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Our Ref: DS
Your Ref:

13th April 2018

Dear Councillor,

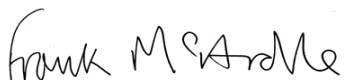
Licensing and Appeals Sub-Committee

Please find enclosed the agenda and supporting information for the Licensing and Appeals Sub-Committee meeting.

The **Licensing and Appeals Sub-Committee** will meet on **Monday, 23 April 2018**, in the **Council Chamber** at the Civic Offices, Civic Way, Swadlincote. The meeting will commence at **10:00**.

If you require any further information, please contact Democratic Services on the number shown above.

Yours faithfully,



F.B. McArdle
Chief Executive

To:- **Conservative Group**
Councillors Muller (Chairman) and Wheeler

Labour Group
Councillor Dunn

AGENDA

Open to Public and Press

- 1** Apologies.
- 2** To note any declarations of interest arising from any items on the Agenda
- 3** DETERMINATION OF AN APPLICATION FOR THE VARIATION OF A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 **3 - 25**

Exclusion of the Public and Press:

- 4** The Chairman may therefore move:-
That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.
- 5** REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 3

Hearing Date: 23rd April 2018

Contact Officer: Faye Tucker – 01283 595724

DETERMINATION OF AN APPLICATION FOR THE VARIATION OF A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003

Applicants Name	Tesco Stores Ltd
Premises Name	Tesco Express
Address	Common Road Church Gresley Swadlincote Derbyshire DE11 9NW

1. PURPOSE

- 1.1 To determine an application to vary a premises licence received by this Authority on the 23rd March 2018 from Tesco Stores Ltd. The application is attached at **(Appendix 1)**.

2. BACKGROUND

- 2.1 The applicant is seeking a full variation to a premises licence to change the hours for the sale by retail of alcohol and the current opening hours of the premises to the times stated in paragraph 3.

The applicant is also seeking to remove the Good Friday and Christmas Day trading restrictions (Licensing Act 1964) as noted in the licensable hours and embedded conditions.

3. APPLICATION DETAILS

- 3.1 The applicant requests the Licensing Authority to permit the following:

Activity	Days	Times
Sale by retail of alcohol for consumption off the premises	Monday - Sunday	06:00hrs – 23:00hrs
Opening hours of the premises	Monday - Sunday	06:00hrs – 23:00hrs

- 3.2 The steps the applicant intends to take to promote all four licensing objectives can be seen at section M of the application form.

4. CONSULTATION RESPONSES

4.1 No representations were received from any of the Responsible Authorities.

4.2 Other Interested Parties

Mrs N. J. Lilley

Representation received during the 28 day consultation period. Full details can be found at (**Appendix 2**).

5. AGREEMENT BETWEEN PARTIES

5.1 Mrs N. J. Lilley has since decided to withdraw her representation as shown at (**Appendix 3**).

5.2 All parties have agreed to dispense with the need to hold a hearing.

6. DETERMINATION

6.1 The power to grant licences in these circumstances remains with the Licensing and Appeals Sub-Committee.

6.2 As all parties have agreed to dispense with a hearing, there is no requirement to hear evidence, and Members are asked to grant the licence subject to such conditions contained in the operating schedule, together with proposed conditions from Environmental Health and any mandatory conditions required under the Licensing Act 2003.

7. RIGHT OF APPEAL

7.1 The applicant or persons making representations have a right of appeal against the decision of the Licensing Authority.

8. APPENDICES

1. Application for a premises licence to be varied under the Licensing Act 2003
2. Representation from Mrs N. J. Lilley
3. Withdrawal of representation from Mrs N. J. Lilley

Application to vary a premises licence under the Licensing Act 2003

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

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	LAPRE/0198
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
CHURCH GRESLEY EXP - (02367) COMMON ROAD DERBYSHIRE			
Post town	CHURCH GRESLEY	Postcode	DE11 9NW
Telephone number at premises (if any)	0345 026 9897		
Non-domestic rateable value of premises	£ 25250		

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address		Licensing Team Tesco Stores Ltd Tesco House 5 Falcon Way Shire Park Herts	
Post town	Welwyn Garden City	Postcode	AL7 1TW

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

This variation seeks to amend the licensable hours as shown in section J and remove the Good Friday and Christmas Day trading restrictions (Licensing Act 1964) as noted in the licensable hours or embedded conditions.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- 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)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)	
Mon	-----	-----		
Tue	-----	-----		
Wed	-----	-----	<u>State any seasonal variations for performing plays</u> (please read guidance note 5)	
Thur	-----	-----		
Fri	-----	-----	<u>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</u> (please read guidance note 6)	
Sat	-----	-----		
Sun	-----	-----		

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	-----				
Tue	-----		<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
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 6)		
Fri	-----				
Sat	-----				
Sun	-----				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	-----	-----			
Tue	-----	-----			
Wed	-----	-----	<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
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 6)		
Sat	-----	-----			
Sun	-----	-----			

