Public Document Pack

To all Members of the

LICENSING SUB-COMMITTEE

AGENDA

Notice is given that a Meeting of the above Committee is to be held as follows:

VENUE Council Chamber, Civic Office, Waterdale, Doncaster
DATE: Wednesday, 3rd May, 2017
TIME: 9.30 am

Items for Discussion:

Page No.

- 1. Apologies for Absence
- 2. To consider the extent , if any, to which the public and press are to be excluded from the meeting.
- 3. Declarations of interest, if any.
- 4. Minutes of the meeting held on 28th March, 2017. 1 2

A. Reports where the Public and Press may not be excluded.

 Licensing Act 2003 - Application for a Variation of an Existing 3 - 56 Premises Licence, Tesco, Adlard Road, Wheatley Hills, Doncaster, DN2 5NH.

Jo Miller Chief Executive

Issued on: 24th April, 2017

Governance Officer for this meeting:

Andrea Hedges (01302) 736723

Members of the Licensing Sub-Committee

Chair – Councillor Ken Keegan

Councillors Iris Beech, Steve Cox and Charlie Hogarth.

Agenda Item 4

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

TUESDAY, 28TH MARCH, 2017

A MEETING of the LICENSING SUB-COMMITTEE was held at the 008 - CIVIC OFFICE on TUESDAY, 28TH MARCH, 2017, at 9.30 am.

PRESENT:

Chair - Councillor Ken Keegan

Councillors Iris Beech, Steve Cox and Sue McGuinness

1 <u>Declarations of interest, if any.</u>

There were no declarations made at the meeting.

2 <u>Minutes of the meeting held on 27th February, 2017</u>

<u>RESOLVED</u> that the minutes of the Licensing Sub-Committee meeting held on 27 February, 2017, be approved as a correct record and signed by the Chair.

3 <u>Application for a Premises Licence - Bucharest Supermarket, 19-21 Nether Hall Road,</u> <u>Doncaster</u>

The Sub-Committee considered an Application for a new premises licence in respect of 'Bucharest Supermarket', 19-21 Nether Hall Road, Doncaster.

The Sub-Committee Members, the Applicant's Agent, the persons making representations and the responsible authorities had received the agenda prior to the meeting.

The Chair made introductions and outlined the procedure to be followed.

The Agent acting on behalf of the Applicant and the Applicant made representations and answered questions.

The representative from Public Health who had made written representations was in attendance at the meeting and made representations in respect of their objections to the application.

All parties were then asked to leave the room whilst the Sub-Committee deliberated on the application and reached a decision.

<u>RESOLVED</u> that the Licensing Sub-Committee, having considered an application for a Premises Licence for the Bucharest Supermarket, 19-21 Nether Hall Road, Doncaster, and having taken into account the written representations and the evidence presented today, the steps that are appropriate to promote the Licensing Objectives, the Home Office Guidance and our Statement of Licensing Policy, the Sub Committee found that:-

1) the Applicant did rebut the presumption that a licence will normally be refused in a Cumulative Impact Zone as it is a small premises which is not alcohol led;

- 2) The Sub-Committee therefore decided to grant the Application in the terms set out in Appendix B of the Agenda subject to the following conditions:-
 - I. All sales of alcohol to be made by a Personal Licence Holder; and
 - II. Alcohol to be displayed only in the hatched area shown on the plan at Appendix D1 to the report.

CHAIR:_____

DATE:_____

Agenda Item 5



3 May, 2017

To the Chair and Members of the Licensing Sub-Committee

Licensing Act 2003 – Application for a Variation of an Existing Premises Licence.

Tesco, Adlard Road, Wheatley Hills, Doncaster, DN2 5NH

EXECUTIVE SUMMARY

1. To request that members of the Sub-Committee determine the application for a variation to an existing premises licence in respect of Tesco, Adlard Road, Wheatley Hills, Doncaster, DN2 5NH. The procedure for considering the application is set out at Appendix A.

RECOMMENDATIONS

2. It is recommended that the Sub-Committee determine this application having regard to the representations made and the evidence before it.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER

3. The Licensing Act 2003 requires the Licensing Authority to exercise its obligations on licence applications which are the subject of representations.

BACKGROUND

- 4. The premises concerned are currently a convenience store, licensed for the sale of alcohol for consumption off the premises, Monday to Saturday 08.00 23.00 and Sunday 10.00 22.30, with reduced hours on Christmas Day & Good Friday. The application seeks to allow the sale of alcohol to commence 1 hour earlier Monday to Saturday, to increase the permitted hours on a Sunday to match those of the rest of the week and to remove the restrictions for Christmas Day and Good Friday.
- 5. A summary of the application is attached as Appendix B to this report.
- 6. A location plan of the premises is attached at Appendix C.
- 7. A copy of the application is attached at Appendix D.

