

**Item 5 Application for a new Premises Licence –
Tesco Express, 134 Weyhill Road, Andover SP10 3BG**

1 The application

- 1.1 The application is by Tesco Stores Limited for the premises to be known as Tesco Express, Weyhill Road, Andover SP10 3BG. The premises have previously traded as a retail store but the applicant proposes to operate the new premises as a small supermarket selling a range of goods and services. This includes the sale of alcohol for consumption off the premises.
- 1.2 As these are new premises a new Premises Licence is required and the applicant has now applied under section 17 of the Licensing Act 2003 for such a licence. This application has attracted representations necessitating the application to be determined at a hearing. The application seeks the following licensable activity:
- The supply of alcohol for consumption off the premises from 0600 to 2300 hours.

A copy of the application is attached as Annex 1 to this report.

2 Background

- 2.1 The new premises will be a convenience store utilising the former SCATS retail premises trading from 0600 to 2300 hours a day under the company's own retail format with a range of products on offer.

3 Promotion of the Licensing Objectives

- 3.1 The applicant makes the following comments in relation to the steps taken to promote the four licensing objectives:-
- a) 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 and are currently being rewritten to reflect the requirements of the new Act. We have introduced our 'Think 21' policy to all of our stores in July 2004, this policy is brought to customer's attention through point of sale material at the checkout and wherever 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.

- b) 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. A member of the management team will be on the premises all the time the store is open. Checkout area will be constantly manned whilst the store is open.
- c) Public safety – 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. The store will adhere to all rules and regulations relating to public safety.
- d) The prevention of public nuisance – The store intends to be an active member of the community. We will be happy to liaise with police and enforcement authorities should the need arise.
- e) The protection of children from harm – All staff will be trained and regularly refreshed in the corporate 'Think 21' policy. Staff will be trained to look at the customer and 'Think 21' when selling age restricted products. 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. 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. The store will display signage around the premises informing both staff and customers of our 'Think 21' policy.

The measures to promote the licensing objectives are of relevance when considering the representations received.

4 Relevant Representations – Responsible Authorities

- 4.1 **Environment and Health Service** – The Commercial Team have no comments to make in respect of matters relating to health and safety.
- 4.2 **Hampshire County Council Trading Standards** – No representation.
- 4.3 **Hampshire Constabulary** – The Police raise no objections to the granting of a licence.
- 4.4 **Hampshire Fire and Rescue Service** – No comments to make.

5 Relevant Representations – Interested Parties

- 5.1 It should be noted that a number of representations question the need for additional retail premises in this location. Members of the Sub-Committee are reminded that commercial need is not a matter for consideration in determining this application. Members are further asked to note that some representations comment upon issues relating to public safety in respect of potential increased traffic movements generated by the premises. It is questionable whether any representation has given sufficient justification as to how the granting of the application will impact upon this licensing objective and members of the Sub-Committee are asked to consider this.
- 5.2 Cllr B A Page – Objection to the application on the grounds that the objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. See Annex 2 to this report.
- 5.3 Mr and Mrs Mulberry - Objection to the application on the grounds that objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. See Annex 3 to this report.
- 5.4 Ian and Tara Day - Objection to the application on the grounds that objective of prevention of public nuisance will not be achieved. See Annex 4 to this report.
- 5.5 S I Spackman - Objection to the application on the grounds that objective of prevention of crime and disorder will not be achieved. See Annex 5 to this report.
- 5.6 John Barrell - Objection to the application on the grounds that objective of prevention of public nuisance will not be achieved. See Annex 6 to this report.
- 5.7 Gary Woods - Objection to the application on the grounds that objective of prevention of public nuisance will not be achieved. See Annex 7 to this report.
- 5.8 Mrs Doreen Fairweather - Objection to the application on the grounds that objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. See Annex 8 to this report.
- 5.9 G W Spackman - Objection to the application on the grounds that objective of prevention of public nuisance will not be achieved. See Annex 9 to this report.
- 5.10 David and Claire Jenkins - Objection to the application on the grounds that objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. See Annex 10 to this report.

- 5.11 James and Margaret Cullen - Objection to the application on the grounds that objective of prevention of public nuisance will not be achieved. See Annex 11 to this report.
- 5.12 Mr R D Swinney and Mrs J Hall - Objection to the application on the grounds that objective of prevention of public nuisance will not be achieved. See Annex 12 to this report.
- 5.13 D S and E J Fakes - Objection to the application on the grounds that objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. See Annex 13 to this report.
- 5.14 Brian and Irene Render - Objection to the application on the grounds that objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. See Annex 14 to this report.
- 5.15 Mr A Ritchie and Mrs S Hilton - Objection to the application on the grounds that objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. See Annex 15 to this report.
- 5.16 Cllr Pat West - Objection to the application on the grounds that objective of prevention of crime and disorder will not be achieved. See Annex 16 to this report.
- 5.17 Mrs E Hunt - Objection to the application on the grounds that objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. See Annex 17 to this report.
- 5.18 Mr and Mrs P Turner - Objection to the application on the grounds that objective of prevention of public nuisance will not be achieved. See Annex 18 to this report.
- 5.19 Alan Turner - Objection to the application on the grounds that objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. See Annex 19 to this report.
- 5.20 Mrs E Cannon - Objection to the application on the grounds that objectives of prevention of public nuisance and the protection of children from harm will not be achieved. It is the view of officers that the comment regarding public safety is not relevant and should be disregarded. See Annex 20 to this report.
- 5.21 Pauline Lees - Objection to the application on the grounds that objective of prevention of public nuisance will not be achieved. As this representation relates also the planning application for the premises, the comments relating to traffic matters are not relevant and should be disregarded. See Annex 21 to this report.

- 5.22 Mr and Mrs Cutler - Objection to the application on the grounds that objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. See Annex 22 to this report.

6 Policy Considerations

- 6.1 It is considered that the following extracts from the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 are relevant.

2.1-2.18 – Crime and disorder

2.32-2.40 – Public nuisance

8.28-8.32 – Steps to promote the licensing objectives

9.3-9.7 – Where representations are made

9.19-9.28 – Hearings

10.9-10.10 – Consistency with steps described in operating schedule

10.19-10.21 - Hours of trading

- 6.2 It is considered that the following extracts from the Licensing Authority's own Statement of Licensing Policy are relevant to this application:

Section A: Prevention of Crime and Disorder

Section C: Prevention of Public Nuisance

The Statement of Licensing Policy has either previously been provided for Members of the Committee or will be provided at the hearing. Copies can also be obtained from the Licensing Section of the Administration Service or downloaded from the Council's website.

7 Observations

- 7.1 The Committee is obliged to determine this application with a view to promoting the four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. In making its decision, the Committee is also obliged to have regard to the national Guidance and the Council's own Statement of Licensing Policy. The Committee must also have regard to all of the representations made and the evidence it hears. The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- a) Grant the application as requested
- b) Modify the conditions of the licence, by altering or omitting or adding to them. (The Committee may where appropriate attach different conditions to different parts of the premises concerned and/or to different licensable activities).

- c) Reject the whole or part of the application (in the case of the latter for example by only allowing some of the licensable activities or permitting them to take place at times other than those requested).

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote one or more of the four licensing objectives:-

- a. Prevention of crime and disorder
- b. Public safety
- c. Prevention of public nuisance
- d. Protection of children from harm

Background Papers (Local Government Act 1972 Section 100D)

Premises Licence application for Tesco Express, 134 Weyhill Road, Andover and all associated paperwork

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	22		
Author:	Michael White	Ext:	8013
File Ref:	Prem-Lic(New)		
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