

# Public Document Pack



Monitoring Officer  
**Christopher Potter**

County Hall, Newport, Isle of Wight PO30 1UD  
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## Agenda

Name of meeting	<b>LICENSING SUB COMMITTEE</b>
Date	<b>WEDNESDAY 28 SEPTEMBER 2022</b>
Time	<b>10.00 AM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Members of the committee	Cllrs J Bacon, C Jarman and M Beston

Democratic Services Officer: Sarah MacDonald  
democratic.services@iow.gov.uk

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1. **Minutes** (Pages 3 - 6)

To confirm as a true record the Minutes of the meeting held on 22 July 2022.

2. **Declarations of Interest**

To invite Members to declare any interest they might have in the matters on the agenda.

3. **Urgent Business**

To consider any matters which, in the Chairman's opinion, are urgent.

4. **Report of the Director of Neighbourhoods** (Pages 7 - 32)

CHRISTOPHER POTTER  
Monitoring Officer  
Tuesday, 20 September 2022



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Members are reminded that it is a requirement of the Code of Conduct that they should also keep their written Register of Interests up to date. Any changes to the interests recorded on that form should be made as soon as reasonably practicable, and within 28 days of the change. A change would be necessary if, for example, your employment changes, you move house or acquire any new property or land.

If you require more guidance on the Code of Conduct or are unsure whether you need to record an interest on the written register you should take advice from the Monitoring Officer – Christopher Potter on (01983) 821000, email [christopher.potter@iow.gov.uk](mailto:christopher.potter@iow.gov.uk), or Deputy Monitoring Officer - Justin Thorne on (01983) 821000, email [justin.thorne@iow.gov.uk](mailto:justin.thorne@iow.gov.uk).

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## Minutes

Name of meeting	<b>LICENSING SUB COMMITTEE</b>
Date and Time	<b>FRIDAY 22 JULY 2022 COMMENCING AT 10.00 AM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Present	Cllrs D Pitcher (Chairman), J Bacon and C Jarman
Also Present	Andrea Bull, Jodie Gibson and Kevin Winchcombe

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### 1. **Minutes**

RESOLVED:

THAT the minutes of the meeting held on 31 March 2022 be approved.

### 2. **Declarations of Interest**

No declarations were received at this stage.

### 3. **Urgent Business**

The Chairman raised no urgent business.

### 4. **Report of the Director of Neighbourhoods**

Consideration was given to the report of the Director of Neighbourhoods, providing details of an application for a variation of the premises licence under Section 34 of the Licensing Act 2003 for Thorness Bay Holiday Park, Thorness Lane, Thorness, Isle of Wight, PO31 8NJ.

The applicant was in attendance, along with the responsible authority representative from Environmental Health. The Sub Committee followed the agreed procedure, which had been circulated to all parties prior to the meeting.

Additional information had been supplied by the applicant and circulated to Committee members prior to the meeting, and it was confirmed that agreement had been reached with the applicant regarding three conditions Environmental Health required prior to the start of the meeting, these were read out to the Committee.

After hearing the application, the Sub Committee presented the following decision and the reasons for that decision.

RESOLVED:

THAT Upon receiving the report of the licensing section, oral and/or written evidence from the applicant, responsible authorities and other persons, and having regard to the Guidance issued under s182 of the Licensing Act 2003 and the Isle of Wight Council's Statement of Licensing Policy 2019 – 2024, the sub-committee hereby:

Vary the licence in accordance with the application but modified to such an extent as members have considered appropriate for the promotion of the 4 licensing objectives, namely by requiring the following conditions:

- Films – indoors – no change
  - Films- outdoors – varied as requested
  - Indoor Sporting events – no change
  - Boxing/Wrestling indoors/outdoors – to remain as per existing licence
  - Live music, recorded music – varied as requested
  - Late night refreshment – no change
  - Sale of alcohol – varied as requested, save The Horsebox Bar to close as 22:00
- 
- Contact telephone number and email address to be made available to local residents
  - Additional hours requested for outdoor regulated entertainment to be used between the period of 3 weeks before Good Friday and the end of October each year
  - A Noise Management Plan for the outdoor regulated entertainment only, for the additional hours requested, will be agreed with the Environmental Health Officer. The Noise Management Plan will be reviewed and updated, if required, at regular intervals and a copy provided to the Environmental Health Officer. The additional hours for regulated entertainment outdoors shall not be implemented until the noise management plan has been agreed with Environmental Health.

As per reasons given within same report in order to promote the Licensing objectives and in accordance with the Isle of Wight Councils Statement of Licensing Policy and the s182 guidance.

In reaching the above decision the sub-committee have had regard to the Human Rights Act 1998, and in particular Article 1 of the First Protocol, Article 8 and Article 6. The sub-committee consider this decision is proportionate and appropriate for the promotion of the 4 licensing objectives under the Licensing Act 2003.

There was a right of appeal to the Magistrates Court if anyone was dissatisfied with this decision and any appeal must be made within 21 days of the date of notification.