- 8. Under the Licensing Act 2003, statutory guidance issued under section 182 of the Act and the Licensing Authority's statement of Licensing Policy, any licensing application under the Act in respect of which representations have been made to the Licensing Authority and which have not been withdrawn or resolved by mediation fall to be determined by the Licensing Sub-Committee having regard to the evidence before it.
- 9. Representations regarding the application have been received from two neighbouring residents. Copies of the representations are attached at Appendix E.
- 10. The applicant has indicated that a copy of the application was sent to the Responsible Authorities. Details of the application have been published on the Council website.
- 11. A copy of the existing premises licence is attached at Appendix F.

OPTIONS CONSIDERED

- 12. The Licensing Act 2003 requires the Licensing Authority to exercise its obligations on licence applications, which are the subject of representations and therefore no other option other than to hold a hearing can be considered.
- 13. Where the Licensing Authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
 - To modify the conditions of the licence.
 - To reject the whole or part of the application, and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

14.

Outcomes	Implications
 All people in Doncaster benefit from a thriving and resilient economy. Mayoral Priority: Creating Jobs and Housing Mayoral Priority: Be a strong voice for our veterans Mayoral Priority: Protecting Doncaster's vital services 	It is recognised that Licensed premises are, quite often, businesses and places of employment. The Licensing Committee/Sub- Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 4 licensing objectives, will have regard to this priority when making licensing decisions.
	The licensing objectives are:

	 Prevent crime and disorder Prevent public nuisance Public safety Protection of children from harm
 People live safe, healthy, active and independent lives. Mayoral Priority: Safeguarding our Communities Mayoral Priority: Bringing down the cost of living 	The Licensing Committee/Sub- Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 4 licensing objectives (see above), will have regard to this priority when making licensing decisions.
 People in Doncaster benefit from a high quality built and natural environment. Mayoral Priority: Creating Jobs and Housing Mayoral Priority: Safeguarding our Communities Mayoral Priority: Bringing down the cost of living 	It is recognised that Licensed premises are, quite often, businesses, places of employment and potential assets to the community. The Licensing Committee/Sub- Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 4 licensing objectives, will have regard to this priority when making licensing decisions
 All families thrive. Mayoral Priority: Protecting Doncaster's vital services 	None
Council services are modern and value for money.	None
Working with our partners we will provide strong leadership and governance.	None

RISKS AND ASSUMPTIONS

15. There are no risks or assumptions other than those referred to in the Legal Implications below.

LEGAL IMPLICATIONS

16. Other than to ensure that the Licensing Authority complies with its obligations under the Licensing Act 2003 and associated Regulations there are no further legal implications.

FINANCIAL IMPLICATIONS

17. The costs associated with the application and their determinations are met from fees paid to the Council by applicants for Premises Licences under the Licensing Act 2003 and there are no further financial considerations.

HUMAN RESOURCES IMPLICATIONS

18. Not applicable

TECHNOLOGY IMPLICATIONS

19. Not applicable

EQUALITY IMPLICATIONS

20. Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. There are no specific equality implications arising from this report. However, any activities arising from this report will need to be the subject of separate 'due regard' assessments.

CONSULTATION

21. Copies of the application form have been sent to all relevant Responsible Authorities referred to in Section 53 of the Licensing Act 2003. These are:

South Yorkshire Police

South Yorkshire Fire and Rescue Authority

Doncaster Council – Licensing Authority

Doncaster Council - Planning Services

Doncaster Council - Health & Safety Enforcement

Doncaster Council – Environmental Protection - Enforcement

Doncaster Council - Trading Standards

Doncaster Safeguarding Children Board

Doncaster Council - Public Health

BACKGROUND PAPERS

- 22. Doncaster Council's Statement of Licensing Policy 2016
- 23. Home Office Guidance issued under section182 of the Licensing Act

REPORT AUTHOR & CONTRIBUTORS

David Smith, Licensing Officer Telephone: 01302 862546 Email: <u>david.smith@doncaster.gov.uk</u>

Marie-Clare Churchman, Senior Legal Officer Telephone: 01302 736722 Email: <u>marie-clare.churchman@doncaster.gov.uk</u>

Paul Holgate, Principal Finance Officer Telephone: 01302 737684 Email: paul.holgate@doncaster.gov.uk

Peter Dale Director of Regeneration and Environment

APPENDIX A

PROCEDURE FOR CONSIDERING APPLICATIONS

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING ACT 2003 LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

