

# REPORT TO ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE

REPORT OF:           **HEAD OF ENVIRONMENTAL HEALTH & LICENCING**

REPORT NO.         **ENV261**

DATE:               **2 SEPTEMBER 2005**

|   |   |
|---|---|
| TITLE:  | LICENSING ACT 2003<br>APPLICATION FOR CONVERSION AND VARIATION TO<br>A LICENCE – TESCO STORES LTD, NORTH STREET<br>BOURNE |
| FORWARD<br>PLAN ITEM:   | NOT APPLICABLE  |
| DATE       WHEN<br>FIRST<br>APPEARED   IN<br>FORWARD<br>PLAN: | NOT APPLICABLE  |
| KEY DECISION<br>OR       POLICY<br>FRAMEWORK<br>PROPOSAL:     | NOT APPLICABLE  |

|  |  |
|--|--|
| COUNCIL AIMS/<br>PORTFOLIO<br>HOLDER NAME<br>AND<br>DESIGNATION: | COUNCILLOR P MARTIN-MAYHEW (COMMUNITY<br>SAFETY) |
| CORPORATE<br>PRIORITY:   | LICENCING CATEGORY 'Y'                           |
| CRIME       AND<br>DISORDER<br>IMPLICATIONS:                     | SEE REPORT DETAILS                               |
| FREEDOM OF<br>INFORMATION<br>ACT<br>IMPLICATIONS:                | NOT APPLICABLE                                   |
| BACKGROUND<br>PAPERS:  | STATEMENT OF LICENCING POLICY                    |

## 1. INTRODUCTION

The application is for the conversion of an existing Justices' Licence at a supermarket and to vary the premises licence by adding a new activity and extending the operating hours. The application is attached at Appendix 1, together with a location map.

The Licensing Act 2003 transfers responsibility for the licensing of public houses from the Magistrates Courts to the local authority.

For a six month period from 7 February 2005, currently licensed business premises are able to convert their existing Justices' Licences into a premises licence. However, if the business wishes to vary any of the existing terms and conditions of their Justices Licence, the applicant needs to follow a set procedure which includes consultation with interested parties, who are able to address the variations that have been applied for. If an interested party makes a representation objecting to a variation to the licence, the matter will be determined by the Alcohol and Entertainment Licensing Committee.

The Premises Licence, once granted, lies dormant until the second appointed day, 24 November 2005, at which time the licence becomes operative and the Justices' Licence is no longer valid.

Tesco Stores Ltd, Bourne currently holds a Justice's Licence for the retail sale of alcohol for consumption off the premises. They have applied for a variation in operating hours and to include provision of late night refreshment as an activity. The Council received a representation from an interested party, a local resident, who objects to the activity hours.

The Council has received three letters of representations from local residents, interested parties. They object to the variation of the premises licence on the basis that the proposed variation will promote public nuisance and crime and disorder. The letters are attached as Appendix 2.

## 2. RECOMMENDATIONS

That the Committee determines, with regard to the licensing objectives, the application concerning the variations that have been requested.

## 3. DETAILS OF REPORT

### Conversion of existing Justices' Licence under Transitional Arrangements

The premises currently hold a Justices' Licence for the sale of alcohol for consumption off the premises between the hours of:

|                |                     |
|----------------|---------------------|
| 08:00 to 23:00 | Weekdays & Saturday |
| 10:00 to 22:30 | Sundays             |

|                |               |
|----------------|---------------|
| 12:00 to 15:00 | Christmas Day |
| 19:00 to 22:30 | Christmas Day |
| 08:00 to 22:30 | Good Friday   |

#### Application for Variation requiring Committee Determination

The applicants have applied for a variation in their permitted hours for the supply of alcohol as follows:

|                |                  |
|----------------|------------------|
| 06:00 to 00:00 | Monday to Sunday |
|----------------|------------------|

Originally, the applicants wished to provide late night refreshment as follows:

|                |                  |
|----------------|------------------|
| 23:00 to 05:00 | Monday to Sunday |
|----------------|------------------|

This was subsequently amended by the applicant to provide late night refreshment as follows:

|                |                  |
|----------------|------------------|
| 23:00 to 00:00 | Monday to Sunday |
|----------------|------------------|

In order to accommodate the above extension of operating hours, and additional activity, the premises opening times will be:

|                |                    |
|----------------|--------------------|
| 06:00 to 00:00 | Monday to Saturday |
| 06:00 to 23:59 | Sunday             |

The four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm, have been addressed in the application.

The application has been advertised and the statutory consultees consulted.

The Council has received letters of representation from the following local residents, interested parties:

|                        |                         |
|------------------------|-------------------------|
| Mrs Helen Hill         | 13 North Road, Bourne   |
| P Mitchell & P Hayward | 90 North Street, Bourne |

The objections relate to the extension of hours. Initially, the applicants had intended to provide late night refreshment until 05:00. However, this was subsequently changed to until 00:00 and an amended form was submitted. The applicants indicate that they have accordingly amended the statutory notices at the shop to reflect this change. The interested parties object to the applicants operating until 05:00. They argue that the variation will promote public nuisance and crime and disorder.