CHAIRMAN

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Purpose: For Decision

## Committee report

Committee	<b>LICENSING SUB COMMITTEE</b>
Date	<b>28 SEPTEMBER 2022</b>
Title	<b>TO DETERMINE AN APPLICATION FOR A PREMISES LICENCE UNDER SECTION 17 OF THE LICENSING ACT 2003 FOR TESCO, 36 HIGH STREET, NEWPORT, ISLE OF WIGHT, PO30 1SR.</b>
Report Author	<b>COLIN ROWLAND DIRECTOR OF NEIGHBOURHOODS</b>

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### BACKGROUND

1. A premises licence issued under section 18 of the Licensing Act 2003 authorises the use of premises for the sale or supply of alcohol, the provision of regulated entertainment and the provision of late-night refreshment.
2. An application for a premises licence was submitted to the licensing authority on 29 July 2022, for a new Tesco store to be located at 36 High Street, Newport, Isle of Wight, PO30 1SR. (Appendix 1), along with a plan of the premises (Appendix 2).
3. Any person may make representations in respect of the application and if these are not resolved the licensing authority must hold a hearing to determine the application.

### CONSULTATION

4. The Licensing Act 2003 prescribes a twenty-eight day consultation period, commencing the day after the application has been correctly served. The applicant is required to submit a copy of the application to Responsible Authorities as defined in the Licensing Act, and to place a notice of the application at the premises and in a local newspaper.
5. The application for a premises licence was received on 29 July 2022. The application was advertised in the Isle of Wight County Press, at the premises and on the Council's website. The consultation period ended on 26 August 2022.

6. Specifically, the applicant Tesco Stores Limited, seeks to provide late night refreshment from 23:00 hours until midnight each day, and to supply alcohol for consumption off the premises during their operating hours of 06:00 hours and midnight each day.

7. The outcome of the consultation in respect of this application is as follows:

Responsible Authorities

Children’s Services	No Representation made
Environmental Health	No Representation made
Fire and Rescue Service	No Representation made
Trading Standards Service	No Representation made
Planning Services	No Representation made
Police	No Representation made
NHS	No Representation made
Licensing Authority	No Representation made
Immigration Enforcement	No Representation made

8. None of the responsible authorities made any representations to the application.

Other Persons

9. One valid representation was received during the consultation and remains outstanding. This can be found at Appendix 3 and relates to the licensing objective of:

- Prevention of crime and disorder

10. Mr Baker states that bad behaviour in Newport has led to police action on several occasions and it is his view that to grant this application and allow alcohol to be sold from 6am until midnight will fuel public disorder.

11. At the end of the consultation period, contact was made via email with Mr Baker and he was sent a copy of the applicant’s operating schedule which details the measures that the company will adopt in order to uphold the licensing objectives.

12. Mr Baker was also advised that the application had been discussed with police licensing and they were satisfied that the measures detailed in the operating schedule are considered by them to be robust and proportionate. This email along with Mr Baker’s reply can be found at Appendix 4.



## FINANCIAL/BUDGET IMPLICATIONS

13. Broadly, Council expenditure on licensing matters, and specifically those administered and enforced through Planning and Regulatory Services, balances income generated from fees.

## LEGAL IMPLICATIONS

14. The 28 day consultation period ended on 26 August 2022. Schedule 1 of the Licensing Act (Hearings) Regulations 2005 states that the application must be determined within 20 working days of the end of the consultation period.
15. The determination date for this application was 22 September but unfortunately the applicant's representatives have another hearing to attend on that day.
16. Regulation 13 states that, "an authority may extend a time limit provided for in these Regulations for a specified period where it considers this to be necessary in the public interest.  
  
(2) Where the authority has extended a time limit it must forthwith give a notice to the parties stating the period of the extension and the reasons for it."
17. The requirements of this regulation have been met.

### National Guidance

18. The following sections from the national guidance issued under section 182 of the Licensing Act 2003 are considered relevant to this application:
19. Each application on its own merits –
  - 1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will" is encouraged. Licence conditions:
    - must be appropriate for the promotion of the licensing objectives;
    - must be precise and enforceable;
    - must be unambiguous and clear in what they intend to achieve;
    - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
    - must be tailored to the individual type, location and characteristics of the premises and events concerned;
    - should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
    - should not replicate offences set out in the 2003 Act or other legislation;
    - should be proportionate, justifiable and be capable of being met;
    - cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and

- should be written in a prescriptive format.

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

## 17. **Crime and Disorder**

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

## 20. **Public nuisance**

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate

and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

## 21. Determining actions that are appropriate for the promotion of the licensing objectives

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

## 22. Proportionality

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the

prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

## 23. Hours of trading

10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

### Implications under the Crime and Disorder Act 1998

24. Members are advised that without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

### Human Rights

25. Members are advised that this application must be considered against the background of the implications of the Human Rights Act 1998.

26. There are two convention rights, which need to be considered in this context:

#### Article 6 - Right to a Fair Trial

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

It has been held that the fact that there is a right of appeal to the Magistrates' Court from any decision of the Licensing Authority is sufficient to make the Council's

licensing system compliant with the convention rights.