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
			State any seasonal variations for the performance of live music (please read guidance note 5)	
			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 6)	
Sun				

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)			
Tue						
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)			
Thur						
Fri			<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 6)			
Sat						
Sun						

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	-----	-----			
Tue	-----	-----	State any seasonal variations for the performance of dance (please read guidance note 5)		
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 6)		
Fri	-----	-----			
Sat	-----	-----			
Sun	-----	-----			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<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 6)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon	-----	-----		
Tue	-----	-----	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)	
Wed	-----	-----		
Thur	-----	-----	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 (please read guidance note 6)	
Fri	-----	-----		
Sat	-----	-----		
Sun	-----	-----		

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	06:00	23:00			
Tue	06:00	23:00			
Wed	06:00	23:00			
Thur	06:00	23:00			
Fri	06:00	23:00			
Sat	06:00	23:00			
Sun	06:00	23:00			
			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 6)		

K

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 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	06:00	23:00	
Tue	06:00	23:00	
Wed	06:00	23:00	
Thur	06:00	23:00	
Fri	06:00	23:00	
Sat	06:00	23:00	
Sun	06:00	23:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

The variation seeks to remove all Good Friday and Christmas Day restrictions on the licence as shown in the licensable hours and/or embedded conditions.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

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

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

b) The prevention of crime and disorder

The premises will have digital CCTV system that covers many areas of the shop floor, including the main area which will be used for display of alcohol,

Images will be retained for a minimum of 21 days

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

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

d) The prevention of public nuisance

In addition, the company has a "good neighbour" policy which seeks to ensure that the premises play an active part in the local community

e) The protection of children from harm

The premises will operate its own Think/Challenge 25 policy. As part of the underlying system all tills will be programmed to prompt the checkout assistant when an alcohol product is scanned at the till to follow the Think/Challenge 25 policy.

Staff will receive appropriate training both in relation to the underlying law but also the Tesco policy and systems and procedures. This training will be documented and repeated as often as Tesco believes to be appropriate.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	21-Feb-2018
Capacity	Steven Andrzejuk - Licensing Manager

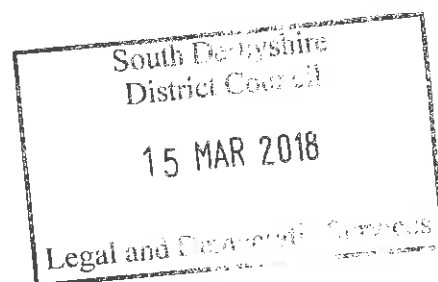
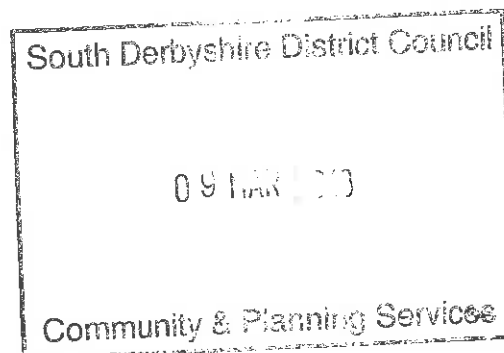
Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

6th March 2018.

~~Planning Department,~~ Licensing Dept.
 South Derbyshire District Council,
 Civic Offices,
 Civic Way,
 Swadlincote,
 Derbyshire,
 DE11 0AH.



Dear Sirs,

Tesco Express, Common Road, Church Gresley

I was surprised to read a notice outside Tesco Express regarding the proposal for the shop to stay open until 11.00 p.m. each evening. As my house is next door to the shop, I would have thought I would have received notification by post of the proposed changes, which will affect me more than other neighbouring properties. Can you please explain why this is not the case.

I am most concerned by the proposal – surely 10.00 pm is quite late enough for the needs of most people?

I am worried that later opening hours will result in extra noise, slamming of car doors, etc., at a time when residents may well have already retired to bed. A considerable number of car owners find it easier to block my driveway (despite double yellow lines) when “popping” to the shop rather than using the car park at the rear of the property.

It also means that the shop will still be open when people leave local pubs for the night, which means they can purchase extra alcohol to drink on the way

home, also with a greater potential for even more cans and bottles to be thrown into my garden.

In view of the above concerns, I would urge you to reject this proposal.

Yours faithfully,

Tucker Faye

From:
Sent: 29 March 2018 14:13
To: Licensing Mailbox
Subject: Tesco Express, Common Road, Church Gresley - for the attention of Faye

With reference to my telephone conversation with Faye, I understand that Tesco are applying for the changes purely to standardise the licensing hours in line with other Tesco Express shops and do not intend to implement new opening hours. On this basis, I am withdrawing my objections for the time being.

Norma Lilley