

COMMITTEE: LICENSING PANEL

DATE: 30TH SEPTEMBER 2008

SUBJECT: APPLICATION FOR GRANT OF PREMISES LICENCE - TESCO STORES LTD, UNIT 3, 336-340 DUNSTABLE ROAD, LUTON

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: BISCOT

PURPOSE

1. The purpose of this report is to enable the Licensing Panel to consider the application received from Tesco Stores Ltd of Tesco Stores Ltd, Unit 3, 336-340 Dunstable Road Luton for the grant of a Premises Licence.

RECOMMENDATION

2. That the Licensing Panel determine the application of Tesco Stores Ltd for the grant of a Premises Licence in respect of Tesco Stores Ltd, Unit 3, 336- 340 Dunstable Road, Luton.

BACKGROUND

3. An application was received on 30th July 2008 for the grant of a Premises Licence that will allow supply of alcohol to take place.
4. The Applicant states that the premises is a retail premises (supermarket) located in the Biscot Ward. A map showing the location of this Premises, along with an aerial image, and a plan of the premises submitted by the applicant, is attached at Appendix A (pages 8/8 – 8/10).

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 ¹ , recorded music ² , or entertainment of a similar nature ³	Provision of facilities for making music ⁴ , dancing ⁵ , or entertainment of a similar nature	Plays, Films ⁶ , Performances of dance ⁷ , Boxing & Wrestling	Late night refreshment
<u>Standard hours</u>						
Monday – Thursday	06.00– 23.00	06.00– 23.00	N/A	N/A	N/A	N/A
Friday – Saturday	06.00– 23.00	06.00– 23.00	N/A	N/A	N/A	N/A
Sunday	06.00– 23.00	06.00– 23.00	N/A	N/A	N/A	N/A

- 1 Live acoustic and amplified music, and amplified voice.
 - 2 Including jukebox and karaoke, with or without DJ, during normal business and including audience participation.
 - 3 Comperes for quiz and similar events, comedians and similar performance, in any case using amplified voice.
 - 4 A stage area with lighting, microphone and amplifiers, and similar equipment.
 - 5 Hard floored area which can be used for dancing by customers and performers.
 - 6 Video entertainment on TV screens and amusement machines.
 - 7 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 27th August 2008 – Tesco admitted that the adverts they displayed on the premises stated the last objection date was 30th August 2008, and agreed via email that they were happy to accept representations received up until the 30th August 2008. A copy of that email is attached at Appendix D (page 8/26).

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 and revision/refresher materials and reviewed regularly. 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.

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.

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.

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.

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 restriction products. A till prompt will appear on the initial sale of the 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.

A copy of the application form, including the operating schedule, is attached at Appendix B (pages 8/11-8/21).

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 (pages 8/22-8/25) and made available to the applicant.
13. Two petitions (1 x 32 signatures and 1 x 120 signatures) have been submitted in objection to the application which are not annexed to this report but have been made available to the Members of the Panel and to the Applicant. The text attached to the petitions have been annexed to this report.

Ref. letter	Name	Address	Relevance to which licensing objective
<u>Local resident(s)</u>			
A	Gulfam Khan Lead petitioner (32 signatures) text of petition attached	1 Lincoln Road Luton	Prevention of Crime & Disorder Public Safety
B	Rabia Educational Trust - Jamil Khalid & Mirza Z Akbar	326 – 340 Dunstable Road Luton	Protection of Children from Harm
C	Submission of a 120 signature petition – text of petition attached		Public Nuisance, Prevention of crime and disorder, protection of children from harm – children being exposed to alcohol

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)

APPENDICES

The following Appendices are attached to this report:-

Appendix A: Maps and plans showing location of the premises (pages 8/8-8/10)

Appendix B: Application form including the operating schedule (pages 8/11-8/21).

Appendix C: Representation Forms from Interested Parties (pages 8/22-8/25).

Appendix D: Email from Tesco Stores Ltd (pages 8/26).

LIST OF BACKGROUND PAPERS **LICENSING ACT 2003**

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