INFORMATION FOR APPLICANTS AND OTHER PARTIES

1. Meaning of Expressions used in this Document

"the Act"	- Licensing Act 2003
<i>"the Regulations" or any particular reference to a "Regulation"</i>	- The Licensing Act 2003 (Hearings) Regulations 2005
"the Authority"	- Doncaster Metropolitan Borough Council, in its capacity as the relevant licensing authority under the Act, or where the context so admits the Committee
"the Committee"	- the Sub-Committee of the Authority's Licensing Committee constituted under the Act to determine the matter before it
"the Chair"	- the member of the Committee appointed to act as Chairperson of the Committee
"the Applicant"	 the party making the application e.g. the licence/certificate holder or prospective holder, or the party seeking a review
<i>"interested parties"</i>	 those living or working in the vicinity of the premises and who have made representations, or bodies representing them
"responsible authorities"	 the public or other bodies described in the Act as "responsible authorities" and who have made representations

2. Rights of attendance, assistance and representation at hearings

- (a) A party may attend the hearing and may be assisted or represented by any other person. There is no requirement that a party's representative is legally or otherwise professionally qualified.
- (b) The hearing shall take place in public, unless the authority decides to exclude the public from all or part of the hearing because it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public. A party and any person assisting or representing a party, may be treated as a member of the public.
- (c) The Authority may exclude from a public hearing any person attending who acts in a disruptive manner, and refuse to re-admit that person, or impose conditions on his/her re-admission. Any such excluded person may, before the end of the hearing, submit to the Authority in writing any such information that he/she would have been entitled to give orally.
- (d) The Authority may dispense with a hearing if all of the persons required by the Act agree that a hearing is unnecessary, have given notice to the Authority that they consider a hearing to be unnecessary, and the Authority have given notice to all parties that the hearing has been dispensed with.

3. Non-attendance of a party at the hearing

- (a) If a party has informed the Authority that he/she does not intend to attend the hearing, or be represented at the hearing, the hearing may proceed in his/her absence.
- (b) If a party who has not so notified the Authority does not attend either in person or by his/her representative, the Authority shall adjourn the hearing to a specified date if it considers it in the public interest to do so, but it shall otherwise proceed with the hearing in that party's absence.
- (c) Where the hearing proceeds in the absence of a party, the Authority shall consider the application, representations or notice made by that party.
- (d) Where the hearing is adjourned, the Authority shall forthwith, notify the parties of the date, time and place to which the hearing has been adjourned.

4. **Procedure at the Hearing**

The hearing shall take the form of a discussion led by the Authority. The following procedure is intended to give form to such a discussion to ensure that all parties are able to put their case. Each party shall have equal maximum time in which to address the Committee. The Committee may take into account documentary or other information provided by a party before the hearing, or with the consent of all other parties at the hearing. The Committee may change the procedure in individual cases, upon the application of a party, or upon its own motion, if it considers it necessary to properly determine the business before it.

- (a) At the commencement of the hearing, the Chair will make introductions and establish that all parties understand the procedure to be followed. The Committee will then receive and determine any application that a party may wish to make to permit another person to appear at the hearing, and any application that any party wishes to make to vary the following order of addresses.
- (b) The Applicant may then address the Committee and provide any further information that the Authority have requested. At the conclusion of the Applicant's address, members of the Committee may ask the Applicant questions. Following questions by Committee members, any other party that wishes to question the Applicant may request permission to do so. If granted, the party or parties receiving permission may question the Applicant.
- (c) Other parties entitled to address the Committee or given permission to do so under paragraph (a) above, may then do so; and also provide to the Committee that the Authority have requested. Following the address, the members of the Committee may question the party addressing the Committee. Following any Committee questions, any other party wishing to question the party that has addressed the Committee may seek the Committee's permission to do so. If granted, the party or parties receiving permission may question the Applicant.

Order of Addresses under paragraph (c)

Subject to any direction given by the Committee under paragraph (a) above, the order of addresses by other parties, under paragraph (c) above, shall be:-

- [1] Any representative of a "responsible authority" (as defined in the Act)
- [2] Any other party opposing the Applicant
- [3] Any other party not falling within category [1] or [2] above, or category [4] below

[4] Any other party supporting the Application

Permission to question or cross-examine the Applicant or other party

A party may question any other party appearing if given permission by the Authority.

The Committee will determine any application by a party to question another party on its merits.

Cross examination shall not be permitted unless the Authority considers that cross examination is required for it to consider the representations, application or notice, as the case may require.

The Committee shall determine any application by one party to permit cross examination of another on its merits.

Normally, permission will be given to one party to question or cross-examine another, only where:-

- (i) a material fact put forward by one party is disputed by another party and the dispute can be properly determined, only if cross examination is permitted; or
- (ii) the question that one party wishes to put to the other is non contentious and is for the purpose of clarification only.