#### Article 1 - First Protocol Protection of Property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. In the case of Article 1 of the first protocol it states that “no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and the general principles of international law. The preceding provisions (of which articles 6 and 8 are but two) shall not however in any way impair the right of the state to enforce such laws as it deems necessary to control the use of the property in accordance with general interest or to secure the payment of taxes or other contributions or penalties”.

27. The Licensing Authority acknowledges the right of businesses in its area to operate, but equally acknowledges the fact that this must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises. The Sub-Committee needs to be clear as to the rights granted and the need to ensure that the reasons given for any interference are proportionate and in accordance with the Council’s legitimate aim.
28. It is considered that the following paragraphs from the Licensing Authority’s Statement of Licensing Policy 2019 – 2024 have a bearing upon the application. Members’ attention in respect of this particular application is drawn to:

Paragraph 1	Introduction	All
Paragraph 2	Licensing Objectives	All
Paragraph 3	Licensable Activities	All
Paragraph 4	Integration of Strategies and Other Legislation	4.1 – 4.7 4.9 – 4.11
Paragraph 5	Approach to Licensing Applications	5.1 – 5.4 & 5.7
Paragraph 6	Major Events & Isle of Wight County Council Act	N/A
Paragraph 7	Cumulative Impact	N/A
Paragraph 8	Representations, Review, Appeals & Complaints	8.1 – 8.6, 8.11 – 8.15
Paragraph 9	Enforcement	N/A
Paragraph 10	Operating Schedules	10.1 – 10.5 10.19
Paragraph 11	Data Protection	All
Paragraph 12	Related Documents	All

## EQUALITY AND DIVERSITY

29. The council as a public body is subject to general and specific duties under equality and diversity legislation and as such has a duty to go beyond prohibition and publish and promote service improvements by engaging with the local community to assess the impact of any decision on the local community. As a requirement under the Equality Act 2010 and further improvements to diversity legislation all local authorities are required to impact assess their services, policies/strategies and decisions with regard to diversity legislation – race, disability, gender, age, sexual orientation and religion/belief. (NB: this list is not exhaustive; it does cover current legislation but future development could also include poverty and social inclusion as an example).
30. There is no requirement for an equality impact assessment to be carried out.

## OPTIONS

- Option 1 Grant the licence as per the application.
- Option 2: Grant the licence as per the application with any additional conditions that the Sub-Committee deem reasonable and proportionate to promote the licensing objectives.
- Option 3: Refuse the whole or part of the application.

## RISK MANAGEMENT

31. With regard to Option 1: To grant the licence as per the application may not address the concerns raised which may subsequently be appealed by those parties who have made representations.
32. With regard to Option 2: If members consider there is merit in the representation, and that anti-social behaviour or public disorder may arise as a result of the grant of the licence then this might be reduced by attaching conditions to the licence to promote the licensing objectives. Conditions must be appropriate and proportionate. Any decision to attach additional conditions may be appealed by all parties if they believe the conditions do not adequately promote the licensing objectives.
33. With regard to Option 3: If the Sub-Committee decides to refuse all or part of the application, the decision may be appealed by all parties.

## EVALUATION

34. Officers of the Police Licensing Unit have considered the application and have made no adverse comments.
35. They were advised that this matter is proceeding to a hearing and have stated that they are satisfied with the control measures that are proposed and that they have no evidence in order to provide a representation.
36. The applicant is a part of a large national chain with a proven track record in staff training. Staff are required to carry out training on induction and at regular intervals. Training is provided online and recorded, and reminders are automatically generated

37. Section 10.15 of the Section 182 guidance states that “Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.”
38. There is no evidence to suggest that any of the other retail outlets in the town centre such as Lidl, Central Stores, Costcutter and Morrisons have any bearing on incidents of anti social behaviour in the town.
39. The sub-committee must have regard to all of the representations made and the evidence it hears as well as the national guidance issued under Section 182 of the Licensing Act 2003 and the Council’s own Statement of Licensing Policy.
40. The Committee should determine the application in accordance with section 35 of the Licensing Act 2003 and The Licensing Act (Hearings) Regulations 2005 and with a view to promoting the licensing objectives, which are:
  - The Prevention of Crime and Disorder
  - The Prevention of Public Nuisance
  - Public Safety
  - The Protection of Children from Harm

#### RECOMMENDATION

41. To grant the application in accordance with Option 1.

#### APPENDICES ATTACHED

- Appendix 1 Application for a Premises Licence
- Appendix 2 Plan of premises
- Appendix 3 Representation from Mr Baker
- Appendix 4 Communications between the Licensing department and Mr Baker

#### BACKGROUND PAPERS

- Isle of Wight Council Licensing Authority Statement of Licensing Policy 2019 – 2024.  
<http://www.iwight.com/azservices/documents/1226-Statement-of-Licensing-Policy-2014-2019-Adopted-v1.pdf>

Contact Point: Andrea Bull, Senior Licensing Officer, ☎ 823159 ext 6126  
e-mail [Andrea.bull@iow.gov.uk](mailto:Andrea.bull@iow.gov.uk)

