
Licensing Act 2003 Sub Committee

26th January 2015

Report from the Assistant Director – Housing & Community Safety

Section 18(3) (a) Application for a premise licence for Tesco Express, 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-052447
3. Name of applicant: Tesco Stores Ltd.
4. Type of authorisation applied for: Grant of Premise Licence
5. Summary of application: The nature of the application is to allow for the sale of alcohol, off the premises, every day between 06:00 hours and 23:00 hours and with these same times for opening.

Background

6. A copy of the application is attached at Annex 1.
7. This store is currently operating under a separate premises licence CYC 012832. A copy is attached at Annex 2

Promotion of Licensing Objectives

8. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:
9. The prevention of crime and disorder
 - a) The premises will have a digital CCTV system that covers many areas of the shop floor, including the proposed area which will be used for beer and wine.
 - b) Images will be retained for a minimum of 21 days and made available on enforcement request.

- c) 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.

10. Public safety

- a) The store will adhere to all rules and regulations relating to public safety.

11. The Prevention of public nuisance

- a) Tesco intend to be an active member of the community and welcome the opportunity to liaise with the police and enforcement authorities should the need arise

12. The protection of children from harm:

- a) All staff will be trained and regularly refreshed in the corporate "Think 25" policy.
- b) A till prompt will appear on the initial sale of alcohol that will remind the seller of their responsibilities not to sell alcohol to anyone under the age of 18.
- c) The store will display signage around the premises informing both staff and customers of the "Think 25" policy on alcohol.

Special Policy Consideration

13. This premise is not located within the extended special policy area.

Consultation

14. 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.

15. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

16. No representations were received from any of the Responsible Authorities.

Summary of Representations made by Parties other than Responsible Authorities

17. Two relevant representations have been received and these are attached at Annex 3.
18. A map showing the general area around the venue is attached at Annex 4.

Planning Issues

19. A planning application has been submitted to vary the stores opening hours, it is currently under consideration.

Options

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

Analysis

25. The following could be the result of any decision made this Sub Committee:-
26. Option 1: This decision could be appealed at Magistrates Court by any of the representors.

27. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
28. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
29. Option 4: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

30. 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.
31. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

Implications

32.

- **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

33. 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.
34. 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

35. Members determine the application.

Reason: To address the representations received as required by the Licensing Act 2003.

Contact Details

Author:

Lesley Cooke
Licensing Manager

Tel No. 01904 551515

Chief Officer Responsible for the report:

Steve Waddington
Assistant Director
Housing & Community Safety.

**Report
Approved**



Date 09/01/2015

Specialist Implications Officer(s)

Head of Legal & Democratic Services
Ext: 1004

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** - Copy of current licence
- Annex 3** - Relevant representations
- Annex 4** - Plan of area
- Annex 5** - Mandatory Conditions
- Annex 6** - Legislation and Policy Considerations