5. The Committee's Deliberations and Determination

- (a) The Authority considers that normally, it will be in the public interest that the deliberations of the Committee are conducted in private. Deliberations will take place in private unless, an application is made by any party present for these to be conducted in public. If any such application is made, the Committee shall determine such application.
- (b) Subject to paragraph (a) above, the Chair shall formally exclude the public including, the parties and their representatives from the meeting under Regulation 14(2), to enable the Committee to deliberate in private. The Committee shall deliberate only in the company of its legal adviser. The function of the legal adviser shall be to advise the Committee on points of law and procedure only.
- (c) If during its deliberations, the Committee require any further information from any party in order to assist in its deliberations, the Chair shall reconvene the public hearing for the purpose of attempting to secure that further information.
- (d) Following the Committee's deliberations, the public shall be re-admitted to the hearing, whereupon the Chair shall announce the determination of the Authority, where the provisions of the Act or the Regulations

require a determination to be made at the conclusion of the hearing, or otherwise where the Committee is unable to announce its determination.

(e) Following the announcement of any determination of the application, representations or notice before the Committee, the hearing shall conclude.

6. Record of proceedings

A record of the hearing will be taken in a permanent and intelligible form. Any such record will be kept for a period of six years from the date that the application or review is finally determined (including, in either case, any appeal or judicial review). Name of Applicant: Tesco Stores Limited

Name of Premises: Tesco

Address: Tesco, Adlard Road, Wheatley Hills, Doncaster, DN2 5NH

Summary of Application:

For full details please see copy of application at Appendix D.

	Sale of Alcohol (Off only).	Opening Hours.
	Licensed area (see plan)	Whole of Premises
Mon	07:00 - 23:00	07:00 - 23:00
Tues	07:00 - 23:00	07:00 - 23:00
Wed	07:00 - 23:00	07:00 - 23:00
Thur	07:00 - 23:00	07:00 - 23:00
Fri	07:00 - 23:00	07:00 - 23:00
Sat	07:00 - 23:00	07:00 - 23:00
Sun	07:00 - 23:00	07:00 - 23:00

Non Standard Timings:

None

Ordnance Survey Location Plan





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 PREM 062 LN/200401524

Part 1 – Premises Details

	Y HILL	nce survey map refer	ence or descriptior	1
Post town	Post town DONCASTER Postcode DN2 5NH			
Telephone nur	mber at premises (if any)			
Non-domestic	rateable value of premises	£ 23500		The second s



Part 2 – Applicant details

Daytime cor telephone m				
E-mail addre	ess (optional)			
Current postal 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 Ci		ty	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 introduc levy? (Please see guidance note 1) Yes No	tion of the late ni	lght
Please describe briefly the nature of the proposed variation (Please see This variation seeks to amend the licensable hours as shown in section J ar Christmas Day trading restrictions (Licensing Act 1964) as noted in the lice	nd remove the Go	od Friday and
conditions.		JHOULIU

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.

Pro	vision 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)	\boxtimes
In all cases complete boxes K, L and M	



A

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



Standa	Films Standard days and timings (please read guidance note 7)		Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance	note 4)	
Tue					
Wed			State any seasonal variations for the exhibition of file guidance note 5)	<u>ms</u> (please read	
Thur					
Fri			Non standard timings. Where you intend to use the p exhibition of films at different times to those listed in left, please list (please read guidance note 6)	premises for the the column on	the
Sat					
Sun					

B



C

Indoor sporting events Standard days and timings (please read guidance note 7)		d timings	Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			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 (please read guidance note 6)
Fri			
Sat			
Sun			



entert Standa	g or wrestli ainments ard days and	timings	Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
(please 7)	· · · · · · · · · · · · · · · · · · ·		_	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance	note 4)	
Tue					
Wed			State any seasonal variations for boxing or wrestling (please read guidance note 5)	entertainment	
Thur					
Fri			Non standard timings. Where you intend to use the por wrestling entertainment at different times to those column on the left, please list (please read guidance no	listed in the	xing
Sat					
Sun					



E

	music ard days and e read guida		Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
7)	00485			Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance	note 4)	
Tue					
Wed			State any seasonal variations for the performance of read guidance note 5)	live music (plea	ise
Thur					
Fri			Non standard timings. Where you intend to use the p performance of live music at different times to those on the left, please list (please read guidance note 6)	oremises for the listed in the col	<u>umn</u>
Sat					
Sun					



F

Standa	r ded music ard days and e read guida		Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
7)				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance	note 4)	
Tue					
Wed			State any seasonal variations for the playing of recorread guidance note 5)	ded music (plea	ase
Thur					
Fri			Non standard timings. Where you intend to use the p playing of recorded music at different times to those on the left, please list (please read guidance note 6)	oremises for the listed in the col	<u>e</u> lumn
Sat					
Sun					



