

LICENSING PANEL

THURSDAY, 19TH NOVEMBER, 2020, 2.00 PM

HYBRID MEETING, ACCESSIBLE VIA MS TEAMS OR SHIELD ROOM

SUPPLEMENTARY AGENDA

3 Tesco Stores Ltd

(Pages 53 - 58)

Additional information has been submitted in respect of
Appendix 2 and Appendix 3

Gary Hall
INTERIM CHIEF EXECUTIVE

Electronic agendas sent to Members of the Licensing Panel Councillors
James Flannery (Chair), Jane Bell and Jacqui Mort

The minutes of this meeting will be available on the internet at
www.southribble.gov.uk

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Agenda Item 3

Appendix 2

Objections to 24-hour licensing application of Tesco at Cop Lane/Liverpool Road, Penwortham.

On behalf of Ruth, Neil and Francesca Fraser @ [REDACTED], Cop Lane, Penwortham, PR1 0SR

1) Thank you for considering this objection linked to:-

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

2) Also, as a general point of extreme importance, there would have been many more similar objections, had the notice in question been seen, or been made available to be seen by, more of the residents who will be directly impacted by this application. I am a Personal Alcohol Licence Holder myself [REDACTED] for a Public Venue and, therefore, very familiar with licensing application process.

Objection to Service of the Notice

It is queried whether the application was sufficiently advertised in accordance with the statutory/regulatory duty under Licensing Act 2003 and Regulations 2005. In order to satisfy their duty, Tesco's must have complied with the following:

Licensing Act 2003 (Premises licences and Club premises certificates) Regulations 2005

Advertisement of applications

25. In the case of an application for a premises licence under section 17, for a provisional statement under section 29, to vary a premises licence under section 34, for a club premises certificate under section 71 or to vary a club premises certificate under section 84, the person making the application **shall advertise the application**, in both cases containing the appropriate information set out in regulation 26—

(a) for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority, by displaying a notice,

(i) which is—

(aa) of a size equal or larger than A4,

(bb) of a pale blue colour,

(cc) printed legibly in black ink or typed in black in a font of a size equal to or larger than 16;

(ii) in all cases, prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises and in the case of a premises covering an area of more than 50 metres square, a further notice in the same form and subject to the same requirements every fifty metres along the external perimeter of the premises abutting any highway; and

(b) by publishing a notice—

(i) in a local newspaper or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises;

(ii) on at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the relevant licensing authority.

2.1) The first day that the notice was made visible to any residents surrounding the site was on 6/10/20 and on the blue panel opposite our house at no.6, Cop Lane. It was a warm day and I (Ruth Fraser) was watering my garden when a chap arrived and sellotaped the white, A4, laminated notice to the gate amongst other notices already posted up there by ISG/Tesco. He had only been gone a couple of minutes when it fell off. Eventually, I went over and picked it up and reattached it. After the 3rd time, I took the notice home and rang SRBC to let them know and that someone needed to make sure it was being displayed properly and would need pins rather than sellotape. I thought that someone would arrive to ensure the correct display of a legal notice but eventually I took it with some pins (in Tesco colours) to the new ISG entrance gate (predominantly for the use of the Constructors) and stressed to them that it needed to be on constant display for 28 days.

It reappeared a few days later and initially was on a panel slanted into the site and within the actual boundary. Then it did move again to a panel that was at least facing the footpath where the public might see it, but again it was in with lots of other ISG/site related notices. It was not easy to spot at all.

I have received information from other neighbours (& friends) who live in the roads that are perpendicular to the boundary fence panels on the East side of the site (Clifton Drive etc.....) who have never seen this notice at all. The same applies to the residents on Liverpool Rd. All of these would have had to walk around the site to Cop Lane in order to even have a chance of seeing, what seems to have been, the only notice at all which, even if it had been continuously on display since 6/10/20, that was still not 28 days for the deadline of 29/10/20 that was given for objections to be submitted. As I say, there would have been many more had the appropriate opportunity been given to all impacted residents.

3) Objections iro specific objectives mentioned above:

3.1) This is an area that is predominantly residential with the businesses on Liverpool Road existing to serve the local community. The licensed premises on and around Liverpool Road are restricted in the serving hours and none have extended licenses. Rightly, no doubt the licensing authority had in mind the following considerations, at the very least:

1. The prevention of crime and disorder
2. The prevention of Public Nuisance

Appendix 2

These criteria should equally apply to this application. Tesco's is surrounded by residential roads, closest being Cop Lane, Liverpool Road, Rawstorne Road, Greyfriars Drive, Clifton Drive and Alcester Avenue, as well as a school to its rear. A large component of local residents includes families with young children.

3.2) Allowing a 24-hour licence is likely to encourage those who are restricted in their drinking hours in other licensed premises in Penwortham to move on (at whatever closing time is, due to Covid 19 restrictions, by the end of Jan 2021 to Tesco's. This could significantly increase the likelihood of anti-social behaviour and public nuisance. It is also likely to encourage persons to congregate in the vicinity, where there will be space in the car park, at night, for large numbers to meet. And, as mentioned above, we are still highly likely to be under some level of "social distancing" regime. The links between alcohol and people's "inability" to maintain social distancing are well documented and highly likely to be an issue for our local Constabulary. The consequence of this, is an increase in public nuisance due to drunken behaviour, public safety issues and an increase in crime and disorder.

3.3) If Tesco's is granted a licence, it is likely to increase public nuisance, crime and disorder and cause issues of public safety. In addition, why allow a licence that is likely to increase the burden on an already stretched police force? The cost of the force will increase and potentially be passed onto Penwortham residents who already pay considerable amounts of Council Tax to SRBC. That is a total lose/lose situation for all.

3.4) Finally, Tesco's should be in no better position than the other licensed premises in and around Penwortham, who have been restricted in their service hours. If this application were allowed, it would open the floodgates for applications for extended hours, which have previously been refused.

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South Ribble Borough Council Tesco 24 hour Licensing Appeal

19th November 2020

Thank you for considering my objection linked to :-

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

Background

Tesco have stated their store is initially to be daytime only – therefore an associated licensing application would be appropriate.

There is always the option to apply for a variation, if required, in the future.

Objection

The store is in a residential area with several licensed premises nearby who have all had their licenses restricted to 11pm because of their location.

An overnight licence could and would encourage some revellers to use Tesco and continue drinking in the grounds and nearby after closing time.

Also, as there are no other 24 hour outlets for alcohol (not a life requirement) within a wider catchment area it would act as a magnet for customers coming into the area. This could lead to further problems in the neighbourhood.

Mary J D Heaton MBE JP

[REDACTED] Cop Lane

Penwortham

Preston

PR1 0SR

[REDACTED]

[REDACTED]

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