

**LICENSING SUB-COMMITTEE: 06 May 2016**

**Report of the Head of Regulatory Services**

**Application for Premises Licence - Grant**

**Application No: CCCP/01924**

**Name of Premises: Tesco Stores Ltd.**

**Ward: Cyncoed**

**1. Application**

1.1 An application for a Premises Licence - Grant, has been received from Tesco Stores Ltd. in respect of Tesco Stores Ltd., 37-39 Lakeside Shopping Centre, Clearwater Way, Cardiff, CF23 6DL.

1.2 The applicant has applied for the following:

(1) In respect of the following licensable activities:

1. The sale by retail of alcohol for consumption off the premises.

(2) Description of Premises (as stated by applicant):

Retail premises (supermarket) selling a range of goods and services.

(3) Unless otherwise indicated the premises may be open to the public during the following hours and for any hours consequential to the non standard timings:

Monday to Sunday: 06:00 to 23:00

(4) To provide licensable activities during the following hours:

1. The sale by retail of alcohol for consumption off the premises :-

Monday to Sunday: 06:00 to 23:00

**2. Promotion of Licensing Objectives.**

2.1 The additional conditions proposed by the applicant to meet the licensing objectives are attached to the report.

**3. Relevant Representations**

Representations have been received in respect of the application, copies of which are enclosed with the report.

**4. Legal Considerations.**

4.1 In respect of the application the decision must be taken following consideration of the representations received with a view to promoting the licensing objectives which are:

Prevention of crime and disorder  
Public Safety  
Prevention of Public Nuisance  
Protection of Children from Harm

4.2 In each case the Sub-Committee may make the following determination

- a) To grant the application.
- b) To modify the conditions of the licence, by altering, omitting or adding to them, where relevant.
- c) Reject the whole or part of the application.

4.3 All decisions taken by the Sub-Committee must (a) be within the legal powers of the Council and its Committees; (b) comply with any procedural requirement imposed by law; (c) be undertaken in accordance with the procedural requirements imposed by the Council eg. standing orders and financial regulations; (d) be fully and properly informed; (e) be properly motivated; (f) be taken having regard to the Council's fiduciary duty to its taxpayers; and (g) be reasonable and proper in all the circumstances.

**5. Issues for Discussion.**

5.1 The application should be determined and the appropriateness of any conditions on the licence needs to be discussed.

**Dave Holland**  
**Regulatory Services**

**21 April 2016**

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

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

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 21 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 and 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.

**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.

CARDIFF COUNTY COUNCIL

24 MAR 2016

LICENSING SECTION



1924

Licensing Department,  
Cardiff Bay Police Station,  
James Street,  
Cardiff.  
CF10 5EW

17<sup>th</sup> March 2016

To  
Licensing Team,  
Tesco UK

APPLICATION FOR THE GRANT OF A PREMISES LICENCE,  
"TESCO" 37-39 LAKESIDE SHOPPING CENTRE, CLEARWATER WAY.

CARDIFF CF23 6DL

I have caused enquiries to be made into this application and make the following representations that I wish to be considered when deciding on the licensable activity and conditions for this licence.

We therefore ask that the Licensing Committee hear the representations made by the Police when determining the variation of this application.

Should the applicants agree to the representations made to meet the Licensing Objectives before a hearing is held then please accept that the Police will automatically withdraw their request for a hearing with the Licensing Committee.

1. The hours permitted for the sale of alcohol will be limited to 0800 to 2300 hours each day.

2. A CCTV system shall be installed to a standard agreed with South Wales Police. It will be maintained and operated at all times the premises are open to the public. The system shall cover all areas to which the public have access (excluding toilets) including all public entrances and exits. Images shall be kept for a minimum of 31 days.

The images shall be produced to a Police employee or authorised Officer of Cardiff Council Licensing in a readily playable format immediately upon request when the premises are open and at all other times as soon as reasonably practical. There will be sufficient staff training to facilitate the above.

**HEDDLU DE CYMRU URHS Y DWYRAIN**

Gorsaf Heddlu Bae Caerdydd, Stryd James, Bae Caerdydd CF10 5EW  
Mewn argyfwng ffoniwch **999**, fel arall, ffoniwch **101**  
Ffacsimili: 029 2052 7280 Gwefan: www.heddlu-de-cymru.police.uk

**SOUTH WALES POLICE EASTERN BCU**

Cardiff Bay Police Station, James Street, Cardiff Bay CF10 5EW  
In an emergency always dial **999**, for non-emergencies dial **101**  
Facsimile: 029 2052 7280 Website: www.south-wales.police.uk

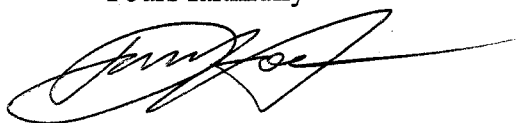
If the applicant does not agree with the afore-mentioned representation the Police objections will be based on the following:-

The prevention of crime and disorder.  
The prevention of public nuisance.