COLIN ROWLAND  
Director of Neighbourhoods







## Isle of Wight Council

Confirmation of acceptance of terms and conditions		<input type="checkbox"/> I confirm that I have read and accept the terms and conditions detailed above
Select a Licence fee		GBP £315.00 - Band C licence fee
Selected Licence fee		
Name		Band C licence fee
Text		Licence fee for premises with a rateable value of £33,001 to £87,000
Price (In pounds)		£315.00

### Part 1 - Premises Details

I/We, being the premises licence holder, 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 authority in accordance with section 12 of the Licensing Act 2003 (Insert name(s) of applicant)

Tesco Stores Limited	
Building/House Name/Number	36
Street address	High Street
Town Name	Newport
County	Isle Of Wight
Postcode	PO30 1SR
If no postal address Ordnance Survey map reference or description	<a href="https://www.tax.service.gov.uk/business-rates-lookup/10735585000">https://www.tax.service.gov.uk/business-rates-lookup/10735585000</a>
Telephone number at premises (if any)	[REDACTED]
Email Address	[REDACTED]
Non-domestic rateable value of premises	56500

### Part 2 - Applicant details

Please state whether you are applying for a premises licence as:	<input type="checkbox"/> a person other than an individual - i. as a limited company/limited liability partnership
If you are applying as a person described in (a) or (b) please confirm (by ticking one box):	<input type="checkbox"/> I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities

### Other Applicants

Name		Tesco Stores Limited
Building/House Name/Number		Tesco House, Shire Park
Street address		Kestrel Way
Town Name		Welwyn Garden City
County		Hertfordshire
Postcode		AL7 1GA
Registered number (where applicable)		00519500

Description of applicant (for example, partnership, company, unincorporated association etc.)	Private Limited Company
Email Address	[REDACTED]
Daytime Contact Telephone Number	[REDACTED]
Is there a second applicant?	<input type="checkbox"/> No

**Part 3 - Operating Schedule**

When do you want the premises licence to start?	29 Jul 2022
If you wish the licence to be valid only for a limited period, when do you want it to end?	
Please give a general description of the premises (please read guidance note 1)	Retail premises (supermarket) selling a range of goods and services. This includes the sale of alcohol for consumption off the premises. Sales of alc for consumption off the premises are made from the supermarket sales 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

Provision of regulated entertainment (please read guidance note 2)	<input type="checkbox"/> a - Plays
	<input type="checkbox"/> b - Films
	<input type="checkbox"/> c - Indoor sporting events
	<input type="checkbox"/> d - Boxing or wrestling entertainment
	<input type="checkbox"/> e - Live music
	<input type="checkbox"/> f - Recorded music
	<input type="checkbox"/> g - Performances of dance
	<input type="checkbox"/> h - anything of a similar description to that falling within (e), (f) (g)
Provision of late night refreshment	<input type="checkbox"/> Yes
Supply of alcohol	<input type="checkbox"/> Yes

**Part 3 - Operating Schedule (cont)**

**I - Late night refreshment**

Standard days and timings (please read guidance note 7)		
Day	Start time	End time
Monday	23:00	00:00
Tuesday	23:00	00:00
Wednesday	23:00	00:00
Thursday	23:00	00:00
Friday	23:00	00:00
Saturday	23:00	00:00
Sunday	23:00	00:00

Will the provision of late night refreshment take place indoors, outdoors or both - (please read guidance note 3)	<input type="checkbox"/> Indoors
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Please give further details here (please read guidance note 4)	
State any seasonal variations for the provision of late night refreshment (please read guidance note 5)	
Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times from those listed in the column above, please list (please read guidance note 6)	

**J - Supply of alcohol**

Standard days and timings (please read guidance note 7)		
Day	Start time	End time
Monday	06:00	00:00
Tuesday	06:00	00:00
Wednesday	06:00	00:00
Thursday	06:00	00:00
Friday	06:00	00:00
Saturday	06:00	00:00
Sunday	06:00	00:00
Will the supply of alcohol be for consumption - (please read guidance note 8)		Off the premises
State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Non standard timings. Where you intend to use the premises for the supply of alcohol at different times from those listed in the column above, please list (please read guidance note 6)		
Name	Mr. Steven Nicholas Andrzejuk	
Date of birth (dd/mm/yyyy)		
Building/House Name/Number		
Street address		
Town Name		
County		
Postcode		
Personal licence number (if known)	NHPER/1869	
Issuing licensing authority (if known)	North Herts District Council	

**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)(please put none if that is the case)	N/a
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**L - Hours premises open to the public**

Standard days and timings (please read guidance note 7)		
Day	Start time	End time
Monday	06:00	00:00
Tuesday	06:00	00:00

Wednesday	06:00	00:00
Thursday	06:00	00:00
Friday	06:00	00:00
Saturday	06:00	00:00
Sunday	06:00	00:00

State any seasonal variations (please read guidance note 5)

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column above, please list (please read guidance note 6)

**M - Describe any additional steps you intend to take to promote the four licensing objectives the proposed variation:**

