

REPORT TO ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT COMMITTEE

REPORT OF: COMMUNITY SAFETY AND LICENSING MANAGER

REPORT NO: CSL/021

DATE: 5 OCTOBER 2012

TITLE:	Application for variation of a premises licence for, Tesco General Store, Godsey Lane. Market Deeping.	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor John Smith Green, Healthy and Arts Portfolio Holder	
CONTACT OFFICER:	Richard Etherton r.etherton@southkesteven.gov.uk Tel: 01476 406190	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below No	Full impact assessment Required: No
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Statement of Licensing Policy 6 January 2011. Guidance issued under section 182 of the Licensing Act 2003.	

1. RECOMMENDATIONS

1.1 That the Licensing Committee consider this application for variation of a premises licence at a premises known as, Tesco General Store, Market Deeping and the views of the representations made by Interested Parties, bearing in mind the four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of children from harm.

1.2 Where relevant representations are made, the authority must hold a hearing to consider them, unless the authority, the applicant and each person who has made representations agree that a hearing is unnecessary

1.3 The committee may have regard to the representations and if it considers it appropriate for the promotion of the Licensing objectives;

- (a) Modify the conditions of the licence,
- (b) Reject the whole or part of the application.

For this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new conditions are added.

1.4 The licensing authority should give appropriate weight to;

- (a) The steps that are appropriate to promote the licensing objectives.
- (b) The representations (including supporting information) presented by the parties.
- (c) The guidance issued under section 182 of the licensing Act 2003.
- (d) South Kesteven district Council's Licensing policy.

2. PURPOSE OF THE REPORT

2.1 The purpose of this report is to provide the committee with information to enable it to consider this application for a variation of the premise licence under Section 34 of the Licensing Act 2003 and establish whether any action is required to promote the four licensing objectives set out in section 1.1 of this report.

2.2 If it is felt appropriate to take action, the options listed in section 1.3 are open to the committee.

3. DETAILS OF REPORT

3.1 On 16 August 2012, the licensing section received an application to vary the times for the supply of alcohol and the hours the premises are open to the public, this on the current premises licence for Tesco General Store, Godsey Lane, Market Deeping. **(Appendix 1 refers)**

3.2 The variations are 2 hours in the morning, 1 hour in the evening, Sundays 1 ½ hours.

3.3 The current hours are:

Supply of alcohol:

08:00 to 23:00 Monday
08:00 to 23:00 Tuesday
08:00 to 23:00 Wednesday
08:00 to 23:00 Thursday
08:00 to 23:00 Friday
08:00 to 23:00 Saturday
10:00 to 22:30 Sunday

The opening hours of the premises:

08:00 to 23:00 Monday
08:00 to 23:00 Tuesday
08:00 to 23:00 Wednesday
08:00 to 23:00 Thursday
08:00 to 23:00 Friday
08:00 to 23:00 Saturday
10:00 to 22:30 Sunday

3.4 The hours requested by the variation are:

Supply of alcohol:

06:00 to 24:00 Monday
06:00 to 24:00 Tuesday
06:00 to 24:00 Wednesday
06:00 to 24:00 Thursday
06:00 to 24:00 Friday
06:00 to 24:00 Saturday
06:00 to 24:00 Sunday

The opening hours of the premises:

06:00 to 24:00 Monday
06:00 to 24:00 Tuesday
06:00 to 24:00 Wednesday
06:00 to 24:00 Thursday
06:00 to 24:00 Friday
06:00 to 24:00 Saturday
06:00 to 24:00 Sunday

3.5 On the 13 September 2012 an objection was received from an interested party living within the Market Deeping area, the objection relates to Public Nuisance and Public Safety. (**Appendix 2 refers**) This objection was

accompanied by a petition and assorted documents signed by residents within Market Deeping.

3.6 The petition/assorted documents have not been attached to the report due to its extensive content and the document has been sent as a PDF file to the appropriate people.
The original will be available to be seen on the day of the hearing.

3.7 None of the responsible authorities have submitted any objections with regards to this application.

3.8 The licensing team at Tesco's has been contacted and wish the application to proceed.

4. OTHER OPTIONS CONSIDERED

N/A

5. RESOURCE IMPLICATIONS

There are no resource implications associated with this report.

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
None identified	Nil

7. ISSUES ARISING FROM IMPACT ANALYSIS

N/A

8. CRIME AND DISORDER IMPLICATIONS

8.1 Crime and disorder implications will be considered in accordance with the licensing objective and the duty to consider in accordance with s.17 of the Crime and Disorder Act 1998

9. COMMENTS OF FINANCIAL SERVICES

9.1 There are no specific financial implications associated with this report however in the event of an applicant making an appeal against a decision which was then subsequently upheld, the council may occur additional legal costs

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

10.1 This is an application to vary a premises licence under S34 of the Licensing Act 2003. The Committee should consider whether the proposed variation is likely to impact on the promotion of the licensing objectives which are set out at paragraph 1.1 above. In reaching the decision the Committee should consider, the steps that are appropriate to promote the licensing objectives, the representations (including supporting information) presented by the parties, the guidance issued under S182 of the Licensing Act 2003 and the Council's own statement of licensing policy.

11. COMMENTS OF OTHER RELEVANT SERVICES

N/A

12. APPENDICES:

1. Application
2. Letter from interested party/Petition facing sheet. (Signatures sent as a PDF)