

LICENSING COMMITTEE (HEARING) – 22 SEPTEMBER 2009**APPLICATION FOR A PREMISES LICENCE FROM THE TESCO STORES LTD, 39 - 41 HIGH STREET, EDENBRIDGE, KENT TN8 5AD FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003****APPLICATION REFERENCE NO: 09/00488/PRE**

Report of the:	Community and Planning Services Director
Status:	For Decision
Portfolio Holder	Cllr. Mrs Bracken
Head of Service	Head of Environment & Operational Services – Mr. Richard Wilson

Recommendation: Members' instructions are requested**Background**

The procedure for Hearings of Sub-Committees of the Licensing Committee established in accordance with Section 9 of the Licensing Act 2003 is attached at Appendix A.

The application is made by Tesco Stores Ltd, Tesco House, Delamere Road, Cheshunt, Waltham Cross, Herts. EN8 9SL for Tesco Stores Ltd, 39 - 41 High Street, Edenbridge, Kent TN8 5AD. Retail premises (supermarket) selling a range of goods and services. This includes the sale of alcohol for consumption off the premises. Sales of alcohol for consumption off the premises are made from the supermarket sales floor.

The application is to:

Section M	To allow sale of alcohol, to be consumed off the premises every day from 06:00 until 23:00 hours.
Section O	Hours premises are open to the public, Every day from 06:00 until 23:00 hours.

The applicant intends to take the following action in order to promote the four licensing objectives if the proposed application is granted:

General

We are a national retailer that sells alcohol as part of a broad offering of goods and services. We have held off-licences in our stores for many years and are an approved British Institute of Inn-keeping examination centre. We have written training policies and formal training programmes are in place, which ensure our people are equipped to meet all licensing objectives. All training and revision/refresher materials are reviewed regularly. We have introduced our 'Think 25' policy to all of our stores in June 2009, this policy is brought to customer's attention through point of sale material at the checkout and where alcohol is displayed for sale. We take legal compliance very seriously and in addition to local training we employ a central alcohol licensing compliance manager and have a compliance committee.

The Prevention of Crime and Disorder

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, should we be successful with our application.

Images will be retained for a minimum of 21 days and made available on 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.

Public Safety

A person will have responsibility for the premises whilst the premises are open. Management will be trained to support the running of the premises including looking after our customers and staff. The store will adhere to all rules and regulations relating to public safety.

The Prevention of Public Nuisance

We intend to be an active member of the community.

We welcome the opportunity to liaise with Police and enforcement authorities should the need arise.

The Protection of Children from Harm

All staff will be trained and regularly refreshed in the corporate Think 25 Policy. Staff will be trained to look at the customer and Think 25 when selling alcohol.

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A till prompt will appear on the initial sale of alcohol that will remind the seller of their responsibilities including not to sell alcohol to anyone under the age of 18.

The store will display signage around the premises informing both staff and customers of our Think 25 policy on alcohol.

Representations received from statutory consultees:

Fire Safety	NO ADVERSE COMMENTS
Trading Standards	NO ADVERSE COMMENTS
Social Service	NO ADVERSE COMMENTS
Police	NO ADVERSE COMMENTS
Commercial	NO OBJECTIONS
Environmental Protection	NO ADVERSE COMMENTS
Development Control	NO ADVERSE COMMENTS

Representations received from interested parties:

2 Local residents (Appendix B)

Conclusions

Without prejudice, the Officer would like to draw to Members attention issues that they may wish to consider:

Mandatory conditions – the following conditions will be added to the premises licence when it is issued.

MC01 - The supply of alcohol

{b MC1 - The supply of alcohol}

{b MC0101} - Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

No supply of alcohol may be made under the premises licence -

(a) at a time where there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

{b MC0102} - Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy. Where the decision departs from the Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and such departure must be supported by clear and cogent reasons.

Sources of Information: <http://www.culture.gov.uk/alcohol> and entertainment

Contact Officer(s): Miss. Jessica Bolton Ext. 7480

**KRISTEN PATERSON
COMMUNITY AND PLANNING SERVICES DIRECTOR**

RISK ASSESSMENT STATEMENT

This Hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005 No. 44.

The decision of this Hearing will be encompassed within the issued premises licence, and the licence will take effect on the 22nd September 2009, subject to any appeal to a Magistrates Court or higher Court.

**PROCEDURE AT SUB-COMMITTEES OF THE LICENSING
COMMITTEE (ESTABLISHED IN ACCORDANCE WITH
SECTION 9 OF THE LICENSING ACT 2003)**

- 1 In accordance with Section 9 (1) of the Licensing Act 2003, the Licensing Committee has resolved to establish five Sub-Committees, each consisting of three members of the Committee.
- 2 The Sub-Committees have delegated authority to determine those functions that are reserved for decision by the Sub-Committees in accordance with Appendix B of the Council's Statement of Licensing Policy dated 7th January 2008.
- 3 Hearings shall be conducted in accordance with this Procedure Note and The Licensing Act 2003 (Hearings) Regulations 2005 subject to the right of the Sub-Committee to vary that procedure at their absolute discretion if considered in the public interest.
- 4 The quorum for a Sub-Committee shall be two members.
- 5 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
- 6 The order of business at hearings shall be:
 - (a) Election of Chairman.
 - (b) Declarations of interests.
 - (c) Chairman explains the procedure to be followed at the hearing, including the setting of equal time limits for all parties and the granting of adjournments.
 - (d) Chairman ascertains who is assisting or representing the parties.
 - (e) Applicant (or his/her representative) addresses the Sub-Committee.
 - (f) Applicant questioned by members. At the discretion of the Sub-Committee, other parties may be permitted to question the applicant.
 - (g) Persons who have made representations in respect of the application (or their representative) address the Sub-Committee. No issues other than those relevant to their representations may be raised.
 - (h) Members question each party at the conclusion of their address. At the discretion of the Sub-Committee, the applicant may be permitted to question other parties.

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- (i) Sub-Committee may offer the parties a short adjournment to discuss in the absence of the Sub-Committee whether a solution acceptable to all the parties can be put to the Sub-Committee.
- (j) Applicant (or his/her representative) makes closing address.
- (k) Sub-Committee may grant a short adjournment. The parties may not speak to members regarding the application during adjournments.
- (l) The Sub-Committee considers the application and motions put to accept or reject the application in the terms requested or to grant the application subject to specified conditions. Reasons are to be given for motions.
- (m) The parties will be informed of the decision at the hearing or thereafter in accordance with Regulation 26 of the 2005 Regulation.