<p><b>a) General - all four licensing objectives (b,c,d,e) (please read guidance note 10)</b></p>	<p>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 sell alcohol in a responsible manner.</p> <p>There is a detailed programme which ensures that comprehensive training is provided to employees having regard to their role and the responsibilities. Such training is regularly reviewed, and records kept.</p>
<p><b>b) The prevention of crime and disorder</b></p>	<p>We will have a digital CCTV system that covers the premises, including the main area which will be used for display of alcohol. Images will be retained for 31 days.</p> <p>A member of the management team will be on the premises all the time the store is open. This colleague will have responsibility for the premises and will be the initial point of contact for any issues that may arise.</p>
<p><b>c) Public safety</b></p>	<p>The premises licence holder is fully aware of its responsibilities under a range of health and safety related legislation and has policies and procedures in place to be confident of complying with the relevant obligations which arise.</p>
<p><b>d) The prevention of public nuisance</b></p>	<p>The company has a "good neighbour" ethos which seeks to ensure that the premises plays an active part in the local community.</p>
<p><b>e) The protection of children from harm</b></p>	<p>The premises will operate a Think 25 policy. The checkouts will be programmed to prompt the customer assistant when an alcohol product is scanned at the checkout to follow the Think 25 policy.</p> <p>All colleagues will receive training in relation to the underlying law and the policy, systems, and procedures. This training will be documented, and refresher training will be provided on a regular basis.</p>

**Attach Documents**

<p><b>Attached files</b></p>	<ul style="list-style-type: none"> <li>• <a href="#">DPS Consent Form for High Street, Newport.pdf</a></li> <li>• <a href="#">Newport_BWSLayout.pdf</a></li> <li>• <a href="#">Public Notice for High Street, Newport.docx</a></li> <li>• <a href="#">Blue Notice Photos.pdf</a></li> </ul>
------------------------------	---

<p><b>Checklist (Please tick to indicate agreement)</b></p>	<p><input type="checkbox"/> I have attached the plan of the premises.</p> <p><input type="checkbox"/> I have attached the consent form completed by the individual I wish to be designated premises supervisor, if applicable.</p> <p><input type="checkbox"/> I understand that I must now advertise my application (please contact the Licensing Department to discuss this if you are not aware of the legal requirements in respect of this)</p> <p><input type="checkbox"/> I understand that if I do not comply with the above requirements my application will be rejected</p> <p><input type="checkbox"/> [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).</p>
---	---

**Part 4 - Signatures (please read guidance note 11)**

The Designated Premises Supervisor (DPS) named in this application form is entitled to work in the UK (and subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen his or her proof of entitlement to work, if appropriate (please see note 15)

 I agree

I confirm I am the holder of the Premises Licence or their solicitor/agent

 Yes

Enter Name as an electronic signature

Hardish Purewal

Capacity (confirm your capacity to provide an electronic signature if required, e.g. solicitor or Director if a limited company)


Licensing Manager - Duly authorised agent for and on behalf of Tesco Stores Limited

Is the licence jointly held?

 No
**Contact name and address for correspondence associated with this application (if different details provided in Part 2)**

<b>Name</b>	Tesco Licensing Team
<b>Building/House Name/Number</b>	Maldon Building, Floor 2
<b>Street address</b>	5 Falcon Way, Shire Park
<b>Town Name</b>	Welwyn Garden City
<b>County</b>	Hertfordshire
<b>Postcode</b>	AL7 1TW
<b>If you would prefer us to correspond with you by e-mail, your e-mail address</b>	[REDACTED]
<b>Daytime Contact Telephone Number</b>	[REDACTED]

**Submitting your form**

<b>Reference Number</b>	iw22/7 /5 6906
<b>Date Of Submission</b>	29 Jul 2022
<b>Payment Reference Number</b>	PKM5NXLTCMYQ
<b>Link to payment receipt</b>	 <a href="#">Payment Receipt</a>

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REV	DATE	AMENDMENTS

ADDRESS: 36 High Street,  
Newport, Isle of Wight  
PO30 1SR

- FIRE DETECTION LEGEND**
- SOUNDER
  - VISUAL INDICATOR (BEACON)
  - 6KG 27A FOAM & 2KG CO2 EXTINGUISHERS
  - AREA COVERED BY SMOKE DETECTIONS
  - BREAK GLASS CALL POINT