G

Stand	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	
7)				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance	note 4)	
Tue					
Wed			State any seasonal variations for the performance of guidance note 5)	dance (please r	ead
Thur					
Fri			Non standard timings. Where you intend to use the performance of dance at different times to those lister the left, please list (please read guidance note 6)	premises for the d in the column	e 1 on
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 y	ou will be provi	ding
Day	Start	Finish	Will this entertainment take place indoors or	Indoors	
Mon			<u>outdoors or both – please tick</u> (please read guidance note 3)	Outdoors	
				Both	
Tue			Please give further details here (please read guidance	note 4)	
Wed					
Thur			State any seasonal variations for entertainment of a store to that falling within (e), (f) or (g) (please read guidant	similar descript ace note 5)	<u>ion</u>
Fri					
Sat			Non standard timings. Where you intend to use the pentertainment of a similar description to that falling at different times to those listed in the column on the (please read guidance note 6)	within (e), (f) or	<u>(g)</u>
Sun					



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



Stand	oply of alcohol adard days and timings ase read guidance note		Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	
7)				Off the premises	
Day	Start	Finish		Both	
Mon	07:00	<u>23:00</u>	State any seasonal variations for the supply of alcoho guidance note 5)	ol (please read	
Tue	07:00	23:00			
Wed	07:00	23:00			
Thur	07:00	23:00	Non-standard timings. Where you intend to use the supply of alcohol at different times to those listed in the left, please list (please read guidance note 6)	premises for the he column on t	<u>e</u> <u>he</u>
Fri	07:00	23:00	<u>, p</u> (p-case read gardance note o)		
Sat	07:00	23:00			
Sun	07:00	23:00			

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



to the Standa	public rd days an	are open ad timings ance note	State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	07:00	23:00	
Tue	07:00	23:00	
Wed	07:00	23:00	
Thur	07:00	23:00	Non standard timings. Where you intend the premises to be open to public at different times from those listed in the column on the left, please list (please read guidance note 6)
Fri	07:00	23:00	
Sat	07:00	23:00	
Sun	07:00	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.

• I have enclosed the premises licence

Please tick as appropriate





 \Box

• 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.



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)

Please see boxes b) to e) below and we further note that 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 staff 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, should we be successful with our application.

Images will be retained for a minimum of 2 days and made available for inspection upon reasonable 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

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

Employees are made aware of the need to have regard to the surrounding area and be aware of the needs of any local residents.

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

Μ



 \boxtimes

 \boxtimes

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

0	I have made or enclosed payment of the fee; or	\boxtimes
	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.	
0	I have sent copies of this application and the plan to responsible authorities and others where applicable.	\boxtimes
•	I understand that I must now advertise my application.	\boxtimes

- 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	10-Mar-17
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 nam application (j	e (where not previou blease read guidance n	ly given) and address for correspondence associated with this one 14)	
Post town		Post code	
Telephone nu	mber (if any)		
If you would p	prefer us to correspo	d with you by e-mail, your e-mail address (optional)	

From: Alan Keld

Sent: Fri 24/03/2017 11:15

To: Licensing (Ext E Mail Address)

Subject: "Tesco Extra" Adlard Road

I object to Tesco Extra extending hours for the sale of Alcohol.

Being a resident and a owner occupier, now 73 years of age, shop-opening times place a huge stress, together with a concurrent gang culture problem, toward residents. I do keep an Incident diary.

Some years ago a Neighbourhhood watch meeting (members live here 24/7) unanimously opposed any extension or sale of alcohol but this was ignored by DMBC and the Police. WHY!

Residents have suffered the consequences:

Anti-social behaviour e.g. relieving themselves, leaving bottles smashed or otherwise. Large gangs on booze tours

Consumption of alcohol fuels crime. e.g. stone through window Fri. 5th Dec.. It does attract an alien/lunatic element to this neighbourhood.

In earlier years, establishments selling alcohol were in place but on the periphery of the estate, with a shop on this site from the early 1930 -with the result: No problems whatsoever!! It is a lesson!

What caused this change of fortune? Habitual behavioural disorder; lack of discipline, disrespect leads to the diminution of our quality of life and welfare.

Please advise. Thank you.

Mr A Keld

36 Adlard Road

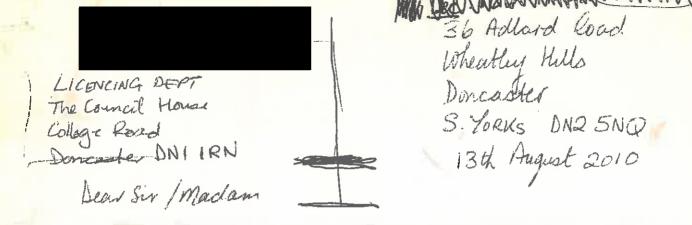
Wheatley Hills

Doncaster DN2 5NQ

phone

,

This page is intentionally left blank



I have particular concerns regarding the TESCO EXPRESS shops situated at the end of Adlard Road.

