

**Item 6 Application for Review of a Premises Licence –
Tesco Metro, 62 Chantry Way, Andover SP10 1LU**

1 The application

- 1.1 The application is by Hampshire County Council Trading Standards requesting a Review of the Premises Licence for the premises known as Tesco Metro, 62 Chantry Way, Andover SP10 1LU. The application is requested in accordance with the provisions of Section 51 of the Licensing Act 2003.
- 1.2 The premises benefits from a Premises Licence permitting supply of alcohol for consumption off the premises. The current Premises Licence was issued in November 2005 when the Licensing Act 2003 came into force and permits the supply of alcohol from 0600 to 0000 hours seven days a week although the actual trading hours of the premises are much less than this such that the premises does not utilise the full hours available. A copy of the existing licence is attached as Annex 1 to this report.
- 1.3 The application requesting a Review relates to the licensing objectives of the prevention of crime and disorder and the protection of children from harm. The application for a Review requires the matter to be determined at a hearing. A copy of the application and supporting documents are attached as Annexes to this report and referred to below.

2 Background

- 2.1 The premises are an established town centre supermarket forming part of the Chantry Centre in Andover. The premises have traded as such for a number of years and prior to 2005 held a Justices Off Licence. The licensed premises comprise the ground floor.
- 2.2 The Review application attached as Annex 2 to this report outlines the position regarding the premises and summarises incidents leading to the calling of a Review. The Review application indicates that there have been three failed under age test purchase operations in March and May 2012. Trading Standards have proposed that a number of conditions, set out on pages six and seven of their application, be added to the licence in an effort to address the problems associated with the test purchase failures.

3 Grounds for the Review

The applicant states the grounds for the review in their application but as previously mentioned the primary factor is the failure of three test purchase operations undertaken in March and May 2012.

4 Relevant Representations – Responsible Authorities

- 4.1 **Test Valley Borough Council** Environmental Health Unit – the Environmental Protection Team have no representation to make in respect of the licensing objective of the prevention of public nuisance.
- 4.2 **Test Valley Borough Council** Planning and Building Service – has no comments to make.
- 4.3 **Hampshire Fire and Rescue Service** – does not wish to make a representation.
- 4.4 **Hampshire County Council Safeguarding Unit** – welcomes the review but has no further comments to add.
- 4.5 **Hampshire Constabulary** – supports the review application. See Annex 3 attached to this report.

5 Relevant Representations – Other Persons

- 5.1 There are no representations from other persons.

6 Policy Considerations

- 6.1 It is considered that the following extracts from the amended guidance issued in April 2012 by the Secretary of State under section 182 of the Licensing Act 2003 are relevant.

2.1-2.16 – Crime and disorder
2.41-2.51 – Protection of children from harm
9.27-9.40 – Determining applications
10.1-10.22 - Conditions
11.1-11.24 – Reviews

A copy of the Secretary of State’s Guidance will be provided at the meeting for Members of the Committee. Additional copies can be obtained from the Home Office website.

- 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

The Statement of Licensing Policy has been provided to Members of the Committee. Additional copies will be provided at the hearing. Copies can also be obtained from the Licensing Section of the Legal and Democratic 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 appropriate for the promotion of the licensing objectives:

- a) Modify the conditions of the Premises Licence, by altering or omitting or adding to them.
- b) Exclude a licensable activity from the scope of the licence (although this option is not appropriate as the only licensable activity in respect of these premises is that of the sale of alcohol).
- c) Remove the Designated Premises Supervisor.
- d) Suspend the licence for a period not exceeding three months.
- e) Revoke the licence.

The Committee is asked to note that it may not undertake any of the above steps merely because it considers it desirable to do so. It must actually be appropriate in order to promote one or more of the licensing objectives:-

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The Committee may decide that no action is appropriate if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent the Committee issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that the licensing authority will regard such a warning as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the Police have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, the Committee should not merely repeat that approach.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Application for a Review of Premises Licence number PREM/05/0270 for Tesco Metro, 62 Chantry Way, 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:	3		
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File Ref:	PREM/05/0270		
Report to:	Licensing Sub Committee	Date:	1 August 2012