**RED LINE MEANING:** The red line denotes the area of the premises to be licensed space

PROJECT:  
**HIGH STREET, NEWPORT**

DESCRIPTION  
**PROPOSED SITE  
BWS LICENSE LAYOUT**

DRAWING No. LAURAASHLEYFeaspg##BWSPLAN

PHASE **2** ISSUE **##**

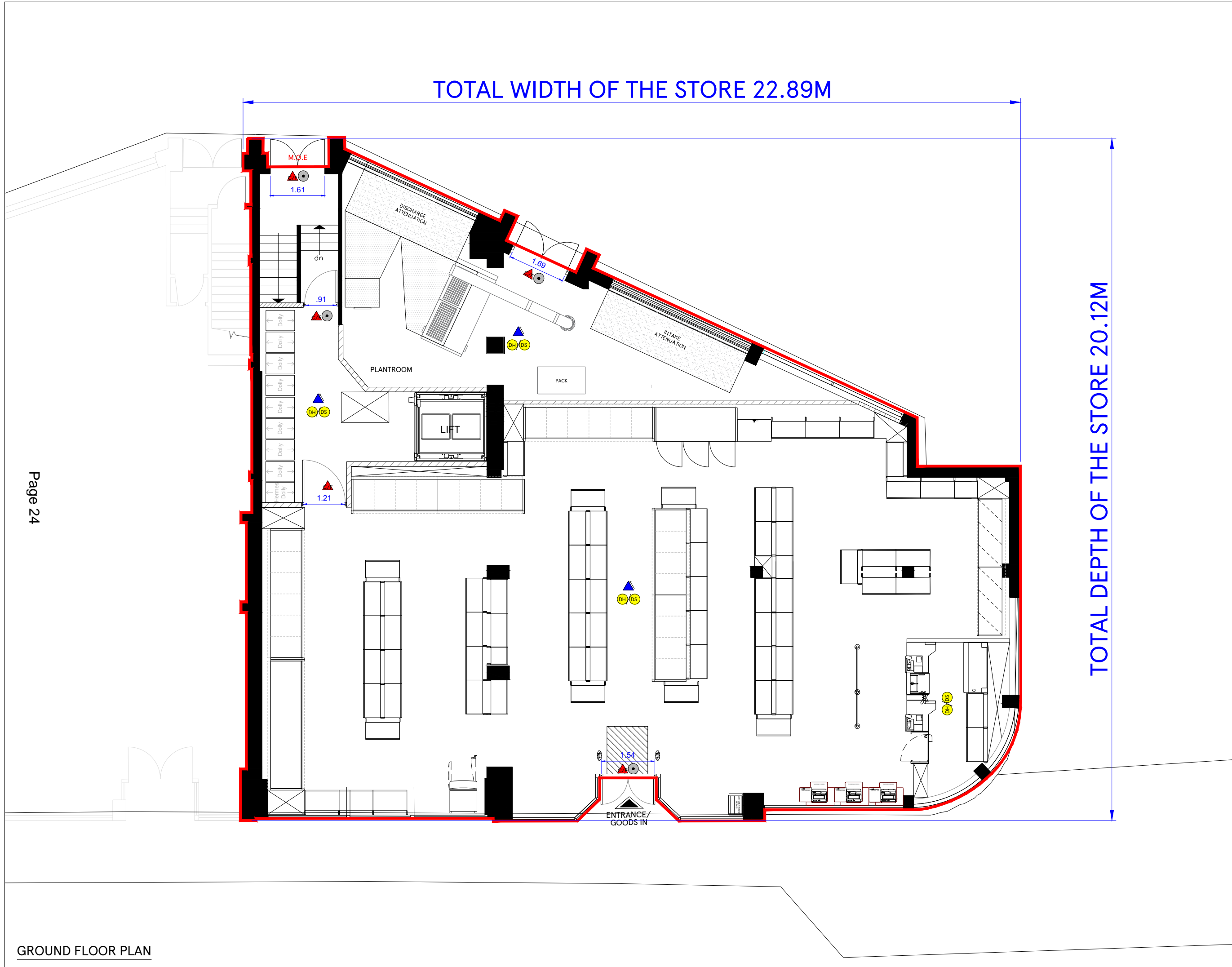
SYSTEM ID. No. LAURAASHLEYFeasbg##.dwg

SCALE **1:300@A3** DATE **11.05.2022**

UK PLANNING MANAGER **ANTHONY STAINSBY**



TESCO STORES LIMITED  
EXPRESS GROUP  
PLUS BUILDING, THE BOULEVARD, SHIRE PARK,  
WELWYN GARDEN CITY, HERTFORDSHIRE, AL7 1GB UK  
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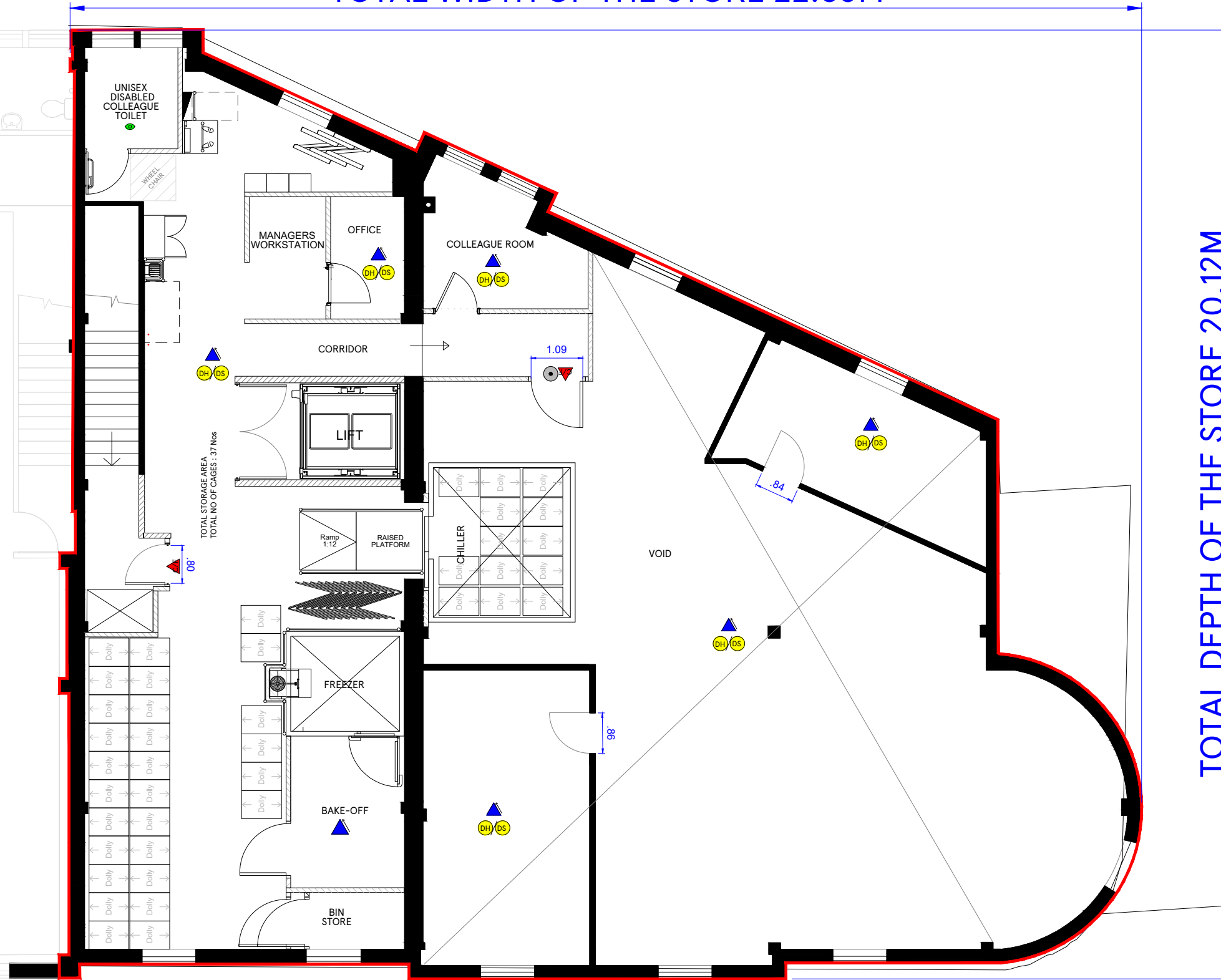
REV	DATE	AMENDMENTS
<p>ADDRESS: 36 High Street, Newport, Isle of Wight PO30 1SR</p>		
<p><b>FIRE DETECTION LEGEND</b></p> <ul style="list-style-type: none"> <li><span style="color: blue;">▲</span> SOUNDER</li> <li><span style="color: green;">●</span> VISUAL INDICATOR (BEACON)</li> <li><span style="color: red;">▲</span> 6KG 27A FOAM &amp; 2KG CO2 EXTINGUISHERS</li> <li><span style="border: 1px solid black; border-radius: 50%; padding: 2px;">DH DS</span> AREA COVERED BY SMOKE DETECTIONS</li> <li><span style="border: 1px solid black; border-radius: 50%; width: 10px; height: 10px; display: inline-block;"></span> BREAK GLASS CALL POINT</li> </ul> <p><b>RED LINE MEANING:</b> The red line denotes the area of the premises to be licensed space</p>		