The site acquired an alcohol licence more than tenyear ago - thus extending its hours of opening 7.00 Am to 11.00 pm 7 days/ween & Concurrent to this and unfortunately we do have a alcohol field Yob Culture, some underage consumption and the irresponsible marketing of alcohol-even external advertising on the outside wall promoting alcohol sales,

There has bleen a shop on this site since the 1930's, the original owner and subsequent occupants up to 1997 provided no impact or blight on the neighborhad. It is the Supermarkets the big names have created thirmoid a new sultane what even a new way of life by tuthless obverness practices × Its impact has also increased whole traffic, littlef and attracted the Yob Cuthire and gauge ×.

I have been is resident of wheatley Hills for over cologies and a witness to the decline and plight imposed by others on the residents of this district. Further I would to know who or what department granted the alcohol licence in the first place what consultation or what impact analysis was made Teges and its is don't care -its only concern is to maker a protect and explortation

on the backs of the universide & fully investigated and establish reponsibility I wish the alcand licence to be fully investigated and establish reponsibility for this schuation.

yours faith fully, WK/216029806 (AR KELD)

alc Kidd I refer to our telephone conversation of Wednesday. ·13th October 2010 following our discussion I now enclose the "draft" copy letter sent bothe Licencing Dept. > It is too long and ponderous and should have been out by 75% to be effective, > I have also enclosed the latest Incident report (DIARY) for Wednesday 13th October perhaps it may provide a Flavour of the conditions. In Wheatley Hills provide at mightfall & PARTICULARY The important observation & can make - but for the availability of the shap (TESLO Express) most of these induradeds / gangs wouldn't be here. Sometumes, the gange are present at 10.55 pm just before Tesco's closing time. It puts unnecessary pressure on this reighbourhood, I do appreciate your comments and support. Thank yon x

14th October 2010

WK 216029806





Contact Mick Mulligan/Mick Wainwright Tel 01302 736930 / 736931 E-Mail @doncaster.gov.uk Date 17-10-11

Dear Resident

CONSULTATION FEEDBACK - ADLARD ROAD

We would like to take this opportunity to thank you for taking part in our recent consultation.

From all the responses we received we have been able to pinpoint what you feel is good and bad about your local area, and the main priorities you have identified for improvement, and we would like to share these with you:

What you liked

- Nice area
- Neighbours are nice
- Good transport links
- Quiet
- Good for the hospital
- Tennis club is nice
- Close to Grove Gardens

What you disliked

- Local shop open too late
- Too much traffic
- Youths gathering around the local shop
- Inappropriate parking
- No dropped kerbs for disabled access

Your identified priorities for your street

- Local shop to shut earlier
- Enforcement on inappropriate parking
- Additional patrols by SYP to tackle youth anti social behaviour

Using all the above information supplied by you, we have done the following

- Additional SYP patrols requested
- Parking survey to be undertaken with local shop users



Page 37

Once again, we would like to thank you for taking the time to talk to your local Area Officers and would like to encourage you to continue to do so, in order that we can all work together to make your local community a place you are proud of.

Yours sincerely

a start in the

ł

Rachael Blake Area Manager – Central Area

C

From: Sallie Mockler

Sent: Wed 05/04/2017 18:11

To: Licensing (Ext E Mail Address)

Subject: Application WK/216029806

Dear Sirs

We wish to object to Tesco's (Wheatley Hills) application to extend their alcohol licence on the grounds of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

There is a history of groups of youths congregating outside the shop and marauding up the streets nearby. They are intimidating residents, being rowdy and abusive, using foul language. They are buying and also stealing food and drink from the shop, throwing litter into gardens, on the street and dumping in the nearby alley. They are throwing eggs and stones at residents' windows, banging on doors, climbing on cars and causing damage. The thefts and problems are known to Tescos.

These youths are often drunk; they drink in the nearby park. Giving them the opportunity to purchase or steal drink over a longer period will only make the problems worse. This is already causing a great deal of distress to residents.

Younger children are being subjected to this behaviour because they are experiencing it themselves and underage children are also with these gangs.

Issues have been repeatedly reported to the Police, Neighbourhood Response Teams, Councillors and the Mayor by various residents and are a long term problem. In the last few weeks I have reported several incidents to the Police and last week I spoke to Councillor Jane Kidd again about these problems.

There is no doubt in our minds that Tesco's is the pull and approving this application will only add to the problem. Indeed the Council should be reducing the opening times.

