way people drink and drive, alcohol is far too freely available these days. The price that Tesco sell liquor for only encourages people to buy liquor for their children and family.
3. Miss J M Pearce, 27 Jubilee Lodge, The Underfleet, Seaton, EX12 2WF	
Hearing Unnecessary	No
Attending	No
Summary of key points	No
4. Mr G Bennett, 9 Kings Court, Harbour Road, Seaton, EX12 2LU	
Hearing Unnecessary	No
Attending	No

APPENDIX D

Summary of key points	No
5. Mrs B A Dearden-Potter, 12 Jubilee Lodge, The Underfleet, Seaton, EX12 2WF	
Hearing Unnecessary	No
Attending	No
Summary of key points	Yes
Prevention of Crime and Disorder	Please see original communication
Prevention of Public Nuisance	Please see original communication
6. Mr J Hiney, 5 Kings Court, Harbour Road, Seaton, EX12 2LU	
Hearing Unnecessary	Yes
Attending	No
Summary of key points	Yes
Prevention of Crime and Disorder	Late night drinkers often start as soon as they've bought. Our home is within bottle-throwing distance.
Public Safety	Drinkers who have come by cars leave by cars – safety?
Prevention of Public Nuisance	There is a large public area south of Tesco/north of our home, which will be ideal for drinking to all hours
Protection of Children from Harm	See all three above
Other comments	I have no objection to a licence to 10pm – but midnight is too much. Impact on property/Tesco store is less than 100ft from my home.
7. Ms Tina Trapani, 38 Jubilee Lodge, The Underfleet, Seaton, EX12 2WF	
Hearing Unnecessary	No
Attending	No
Summary of key points	
Prevention of Crime and Disorder	Please see my original objection.
Public Safety	Please see my original objection.
Prevention of Public Nuisance	Please see my original objection.
Protection of Children from Harm	Please see my original objection.
8. Mrs D Humphrey, 3 Jubilee Lodge, The Underfleet, Seaton, EX12 2WF	
Hearing Unnecessary	No
Attending	No
Summary of key points	No

APPENDIX E

1. We are a national retailer that sells alcohol as part of a broad offering of goods and services. We have held off-licences in our stores for many years and are an approved British Institute of Inn-keeping examination centre.
2. We have written training policies and formal training programmes are in place, which ensure our people are equipped to meet all licensing objectives.
3. All training and revision/refresher materials are reviewed regularly.
4. All stores have a Think 25' policy. Awareness is created to customers through point of sale material within the store.
5. We take legal compliance very seriously and in addition to local training we employ a central alcohol licensing compliance manager and have a compliance committee.
6. Ordinarily, a member of the Management team will be on the premises all the time the store is open.
7. A person will have responsibility for the premises whilst the premises are open.
8. Management will be trained to support the running of the premises including looking after our customers and staff. The store will adhere to all rules and regulations relating to public safety.
9. We intend to be an active member of the community.
10. We welcome the opportunity to liaise with Police and enforcement authorities should the need arise.
11. All staff will be trained and regularly refreshed in the corporate Think 25' Policy. Staff will be trained to look at the customer and Think 25' when selling alcohol.
12. A till prompt will appear on the initial sale of alcohol that will remind the seller of their responsibilities including not to sell alcohol to anyone under the age of 18.
13. The store will display signage around the premises informing both staff and customers of our Think 25' policy on alcohol.

APPENDIX E

14. The premises will have digital CCTV system that covers many areas of the shop floor; including the proposed area which will be used for the main display of beer, wine and spirits should we be successful with our application.
15. Images, where retained, will be kept for a minimum of 21 days and made available on enforcement request.

APPENDIX F

1. CCTV must be installed, operated and maintained at the premises to a standard that provides images of evidential quality. The CCTV system will be installed so as to provide camera cover at the entrance/ exit of the premises, along the checkouts and the main alcohol display area. All cameras located on entrances must be able to produce images of evidential standard as defined by the Home Office Guidance. Entrance Cameras must be capable of providing good quality head and shoulder images of persons entering/ leaving the premises. They should be high resolution colour cameras complete with an auto iris vari-focal lens. Cameras in the main areas of the premises must be able to cope with the extreme lighting conditions that may be present. The cameras, recording equipment and all ancillaries should be maintained according to the manufacturers instructions to ensure that the standard of the image is not compromised.
2. CCTV images will be retained for a minimum of 14 days and will be produced as soon as is reasonably practicable and in any event within 48 hours of a request by the Police or a Licensing Officer of East Devon District Council. Recording media must be set to a minimum of 25 frames per second. The CCTV recordings must be stored on a digital multiplex recorder with either an on board CD/DVD re-writer and/ or a USB port for evidence recovery. The system must be capable of producing single images and forward, reverse, pause and slow motion at full screen resolution. All equipment must have constant time/ date generation.
3. The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Premises will take immediate steps to rectify the fault.
4. Warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.
5. The CCTV recording system must be housed in a secure room/ cabinet where access is restricted and the operation is strictly limited to authorised persons.