<p>PROJECT: <b>HIGH STREET NEWPORT</b></p>		
<p>DESCRIPTION: <b>PROPOSED RETAIL GROUND BWS LICENSE LAYOUT</b></p>		
<p>DRAWING NO. LAURAASHLEYFeasgag#BWSPLAN</p>		
<p>PHASE <b>2</b> ISSUE <b>##</b></p>		
<p>SYSTEM ID. No. LAURAASHLEYFeasrg# #.dwg LAURAASHLEYFeasbg# #.dwg</p>		
<p>SCALE <b>1:100@A3</b></p>		<p>DATE <b>11.05.2022</b></p>
<p>UK PLANNING MANAGER <b>ANTHONY STAINSBY</b></p>		
<p>TESCO STORES LIMITED EXPRESS GROUP PLUS BUILDING, THE BOULEVARD, SHIRE PARK, WELWYN GARDEN CITY, HERTFORDSHIRE, AL7 1GB UK TELEPHONE - 01707 395150</p> <p><small>THE COPYRIGHT IN THIS DRAWING IS THE PROPERTY OF TESCO STORES LIMITED. ALL RIGHTS ARE RESERVED. WITHOUT THE WRITTEN CONSENT OF TESCO STORES LIMITED, NO PART OF THIS DRAWING OR ANY INFORMATION CONTAINED HEREIN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE PRIOR WRITTEN LICENCE FROM THE OWNER. © 2022 TESCO STORES LIMITED.</small></p>		

GROUND FLOOR PLAN



TOTAL WIDTH OF THE STORE 22.89M

TOTAL DEPTH OF THE STORE 20.12M



REV	DATE	AMENDMENTS

ADDRESS: 36 High Street,  
Newport, Isle of Wight  
PO30 1SR

- FIRE DETECTION LEGEND**
- SOUNDER
  - VISUAL INDICATOR (BEACON)
  - 6KG 27A FOAM & 2KG CO2 EXTINGUISHERS
  - AREA COVERED BY SMOKE DETECTIONS
  - BREAK GLASS CALL POINT