Yours Sincerely Mr and Mrs C Mockler 50 Adlard Road Wheatley Hills Doncaster DN2 5NQ Phone This page is intentionally left blank



LICENSING ACT 2003 Section 24

Premises Licence

Doncaster Metropolitan Borough Council Licensing Section Civic Office Waterdale Doncaster DN1 3BU

Premises licence number

PREM 062 LN/200401524

Part 1 – Premises details

Postal address of premises or, if none Ordnance Survey map reference or description

Tesco Adlard Road Wheatley Hills Doncaster DN2 5NH

Telephone number:

Where the licence is time limited - the dates

Licensable activities authorised by the licence

Sale of Alcohol (Off only) Opening Hours The times the licence authorises the carrying out of licensable activities, their permitted locations and the opening hours of the premises are as follows:

	Sale of Alcohol (Off only).	Opening Hours.	
	Licensed area (see plan)	Whole of Premises	
Mon	08:00 - 23:00	08:00 - 23:00	
Tues	08:00 - 23:00	08:00 - 23:00	
Wed	08:00 - 23:00	08:00 - 23:00	
Thur	08:00 - 23:00	08:00 - 23:00	
Fri	08:00 - 23:00	08:00 - 23:00	
Sat	08:00 - 23:00	08:00 - 23:00	
Sun	10:00 - 22:30	10:00 - 22:30	

Non-Standard Timings:

All Licensable activities Christmas Day 12.00 - 15.00 & 19.00 - 22.30 Good Friday 08.00 - 22.30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

Sale by retail of alcohol for consumption OFF the premises.

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:

Tesco Stores Limited Tesco House Shire Park Kestrel Way Welwyn Garden City Hertordshire AL7 1GA	Telephone Number:
---	-------------------

Registered number of holder, for example company number, charity number (where applicable)

Registered Number: 00519500

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Sarah Kate Hawksworth	
	Telephone Number:

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the sale of alcohol:

Annex 1 – Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.

Note: Conditions 3,4, and 6 apply where the licence authorises the consumption of alcohol on the premises (see Part 1).

- 1) No supply of alcohol may be made under the premises licence:
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3) (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters of flyers on, or in the vicinity or, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5) (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) 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 either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 6) The responsible person must ensure that-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: $\frac{1}{2}$ pint;
 - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
- 7)
- 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula—

P = D + (DxV)

where---

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4.—(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory condition: exhibition of films

- 1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- 2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- 3) Where
 - a) the film classification body is not specified in the licence, or
 - b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question. Admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- 4) In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c30) (authority to determine suitability of video works for classification).

Prohibited Conditions: plays

- 1) In relation to a premises licence which authorises the performance of plays, no condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.
- 2) But subsection (1) does not prevent a licensing authority imposing, in accordance with section 18(2)(a) or (3)(b), 35(3)(b) or 52(3), any condition which it considers necessary on the grounds of public safety.

Mandatory Condition: door supervisor

- 1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
- 2) But nothing in subsection (1) requires such a condition to be imposed
 - a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films), or
 - b) in respect of premises in relation to-
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- 3) for the purpose of this section
 - a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
 - b) paragraph 8(A5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with your Operating Schedule

Annex 3 – Conditions attached after hearing by the Licensing Authority

Annex 4 – Plans

See attached plan



LICENSING ACT 2003 Section 24

Premises Licence Summary

Doncaster Metropolitan Borough Council Licensing Section Civic Office Waterdale Doncaster DN1 3BU

Premises licence number

PREM 062 LN/200401524

Premises details

Postal address of premises or, if none Ordnance Survey map reference or description:

Tesco Adlard Road Wheatley Hills Doncaster DN2 5NH

Telephone number:

Where the licence is time limited – the dates:

Licensable activities authorised by the licence:

Sale of Alcohol (Off only) Opening Hours The times the licence authorises the carrying out of licensable activities, their permitted locations and the opening hours of the premises are as follows:

	Sale of Alcohol (Off only).	Opening Hours.	
	Licensed area (see plan)	Whole of Premises	
Mon	08:00 - 23:00	08:00 - 23:00	
Tues	08:00 - 23:00	08:00 - 23:00	
Wed	08:00 - 23:00	08:00 - 23:00	
Thur	08:00 - 23:00	08:00 - 23:00	
Fri	08:00 - 23:00	08:00 - 23:00	
Sat	08:00 - 23:00	08:00 - 23:00	
Sun	10:00 - 22:30	10:00 - 22:30	

Non-Standard Timings:

All Licensable activities

Christmas Day 12.00 - 15.00 & 19.00 - 22.30 Good Friday 08.00 - 22.30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

Sale by retail of alcohol for consumption OFF the premises.

