
Licensing Act 2003 Sub Committee

30 April 2007

Report of the Director of Neighbourhood Services

Section 18(3)(a) Application for a premise licence for Tesco Stores Ltd, 376 Huntington Road, York, YO31 9HP

Summary

1. This report seeks Members determination of an application for the grant of a premise licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC-012832.
3. Name of applicant: Tesco Stores Ltd.
4. Type of authorisation applied for: Grant of a premises licence.
5. Summary of application: The nature of the application is to permit the supply of alcohol for consumption off the premises.

Background

6. A copy of the application is attached at Annex 1.

Promotion Of Licensing Objectives

7. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
8. The prevention of crime and disorder: 1) The premises will have digital CCTV system that covers many areas of the shop floor, including the proposed area which will be used for beer and wine. Images will be retained for a minimum of 21 days and made available on enforcement request. 2) A member of the management team will be on the premises all the time the store is open. 3) Checkout area will be constantly manned whilst the store is open.
9. Public safety: 1) A member of the management team will be on the premises all the time the store is open and will be trained to manage the store including looking after the safety of the public. 2) The store will adhere to the rules and regulations relating to public safety.

10. The prevention of public nuisance: 1) The store intends to be an active member of the community. 2) We will be happy to liaise with police and enforcement authorities should the need arise.
11. The protection of children from harm: 1) All staff will be trained and regularly refreshed in the corporate 'Think 21' policy. 2) A till prompt will appear on the initial sale of alcohol that will remind the seller of the 'Think 21' policy and remind staff not to sell alcohol to anyone under the age of 18. 3) When alcohol is refused by the seller after the product has been scanned the refusal will be recorded in a report that can be produced at store level on a weekly basis. 4) The store will display signage around the premises informing both staff and customers of our 'Think 21' policy.

Special Policy Consideration

12. This premise is not located within the special policy area.

Consultation

13. Consultation was carried out by the applicant in accordance with s13, and s17(5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements. In addition the relevant ward councillors and/or parish council were notified by way of register.
14. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

15. There were no representations received from responsible authorities.

Summary of Representations made by Interested Parties

16. A representation has been received from one interested party listed at Annex 2 (confidential). His/her representation is attached at Annex 3.
17. The address of the interested party is indicated on the map attached as Annex 4 (confidential). A further map indicating the general area from which the representation was received is attached at Annex 5.
18. An "interested party" is defined at s13(3) of the Act as being a person living in the vicinity of the premises, a body representing persons who live in that vicinity, a person involved in a business in that vicinity, or a body representing persons involved in such businesses.

19. Members are reminded that representations are only “relevant” if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

Planning Issues

20. Planning permission was granted on appeal with the following conditions;
Opening hours: Monday to Saturday 07:00 hours to 22.00 hours
Sunday and Bank Holidays 07.00 hours to 21.00 hours
Delivery times: Monday to Saturday 07:00 hours to 09:00 hours and 19:00 hours to 21:00 hours
Sunday and Bank Holidays 08:00 hours to 10:00 hours.

Options

21. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision:-
22. Option 1: Grant the licence in the terms applied for.
23. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
24. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
25. Option 4: Reject the application.

Analysis

26. The following could be the result of any decision made by this Sub Committee:-
27. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
28. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
29. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
30. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Corporate Priorities

31. The Licensing Act 2003 has 4 objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

32. The promotion of the licensing objectives will support the Council's priority to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York.

Implications

33.

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – N/A
- **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

34. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
35. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

36. Members determine the application.

Contact Details

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Report Approved

Date 17 April 2007

Specialist Implications Officer(s)

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Wards Affected: Huntington/New Earswick

For further information please contact the author of the report

Background Papers:

- Annex 1** - Copy of application form
- Annex 2 (Confidential)** - Details of Interested Party
- Annex 3** - Representation received from Interested Party
- Annex 4 (Confidential)** - Map of area indicating address of Interested Party
- Annex 5** - Map showing general area from which representation received
- Annex 6** - Mandatory Conditions
- Annex 7** - Legislation and Policy Considerations