**RED LINE MEANING:** The red line denotes the area of the premises to be licensed space

PROJECT:  
**HIGH STREET NEWPORT**

DESCRIPTION  
**PROPOSED RETAIL FIRST FLOOR  
BWS LICENSE LAYOUT**

DRAWING NO. LAURAASHLEYFeasgaf##BWSPLAN

PHASE **2** ISSUE **##**

SYSTEM ID. No. LAURAASHLEYFeasrg##.dwg  
LAURAASHLEYFeasbg##.dwg

SCALE **1:100@A3** DATE **11.05.2022**

UK PLANNING MANAGER **ANTHONY STAINSBY**



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# Comments for Licensing Application 22/01104/LAPNEW

## Application Summary

Application Number: 22/01104/LAPNEW

Address: Not Available

Proposal: New Premises Licence

Case Officer: Ms Andrea Bull

## Customer Details

Name: Mr Anthony Baker

Address: Not Available

## Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Licensing Application

Comment Reasons:

- Children
- Crime
- Nuisance

Comment:22/08/2022 1:07 PM I wish to lodge the strongest possible objection to the application for extended hours for the sale of alcohol .

Newport has a much reported problem of bad behaviour which has led to police action on several occasions.

Opening a new Tesco branch in central Newport with the sale of alcohol over such extended hours (6am to midnight) can and will only fuel public disorder.

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**From:** Bull, Andrea  
**Sent:** 24 August 2022 09:38  
**To:**  
**Subject:** Tesco, Newport - Premises licence application

Dear Mr Baker

Thank you for your comments in respect of the above application.

I have included below the conditions put forward by the applicant. These will be attached to the licence if granted and will become legally enforceable.

a) General - all four licensing objectives

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 sell alcohol in a responsible manner. There is a detailed programme which ensures that comprehensive training is provided to employees having regard to their role and the responsibilities and such training is regularly reviewed, and records kept.

b) The prevention of crime and disorder

We will have a digital CCTV system that covers the premises, including the main area which will be used for display of alcohol. Images will be retained for 31 days.

A member of the management team will be on the premises all the time the store is open. This colleague will have responsibility for the premises and will be the initial point of contact for any issues that may arise.

c) Public safety

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

d) The prevention of public nuisance

The company has a "good neighbour" ethos which seeks to ensure that the premises plays an active part in the local community.

e) The protection of children from harm

The premises will operate a Think 25 policy. The checkouts will be programmed to prompt the customer assistant when an alcohol product is scanned at the checkout to follow the Think 25 policy.

All colleagues will receive training in relation to the underlying law and Tesco policy, systems, and procedures. This training will be documented, and refresher training will be provided on a regular basis.

I contacted the Police Licensing team yesterday to discuss this application and they have confirmed that the measures proposed by the applicant are sufficiently stringent to uphold the licensing objectives (these are listed above b - e). Generally large national companies pose far less risk in relation to the responsible sale of alcohol than smaller independent

premises, as they have dedicated staff and systems in place in order to ensure that the licensing objectives are being upheld.

Whilst I understand your concerns as to the existing issues that Newport is currently experiencing in terms of anti social behaviour, the grant of this licence with the proposed measures in place is unlikely to undermine the objectives.

Please be advised that we are unable to take cumulative impact i.e. the number of licensed premises in one location into account as we do not have a cumulative impact policy.

I would be grateful if once you've had time to consider this information you would advise if your objection still stands.

Kind regards

**Andrea Bull** | Senior Licensing Officer | Planning and Regulatory Services |

**From:** Tessa & Tony Baker

**Sent:** 27 August 2022 12:26

**To:** Bull, Andrea

**Subject:** RE: Tesco, Newport - Premises licence application

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe. Further information can be found [here](#).

Dear Andrea

Thank you for the detailed reply, I very rarely take issue with planning issues and I have never objected to license applications, however, in this case I feel strongly that the late sale of alcohol will have a negative effect on the local area.

I have taken time to study the content of the reply and can only say that I am saddened to find that the opinion of the licensing authority seems to be firmly in favour, let me reiterate my concern was the extended hours not the general sale of alcohol and that my objection still stands.

Taking the points in turn

- a) This is standard text and as such fails to impress.
- b) I am sure the applicant will do all this but it does nothing to impact on behaviour once the customer has left the premises.
- c) Again this is standard text that says very little.
- d) If this is true it is difficult to see why the extended licensing hours are not considered a negative element.
- e) Again this is standard text, if I was cynical I would consider this merely ensures a "it's not our fault we told the staff not to do it" response.

As for the general comments:-

1. I am disappointed in the stated reaction of the police, which I find hard to accept.

2. I cannot agree that this proposal as it stands will not undermine the objectives.
3. Whilst I understand the comment re the cumulative impact, I find it absurd that the authority has no policy.

Once again thank you for replying but my objection still stands

Regards Anthony Baker

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