Name, (registered) address of holder of premises licence:

Tesco Stores Limited Tesco House Shire Park Kestrel Way Welwyn Garden City Hertordshire AL7 1GA

Registered number of holder, for example company number, charity number (where applicable)

Registered Number: 00519500

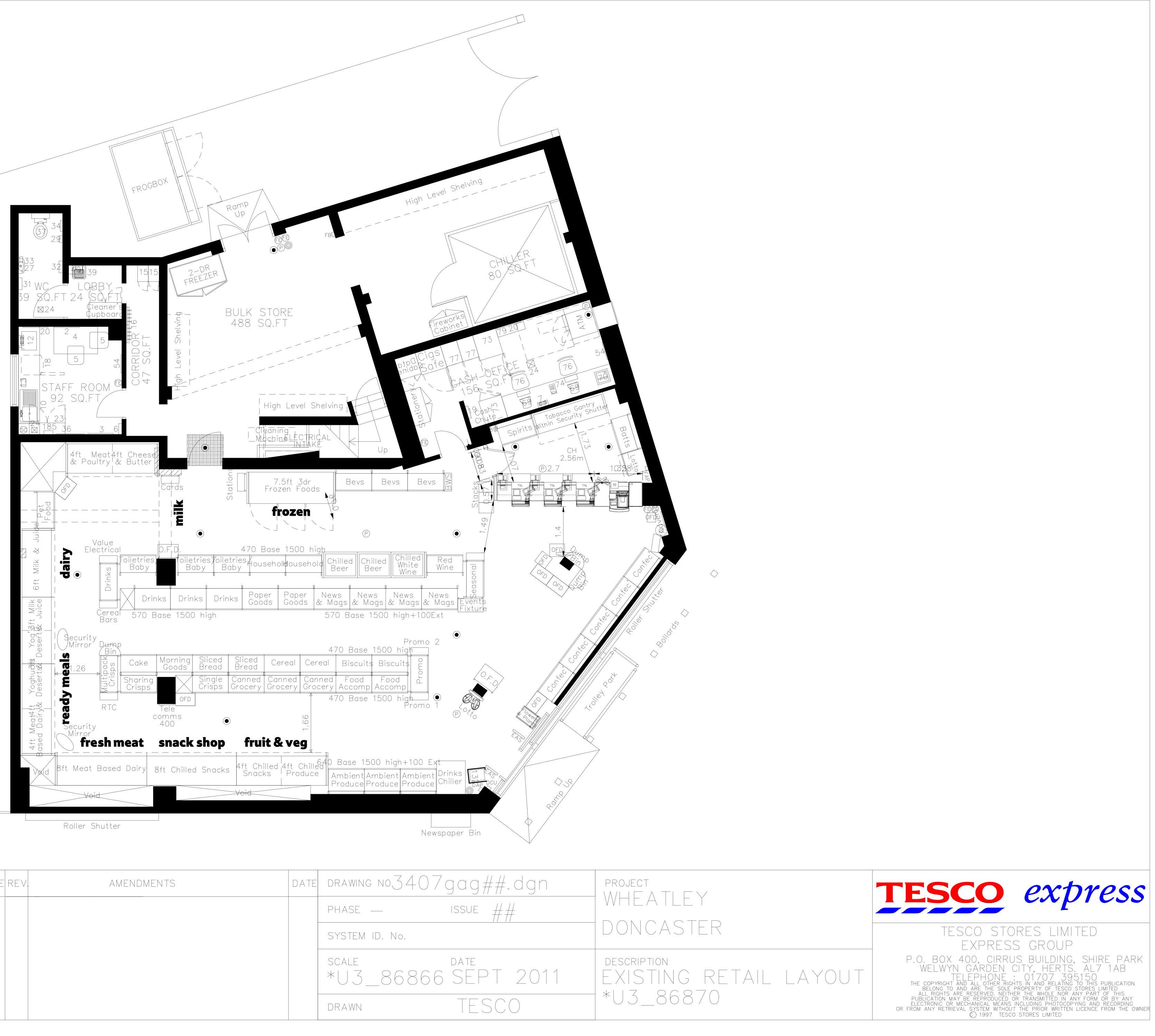
Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Sarah Kate Hawksworth

State whether access to the premises by children is restricted or prohibited:

Not Applicable

This page is intentionally left blank



REV

AMENDMENTS

DATE REV.

AMENDMENTS

DATE	drawing No. 3407	
	PHASE	ISSU
	SYSTEM ID. No.	
	scale *U3_86866	date SE
	DRAWN	

P.O. BOX 400, CIRRUS BUILDING, SHIRE PARK Welwyn garden city, herts. alt 1ab Telephone · 01707 395150

This page is intentionally left blank