

**COMMITTEE: LICENSING PANEL**

**DATE: 10<sup>TH</sup> SEPTEMBER 2014**

**SUBJECT: APPLICATION FOR GRANT OF PREMISES LICENCE TESCO STORES LTD, 4 EATON GREEN ROAD LUTON LU4 5HB**

**REPORT BY: HEAD OF ENVIRONMENTAL AND CONSUMER SERVICES**

**CONTACT OFFICER: TONY IRELAND**

**TEL: 546040**

**IMPLICATIONS:**

**LEGAL** ☐

**COMMUNITY SAFETY** ☐

**EQUALITIES** ☐

**ENVIRONMENT** ☐

**FINANCIAL** ☐

**OTHER** ☐

**STAFFING** ☐

**WARDS AFFECTED: CRAWLEY WARD**

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**PURPOSE**

1. The purpose of this report is to enable the Licensing Panel to consider the application received from Tesco Store Ltd of Tesco Stores Ltd 4 Eaton Green Road Luton LU4 5HB for the grant of a Premises Licence.

**RECOMMENDATION**

**That the Licensing Panel determine the application of Tesco Stores Ltd for the grant of a Premises Licence in respect of Tesco Stores Ltd 4 Eaton Green Road, LU4 5HB**

**BACKGROUND**

3. An application was received on 31 July 2014 for the grant of a Premises Licence that will allow the supply of alcohol for consumption off the premises to take place.
4. The applicant states that the premises is a retail premise (supermarket) selling a range of goods and services. This is to include the sale of alcohol for consumption off the premises. A map showing the location of the premises, along with an aerial image, and a plan of the premises submitted by the applicant, is attached at **Appendix A.**

5. Details of the licensable activities requested are set out as follows:

Licensable Activity	Applied for	Licensable Activity	Applied for
<u>Regulated entertainment</u>		<u>Provision of facilities for entertainment</u>	
Plays		Provision of entertainment facilities for making music	
Films		Provision of entertainment facilities for dancing	
Indoor Sports Events		Provision of entertainment facilities for entertainment of a similar description to making music or dancing	
Boxing or Wrestling Entertainment		<u>Late night refreshment</u>	
Live Music		Provision of late night refreshment	
Recorded Music		<u>Supply of alcohol</u>	
Performances of Dance		Supply of alcohol off the premises	✓
Anything of a similar description to live or recorded music or dance			

DAYS	Times requested					
	Times premises will open to public	Supply of alcohol	Live music <sup>1</sup> , recorded music <sup>2</sup> , or entertainment of a similar nature <sup>3</sup>	Provision of facilities for making music <sup>4</sup> , dancing <sup>5</sup> , or entertainment of a similar nature	Plays, Films <sup>6</sup> , Performances of dance <sup>7</sup> , Boxing & Wrestling	Late night refreshment
<u>Standard hours</u>						
Monday – Sunday	06:00-23:00	06:00-23:00	N/A	N/A	N/A	N/A

<sup>1</sup> Live acoustic and amplified music, and amplified voice.

<sup>2</sup> Including jukebox and karaoke, with or without DJ, during normal business and including audience participation.

<sup>3</sup> Comperes for quiz and similar events, comedians and similar performance, in any case using amplified voice.

<sup>4</sup> A stage area with lighting, microphone and amplifiers, and similar equipment.

<sup>5</sup> Hard floored area which can be used for dancing by customers and performers.

<sup>6</sup> Video entertainment on TV screens and amusement machines.

<sup>7</sup> Dance facilities to be used for performances and competitions as well as by customers.



6. In addition to the above, the following non standard timings are sought by the applicant:
- None
7. The Applicant has sought the following seasonal variation:
- None
8. The following adult entertainment or activities that may give rise to concern in respect of children are detailed as follows:
- None
9. The latest date for representations to be received was the 28<sup>th</sup> August 2014

### **PROMOTION OF LICENSING OBJECTIVES**

10. The operating schedule submitted by the applicant describes the additional steps they intend to take in order to promote the licensing objectives. These are as follows:

#### **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. All stores currently comply with the "Think 25" policy, this is brought to the customer's attention through point of sale material within the store. 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 premise 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 31 days and available on enforcement request.

Ordinarily, a member of the Management team will be on the premise 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 the 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.

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

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

A copy of the application form, including the operating schedule, is attached at **Appendix B**.

## **RESPONSIBLE AUTHORITIES**

11. Representations have been received from responsible authorities and are detailed as follows:

### Police

None

### Fire and Rescue Services

None

### Environmental Health or Health and Safety Executive

None

### Planning

None

### Trading Standards

None

### Child Protection

None

## **INTERESTED PARTIES**

12. Representations have been received from the following interested parties, their representations are attached at **Appendix C** and made available to the applicant.

Ref. letter	Name	Address	Relevance to which licensing objective
<u>Local resident(s)</u>			
A	Mrs F J Wood	33 Polzeath Close	Prevention of Crime & Disorder Prevention of Public Nuisance

### **POLICY CONSIDERATIONS**

14. The following provisions of the Licensing Act 2003 apply to this application:

Section 17 (application for premises licence)

### **OBSERVATIONS**

15. In determining this application, the Licensing Panel must, having regard to the representations received, either grant the application in full or take such of the following steps as it considers necessary for the promotion of the licensing objectives. The steps are:

- (a) Modify the conditions of the licence volunteered by the applicant in the operating schedule, by altering or omitting or adding to them
- (b) Reject the whole or part of the application

16. The licensing objectives are:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- The Protection of Children from Harm
- Public Safety

All the representations received in respect of this application relate to these licensing objectives.

17. The following paragraphs of the licensing authority's statement of licensing policy applies to this application

Section 7 (Prevention of Crime & Disorder)  
Section 8 (Public Safety)  
Section 9 (Prevention of Public Nuisance)  
Section 10 (Protection of Children from Harm)

### **APPENDICES**

The following Appendices are attached to this report:-

Appendix A: Maps and plans showing location of the premises (page 7/7)

Appendix B: Application form including the operating schedule (pages 7/8 – 7/20)

Appendix C: Representation Forms from Interested Parties (pages 7/21 – 7/22).

### **LIST OF BACKGROUND PAPERS**

#### **LICENSING ACT 2003**

Guidance issued S182 of the Licensing Act 2003  
Luton Borough Council's Statement of Licensing Policy