Addition evidence to support the Police representation and conditions may be used at a subsequent hearing before the Licensing Committee hearing. This evidence will be expanded on verbally, written, statistical or CCTV evidence.

If you wish any further information then please contact Police Licensing Officer Tony Bowley at the Cardiff Bay Police Station ☎ 029.20. 633421.

Yours faithfully

A handwritten signature in black ink, appearing to read 'D. Howe', with a long horizontal flourish extending to the right.

D. HOWE  
Chief Inspector.

14/4

**Barker, Kirstie**

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**From:** Josef Prygodzicz (Public Health Wales) <Josef.Prygodzicz@wales.nhs.uk>  
**Sent:** 11 April 2016 16:09  
**To:** Licensing (Licensing, Regulatory)  
**Cc:** Barker, Kirstie  
**Subject:** Opposition letter to Tesco Lakeside Shopping Centre, Clearwater Way, Cardiff  
**Attachments:** SKMBT\_C45216041114590.pdf

Hi,

Please find attached a letter on behalf of Cardiff and Vale University Health Board opposing the application for a change of licensable hours at Tesco, Clearwater Way, Cardiff to 6am.

Kirstie – could you please acknowledge receipt of the letter?

Many thanks,  
Josef

Josef Prygodzicz  
Uwch Arbenigwr Hybu Iechyd  
Iechyd Cyhoeddus Cymru, Tim Iechyd Cyhoeddus Caerdydd a'r Fro Morgannwg, Ysbyty'r Eglwys  
Newydd, Heol Parc, Caerdydd, CF14 7XB  
Senior Health Promotion Specialist, Public Health Wales Cardiff and Vale Public Health Team,  
Whitchurch Hospital, Park Road, Cardiff, CF14 7XB

Ffon/Tel: 029 20336206

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Ebost/Email: [josef.prygodzicz@wales.nhs.uk](mailto:josef.prygodzicz@wales.nhs.uk)

Rhyngrwyd/Internet: [www.iechydcyhoedduscymru.wales.nhs.uk](http://www.iechydcyhoedduscymru.wales.nhs.uk) / [www.publichealthwales.org](http://www.publichealthwales.org)

Mewnwrwyd /Intranet: [www.publichealthwales.nhs.uk](http://www.publichealthwales.nhs.uk)

WHTN: 0177624607



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11<sup>th</sup> April 2016

**Re: Application from Tesco for a change of licensable hours to 6am at Lakeside Shopping Centre, Clearwater Way, Cardiff.**

Dear Miss Barker,

In accordance with Cardiff and Vale University Health Board's role as a responsible authority I can confirm that an objection will be made to the application for a change of licensable hours for:

**Tesco, Lakeside Shopping Centre, Clearwater Way, Cardiff, CF23 6DL.**

The Health Board's objection to the licence application is based on the potential impact on public safety.

Evidence highlights that alcohol related harm in a population is linked to the increased availability and affordability of alcohol. The impact of alcohol is estimated to cost the NHS in Wales more than £109 million annually. There is a clear scientific consensus that the most effective policies and approaches to minimise the impact of alcohol related harm and therefore public safety is to control the price and availability of alcohol.

The Welsh Assembly Government in its substance misuse strategy '*Working together to reduce harm*' (2008) highlight reducing the inappropriate availability of alcohol as an effective measure to reduce alcohol related harm. The Health Board fully supports curtailing the inappropriate availability of alcohol, which we believe includes preventing premises from selling alcohol at 6am.

The Health Board believes the more that alcohol is sold at times and on occasions not traditionally associated with alcohol sales, the more that alcohol is normalised in our communities. We hold serious concerns regarding the message that the granting of this change to licensable hours will send to other off licenses. It will also set a precedent: we believe it will be difficult to justify allowing 6am sales of alcohol in one premise without allowing other off licenses in the city to do the same. The Health Board strongly opposes the prospect of 6am alcohol sales and does not support the granting of the extended licensable hours.

If there are any queries regarding this response please contact me on the details provided below.