Items for consideration

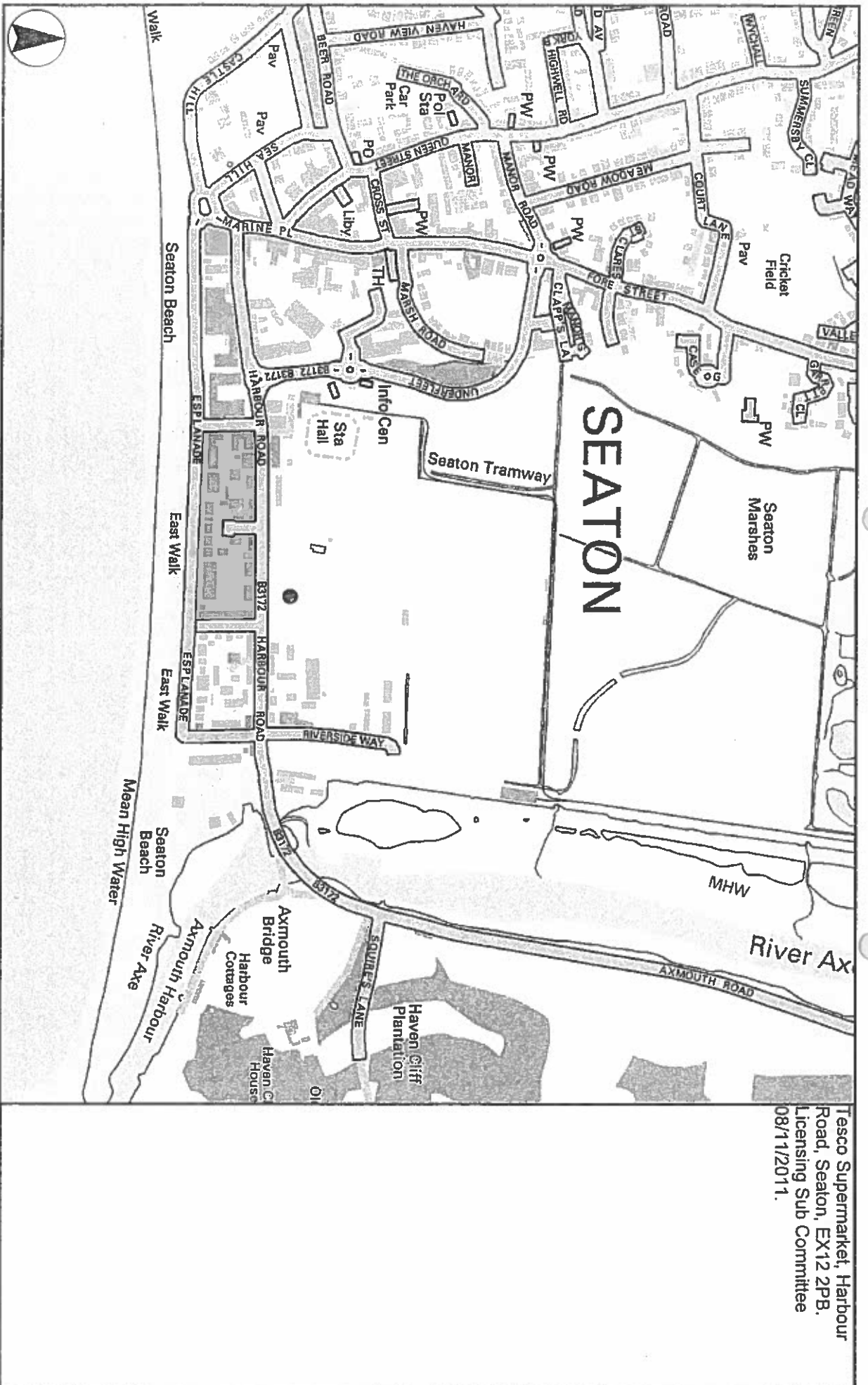
Replace conditions 1 - 13 of Appendix E with

1. The Licence Holder must ensure that written training policies and formal training programmes are in place, to ensure that staff are equipped to meet all licensing objectives.
2. All training and revision/refresher materials must be reviewed regularly.
3. The premises must operate a 'Think 25' policy to ensure that people under 18 years old are not sold/supplied with alcohol.
4. The 'Think 25' policy must be brought to customer's attention through point of sale material which must be prominently displayed at the checkout and wherever alcohol is displayed for sale.
5. In addition to local training the Licence Holder must employ a central alcohol licensing compliance manager and must operate a compliance committee.
6. The Licence Holder must ensure that a member of the management team or a person authorised by them have responsibility for and are on the premises during the hours that the premises are open to the public.
7. The Licence Holder must ensure that Management are trained to support the running of the premises including looking after both customers and staff.
8. The Licence Holder must ensure that the store adheres to all rules and regulations relating to public safety.
9. The Licence Holder must liaise with the Police and enforcement authorities should the need arise.
10. The Licence Holder must ensure that all staff are trained and regularly refreshed in the corporate 'Think 25' Policy.

11. A till prompt must appear on the initial point of sale of alcohol that will remind the seller of their responsibilities including not to sell alcohol to anyone under the age of 18 years.

Replace conditions 14 and 15 of Appendix E with

CCTV conditions agreed with the police at Appendix F



Tesco Supermarket, Harbour Road, Seaton, EX12 2PB.
Licensing Sub Committee
08/11/2011.

Annexe H

Map Tile: SY2490SE Full Reference: SY2490 9016

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