#### **4. OTHER OPTIONS CONSIDERED AND ASSESSED**

None

**5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES**

Not applicable

**6. COMMENTS OF CORPORATE MANAGER, DEMOCRATIC AND LEGAL SERVICES (MONITORING OFFICER)**

As the application has been properly made during the transition period the existing licence must be converted to a new Premises Licence subject to all the current conditions and restrictions and any 'embedded conditions'.

In this application, the applicants also wish to simultaneously vary the licence. As relevant representations have been received concerning the variations, members are required to determine the application regarding the variations requested and either grant the application with or without additional conditions or to refuse the variation as it considers necessary for the promotion of the licensing objectives.'

**7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER**

Not applicable

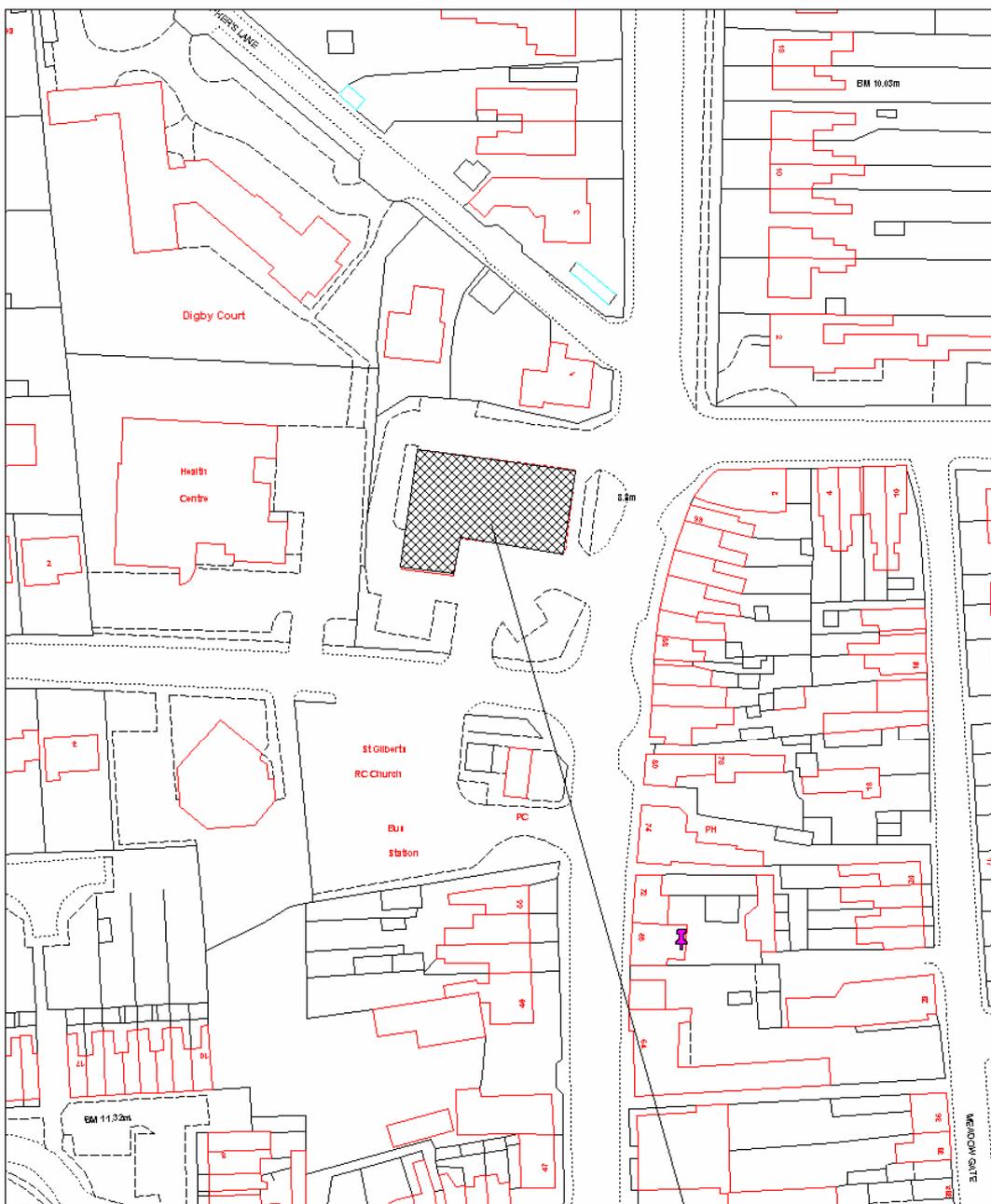
**8. CONCLUSION**

The application is for a variation of a licence to the activities and operating and activity hours of a Bourne Supermarket. There have been letters of representation from three interested parties. They object to the variation on the ground of public nuisance and crime and disorder.

**9. CONTACT OFFICER**

P Harrison, Environmental Health Practitioner (Licensing)  
Tel: 01476 406311 E-mail: peter.harrison@southkesteven.gov.uk

APPENDIX 1



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South Kesteven District Council LA079421 2000

TESCO STORES,  
NORT STREET, BOURNE.