

**LICENSING SUB-COMMITTEE: 13th April 2018
Report of the Head of Regulatory Services**

Application for Premises Licence - Variation

Licence No: CCCP00651

**Name of Premises: Tesco Tyn y Parc Cardiff Express, Tyn y Parc Road, Cardiff, CF14
6BN**

Ward: Whitchurch and Tongwynlais

1. Application

1.1 An application for variation of a Premises Licence has been received from Tesco Stores Limited in respect of Tesco Tyn y Parc Cardiff Express, Tyn y Parc Road, Cardiff, CF14 6BN.

1.2 The applicant has applied to amend the licensable hours as follows:

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 A copy of the operating schedule submitted with the application is attached.

3. Relevant Representations

3.1 A representation has been received from South Wales Police and the condition suggested by them has been agreed with the applicant. The representation has therefore been withdrawn (see attached).

3.2 A representation has been received from a local ward Councillor and a copy of this objection is attached.

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 March 2018

M

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

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

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

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

b) The prevention of crime and disorder

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

Images will be retained for a minimum of 21 days

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

c) Public safety

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

d) The prevention of public nuisance

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

e) The protection of children from harm

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

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

Checklist:

Please tick to indicate agreement

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Barker, Kirstie

From: Purewal, Hardish <Hardish.Purewal@tesco.com>
Sent: 14 March 2018 12:17
To: Tony.Bowley@south-wales.pnn.police.uk; Licensing (Licensing, Regulatory) \
Trwyddedu
Subject: RE: reps re TESCO Tyn Y Parc Road
Attachments: reps re TESCO Tyn Y Parc Road.doc

***** Warning: This email contains a Microsoft Office (Word, Excel, PowerPoint) or Adobe PDF attachment. Although this email has been scanned for threats, please think before opening attachments from unrecognised senders.**

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Hi Tony

Ref TESCO Tyn Y Parc Road

Should the licence variation be granted for the above premises, we would be happy to agree to the following condition.

1. A cctv system shall be installed to a standard agreed with South Wales Police. The system shall be maintained and operated at all times the premises are open to the public.

The system shall cover all parts of the licensable areas to which the public have access (excluding toilets). Images shall be kept for a minimum of 21 days.

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

Thanks
Hardish

From: Tony.Bowley@south-wales.pnn.police.uk [mailto:Tony.Bowley@south-wales.pnn.police.uk]
Sent: 13 March 2018 15:49
To: licensing@cardiff.gov.uk; Purewal, Hardish <Hardish.Purewal@tesco.com>
Subject: reps re TESCO Tyn Y Parc Road

Dear Hardish,

Please find attached the police representation regarding this variation.

The signed original is available if required.

If you are in agreement please email me in the affirmative and would you be kind enough to copy in Cardiff Council Licensing.

Regards
Tony

Ydych chi angen siarad gyda'r heddlu ond nad oes angen ymateb brys arnoch? Ffoniwch 101? Gellir defnyddio'r rhif i roi gwybod am achos nad yw'n un brys i unrhyw heddlu yng Nghymru a Lloegr.

Mewn argyfwng, ffoniwch 999 bob amser.

Do you need to speak to police but don't require an emergency response? Call 101? The number can be used to report a non-emergency to any force in Wales and England. In an emergency, always dial 999.

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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This is a confidential email. Tesco may monitor and record all emails. The views expressed in this email are those of the sender and not Tesco. Tesco Stores Limited Company Number: 519500 Registered in England
Registered Office: Tesco House, Shire Park, Kestrel Way, Welwyn Garden City, AL7 1GA VAT
Registration Number: GB 220 4302 31

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

12th March 2018

Steven Andrzejuk,
Licensing Manager Tesco stores Ltd.
Tesco House,
5 Falcon Way,
Shire Park,
Herts.
AI7 1TW

APPLICATION FOR THE VARIATION OF A PREMISES
LICENCE,
"TESCO" TYN Y PARC ROAD, CARDIFF, CF14 6BN

I, Chief Inspector J. JONES of the South Wales Police for the district of Cardiff, hereby give notice that an objection shall be made to the application to vary the premises licence for "Tesco" Tyn Y Parc Road, Cardiff CF14 6BN.

I have caused enquiries to be made into this application and make the following representation 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 representation made by the Police when determining the grant of this application. Should the applicants agree to comply with the representation made to meet the Licensing Objectives before a hearing then please accept that the Police will automatically withdraw their request for a hearing with the Licensing Committee.

p.t.o.

POLICE REPRESENTATION

1. A cctv system shall be installed to a standard agreed with South Wales Police. The system shall be maintained and operated at all times the premises are open to the public.

The system shall cover all parts of the licensable areas to which the public have access (excluding toilets). Images shall be kept for a minimum of 21 days.

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

This objection is made under the Licensing Objectives of;

The prevention of Crime and disorder

(cctv is seen as a good tool in the prevention of crime and anti-social behaviour.

It is also seen as giving good evidence in relation to the detection of crime.)

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.

Should the applicant be in agreement with the above condition being placed on the licence the Police will withdraw their application for the matter to be heard before the licensing committee.

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,

Joe JONES

Chief Inspector

Barker, Kirstie

Subject: FW: Tesco, Tyn y Parc Rd, Heath

From: Holland, Dave

Sent: 02 March 2018 07:54

To: Hartrey, Claire <CHartrey@cardiff.gov.uk>; Barker, Kirstie <kibarker@cardiff.gov.uk>

Subject: FW: Tesco, Tyn y Parc Rd, Heath

From: Hudson, Lyn (Cllr)

Sent: 01 March 2018 18:24

To: Holland, Dave

Subject: Tesco, Tyn y Parc Rd, Heath

Hi Dave

On reading today's Echo, I see there is a Public Notice for the above Tesco to vary its Licence. I'm opposing this on the principle of public nuisance. It does not comply on several levels. I have had complaints from neighbours in the past on noise and light issues and there are family dwellings at the side and back of Tesco. It is also not acceptable as it is directly opposite Whitchurch High School, and the 5-side power league within the grounds.

Other supermarkets (Aldi) will be operating from 0700-23.00 which I would consider adequate and much more neighbourhood friendly.

regards


Lyn

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CHIEF EXECUTIVE
 Paul Orders
 County Hall
 Atlantic Wharf
 Cardiff CF10 4UW
 Tel: 029 20872000

City of Cardiff Council
Cyngor Dinas Caerdydd



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