

Item 5 Application for a new Premises Licence – Sainsbury's, Shepherds Spring Lane, Andover SP10 1DL

1 The Application

1.1 The application is by Sainsbury's Supermarkets Limited for the premises to be known as the Sainsbury's Supermarket, Shepherds Spring Lane, Andover SP10 1DL. The premises are a new supermarket with car park in Andover utilising a former DIY store.

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 a representation necessitating the application to be determined at a hearing. The application seeks the following licensable activities:

- The supply of alcohol for consumption off the premises from 0600 to 0000 hours, seven days a week; and
- The provision of late night refreshment from 2300 hours to 0000 hours.

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

2 Background

2.1 The new premises will be a supermarket which is to sell a broad range of groceries, household products and alcohol. As mentioned above, the premises are utilising a former DIY store that has been altered by the installation of trolley bays, re-leveling of the car park, alterations to the parking layout, provision of a mezzanine floor, erection of single storey extension to provide a new entrance, installation of an ATM (cash dispenser), external alterations and erection of a fence and gate.

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) The prevention of crime and disorder – A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose. The system will incorporate a camera covering each of the entrance doors and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.

The system will incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request. If the premises are using a video recording system, the cassette tape shall be used on no more than 12 occasions. The system will display on any recording the correct time and date of the recording. A system will be in place to maintain the quality of the recorded image and a complete audit trail maintained. Notices informing customers of the operation of the system shall be prominently displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

- b) Public safety – The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.
- c) The prevention of public nuisance – Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.
- d) The protection of children from harm – All cashiers will be trained to require evidence of age from any person seeking to buy alcohol and appearing to the cashier to be under the age of 18. The evidence shall be photographic such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. Prominent notices will be displayed at points of sale advising customers that they may be asked to provide evidence of age.

The measures to promote the licensing objectives are of relevance when considering the representation 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. The Pollution Team have no comments to make in respect of matters relating to public nuisance.
- 4.2 **Planning Service** – At the time of writing this report the Planning Service currently has four applications under consideration for this site. None of the applications have had decisions and will be determined in due course. It is noted that 24 hour opening is requested and this shall be subject to the determining of the above applications. Other than that the Planning Service has no further comments.

- 4.3 **Hampshire Constabulary** – The Hampshire Constabulary has an **objection** to the granting of a new premises licence at Sainsbury's Supermarket, Shepherds Spring Lane, Andover. It is their view that the applicant has not shown what additional steps the premises licence holder intends to take in order to promote the 'Prevention of Crime and Disorder' objective under the Licensing Act 2003.
- 4.4 In the application form, (section P) the operating schedule where the licence holder should "Describe the steps you intend to take to promote the four licensing objectives" has not been accomplished. Currently the application states that "A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose". It is arguable as to whether CCTV alone prevents criminal activity or juvenile nuisance, especially if it is not monitored continually.
- 4.5 Hampshire Constabulary would like to see the following conditions on the premises licence:
- 4.6 The premises will operate the 'Challenge 21' scheme, posters will be displayed to this effect in prominent positions at the premises. All staff will be trained to challenge any young person(s) attempting to purchase alcohol. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person - there should be a written record kept of all refusals, including refusals of entry and/or ejections from the premises.
- 4.7 The refusals register shall be available for inspection by Police Officers, Trading Standards Officers and other authorised officers immediately on request.
- 4.8 All staff shall be trained in the licence holder's procedures which include liquor licensing and all checkout operators and their team trainers shall have additional training in the sale of alcohol. A minimum of three members of management will be assigned to the store all of whom will hold a personal licence. There will be a minimum of two personal licence holders on site at all times that the premises are open for licensable activities.
- 4.9 SIA registered staff shall be present at the premises between 1800 hours and close of business each day the premises are open for the sale of alcohol to the public.
- 4.10 **Hampshire Fire and Rescue Service** – No comments to make.
- 5 Relevant Representations – Interested Parties**
- 5.1 There are no representations from interested parties.

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

3.36 – Late night refreshment

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

10.19-10.20 - 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

Especially Policy A3

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

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Premises Licence application for Sainsbury's, Shepherds Spring Lane, Andover and all associated paperwork			
<u>Confidentiality</u>			
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:	1		
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