Yours sincerely

*Fiona Kinghorn*

Fiona Kinghorn

Consultant in Public Health

Cardiff and Vale Public Health Team

Cardiff and Vale University Health Board / Public Health Wales

Whitchurch Hospital

Park Road, Cardiff, CF14 7XB

Tel: 02920 336219



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**'Alcohol misuse is already one of the most serious public health challenges in Wales'**

**(Chief Medical Officer for Wales, 2010)**

- Every year, alcohol contributes to around 1000 deaths in Wales<sup>1</sup>.
- 1.5% of all hospital admissions in Wales are alcohol related<sup>1</sup>.
- Trend data show that alcohol related hospital admissions are increasing<sup>1</sup>.
- Alcohol related incidents cost the NHS in Wales between £70 and £85 million per year<sup>2</sup>.
- 44% of adults in Wales report drinking alcohol above the recommended alcohol limits in the previous week and 27% of adults in Wales report that they binge drink<sup>3</sup> – this is likely to be a substantial under-estimate of the true number.
- It is estimated that for every drinker in Wales there is a disparity of a bottle of wine between reported drinking levels and alcohol purchased<sup>4</sup>.
- Alcohol and its misuse is associated with significant health, social and economic costs, to individuals, families, communities, workplaces, organisations and society as a whole.
- As well as potentially causing harm to the individual who is drinking, alcohol consumption can also have an effect on wider society through alcohol-related crime.
- In 2007/8, there were estimated to be around 18,000 incidents of violent crime attributable to alcohol in Wales<sup>1</sup>. This figure is likely to substantially under-estimate the contribution of alcohol to crime.
- Around 1 in 9 motor vehicle drivers killed in traffic accidents in Wales, in 2012, were over the drink-drive limit.<sup>5</sup>

<sup>1</sup> Gartner et al (2009) *A profile of alcohol and health in Wales*. Cardiff: Wales Centre for Health. Available at: [http://nww2.nphs.wales.nhs.uk:8080/PubHObservatoryProjDocs.nsf/85c50756737f79ac80256f2700534ea3/0400558233b1c95c802576ea00407a33/\\$FILE/Alcohol%20and%20health%20in%20Wales\\_WebFinal\\_E.pdf](http://nww2.nphs.wales.nhs.uk:8080/PubHObservatoryProjDocs.nsf/85c50756737f79ac80256f2700534ea3/0400558233b1c95c802576ea00407a33/$FILE/Alcohol%20and%20health%20in%20Wales_WebFinal_E.pdf) [Accessed 23<sup>rd</sup> April 2013]

<sup>2</sup> Welsh Assembly Government (WAG) (2008a) cite Coles and Pates (unpublished)

<sup>3</sup> Welsh Government (2012) *Welsh Health Survey: Local authority and Local Health Board results, 2010 and 2011*. Available at: <http://wales.gov.uk/topics/statistics/theme/health/health-survey/results/?lang=en> [Accessed 23<sup>rd</sup> April 2013]

<sup>4</sup> Alcohol Concern (2009) *Off Measure: How we underestimate the amount we drink*. Available at: <http://www.alcoholconcern.org.uk/assets/files/Publications/Off%20Measure%20-%20FINAL.pdf> [Accessed 23<sup>rd</sup> April 2013]

<sup>5</sup> Welsh Government (2013). *Statistics Bulletin: Road casualties Wales: Drinking and driving, 2012*. Available at: <http://wales.gov.uk/docs/statistics/2013/131126-drinking-driving-2012-en.pdf> [Accessed 21<sup>st</sup> August 2014]





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### In Cardiff and Vale...

- Cardiff and Vale has higher levels of alcohol misuse than Wales in general.
- 46% of adults report drinking alcohol above the recommended alcohol limits on at least one day in the previous week<sup>6</sup>.
- Men drink above the guidelines more often than women, with the 45-54 year olds drinking over the guidelines most<sup>7</sup>.
- 28% of adults in Cardiff and the Vale report that they binge drink<sup>6</sup>.
- Binge drinking in Cardiff and Vale is on or above the national average, and is likely to be centred on hotspots such as Cardiff City Centre.
- Alcohol related hospital admissions in Cardiff and Vale, for males and females, are slightly lower than the Wales average<sup>8</sup>, but this trend is rising.
- Alcohol related violent crime is lower in the Vale of Glamorgan than across all-Wales average but, this may be due to under reporting of these crimes.
- Crime in Cardiff is above the national average and while the residencies of the offenders are unknown (many may be from other areas) the impact on Cardiff's services is considerable.
- 3.8% of drivers involved in road accidents in South Wales in 2012 tested positive in the alcohol breath test<sup>5</sup>.

<sup>6</sup> Welsh Government (2012) *Welsh Health Survey: Local authority and Local Health Board results, 2010 and 2011*. Available at: <http://wales.gov.uk/topics/statistics/theme/health/health-survey/results/?lang=en> [Accessed 23rd April 2013]

<sup>7</sup> Welsh Government (2012) *Welsh Health Survey 2011*. Available at: <http://wales.gov.uk/topics/statistics/headlines/health2012/120919/?lang=en> [Accessed 23rd April 2013]

<sup>8</sup> Gartner et al (2009) *A profile of alcohol and health in Wales*. Cardiff: Wales Centre for Health. Available at: [http://nww2.nphs.wales.nhs.uk:8080/PubHObservatoryProjDocs.nsf/85c50756737f79ac80256f2700534ea3/0400558233b1c95c802576ea00407a33/\\$FILE/Alcohol%20and%20health%20in%20Wales%20WebFinal%20E.pdf](http://nww2.nphs.wales.nhs.uk:8080/PubHObservatoryProjDocs.nsf/85c50756737f79ac80256f2700534ea3/0400558233b1c95c802576ea00407a33/$FILE/Alcohol%20and%20health%20in%20Wales%20WebFinal%20E.pdf) [Accessed 23<sup>rd</sup> April 2013]



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### Why does licensing matter?

- Opening hours and density of alcohol sales outlets influence alcohol consumption, drinking patterns and damage due to alcohol<sup>9</sup>.
- It has been concluded that restricting the availability of alcohol is an effective way of reducing alcohol related harm.
- The number of alcohol outlets is strongly related to alcohol related hospital admissions<sup>10</sup>.
- There is a significant link between the density of 'pubs and clubs' and numbers of assaults<sup>11</sup> and also to crime rates in general<sup>12</sup>
- Reducing alcohol availability and access is key to preventing alcohol related problems in the community<sup>13</sup>.
- Extensions to opening hours are most often used by problem drinkers to increase their access to alcohol<sup>14</sup>.
- Increasing the density of alcohol outlets increases competition, usually leading to lower prices and increased alcohol consumption<sup>15</sup>.
- Marginalised drinkers are most affected by changes in alcohol availability<sup>15</sup>.
- The Welsh Assembly Government in its substance misuse strategy '*Working together to reduce harm*'<sup>16</sup> identified banning the sale of alcohol at petrol stations in Wales as an effective measure to tackle the inappropriate availability of alcohol.

<sup>9</sup> Popova S et al (2009) Hours and days of sale and density of alcohol outlets: impacts on alcohol consumption and damage: a systematic review. *Alcohol & Alcoholism*. 44, pp. 500 – 16.

<sup>10</sup> Tatlow et al (2000) The relationship between the geographic density of alcohol outlets and alcohol-related hospital admissions in San Diego County. *Journal of Community Health*, 25 (1), pp. 79–88.

<sup>11</sup> Gouvis Roman et al (2008) Alcohol Outlets as Attractors of Violence and Disorder: A Closer look at the Neighbourhood Environment. Available at: [http://www.urban.org/UploadedPDF/411663\\_alcohol\\_outlets.pdf](http://www.urban.org/UploadedPDF/411663_alcohol_outlets.pdf) [Accessed 23rd April 2013].

<sup>12</sup> Gruenewald et al (2006) Regulating Availability: How access to alcohol affects drinking and problems in youth and adults. *The Journal of the National Institute on Alcohol Abuse and Alcoholism*. 24 (2), pp. 258-267. Available at: <http://pubs.niaaa.nih.gov/publications/arrh342/248-256.htm> [Accessed 5th June 2013]

<sup>13</sup> Gorman and Horel (2005) Drug 'hot-spots', alcohol availability and violence. *Drug and Alcohol Review*. 24, pp. 507 – 513. Available at: <http://onlinelibrary.wiley.com/doi/10.1080/09595230500292946/abstract> [Accessed 5th June 2013]



<sup>14</sup> McLaughlin et al (1992) and Smith (1986)

<sup>15</sup> Livingston et al (2007) Changing the density of alcohol outlets to reduce alcohol-related problems. *Drug and Alcohol Review*, 26 (5) pp. 557-566.

<sup>16</sup> Welsh Assembly Government (2008). *Working together to reduce harm The substance misuse strategy for Wales 2008-2018*. Available at: <http://wales.gov.uk/topics/people-and-communities/safety/publications/strategy0818/?lang=en> [Accessed 21<sup>st</sup> August 2014]



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<p>CHIEF EXECUTIVE Paul Orders County Hall Atlantic Wharf Cardiff CF10 4UW Tel: 029 20872000</p>	<p><b>City of Cardiff Council</b> <b>Cyngor Dinas Caerdydd</b></p>  <p><b>CARDIFF</b> <b>CAERDYDD</b></p>		<p>Title</p> <p>Scale: 1:1417 Date: 21/4/2016 Coordinates: © Crown copyright and database rights (2014). This copy is produced specifically to supply County Council information NO further copies may be made. Ordnance Survey 100023376 (2014).</p>
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