

**North Hertfordshire District Council
Licensing Act 2003
Decision Notice**

Date of Hearing	Wednesday 14 th September 2005														
Members of Panel	P. Burt, G. Grindal and J. Kirby.														
Applicant(s) Name	Tesco Stores Ltd														
Premises Address	Tesco Extra, 58 High Street, Baldock, Hertfordshire, SG7 6BN														
Date of Application	Thursday 30 th June 2005														
APPLICATION FOR VARIATION	<p>This is an application for variation of a Premises Licence during the transitional period under Schedule 8 paragraph 7(b) of the Licensing Act 2003.</p> <p>The Sub-Committee have read the material presented to us and have listened to all the evidence and submissions. The Sub-Committee has considered the National Guidance and the Statement of Licensing Policy and has come to the following decision:</p> <p>The application is <u>approved</u> subject to the conditions and hours as are set out below.</p> <p>1. <u>OPENING HOURS</u></p> <p>The permitted opening hours are:</p> <table> <tr> <td>Monday</td> <td>0800hrs to 2400hrs</td> </tr> <tr> <td>Tuesday</td> <td>0001hrs to 2400hrs</td> </tr> <tr> <td>Wednesday</td> <td>0001hrs to 2400hrs</td> </tr> <tr> <td>Thursday</td> <td>0001hrs to 2400hrs</td> </tr> <tr> <td>Friday</td> <td>0001hrs to 2400hrs</td> </tr> <tr> <td>Saturday</td> <td>0001hrs to 2200hrs</td> </tr> <tr> <td>Sunday</td> <td>1000hrs to 1600hrs</td> </tr> </table> <p>2. <u>LICENSABLE ACTIVITY</u></p> <p>The licensable activity applied for is:</p> <p>PART M - Supply of alcohol for consumption off the premises</p> <p>The hours during which this licensable activity is permitted to take place are:</p> <p>24 hours a day 7 days a week</p>	Monday	0800hrs to 2400hrs	Tuesday	0001hrs to 2400hrs	Wednesday	0001hrs to 2400hrs	Thursday	0001hrs to 2400hrs	Friday	0001hrs to 2400hrs	Saturday	0001hrs to 2200hrs	Sunday	1000hrs to 1600hrs
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Sunday	1000hrs to 1600hrs														

<p>CONDITIONS DEEMED NECESSARY FOR THE PROMOTION OF THE LICENSING OBJECTIVES</p>	<p>The Sub-Committee recognises that conditions will <u>only</u> be imposed on a licence where conditions are necessary for the promotion of one of the four licensing objectives. The Sub-Committee will only impose conditions on a licence where relevant representations have been made and they consider that it is necessary to impose conditions as a result of these representations.</p>
<p>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</p>	<p>The following condition(s) has been recommended by the Trading Standards Authority</p> <p>“The duty manager will take responsibility for any unaccompanied children under the age of 12 years in the store between the hours of 11pm and 8am, when the store is open to customers”</p> <p>The Licensing Committee considered that this amendment was <u>necessary</u> for the promotion of one of the four licensing objectives, namely the protection of children from harm</p>
<p>CONDITIONS PROPOSED BY APPLICANT</p>	<p>This licence will be subject to conditions that are consistent with the terms offered by the applicant in order to promote the four licensing objectives set out in part Q of their application.</p> <p>Plus: The condition proposed by the Trading Standards Authority was agreed with the Applicant prior to the hearing</p>
<p>RELEVANT CONSIDERATIONS FROM THE NATIONAL GUIDANCE</p>	<p>The Sub-Committee has taken into account the National Guidance in reaching their decision. They have found the following sections to be of particular relevance in reaching this decision.</p> <p><i>Shops, stores and supermarkets</i></p> <p>6.2 <i>It is recommended that shops, stores and supermarkets selling alcohol should generally be permitted to match the hours during which they may sell alcohol with their normal trading hours during which other sales take place, unless there are exceptional reasons relating to the licensing objectives, in particular the prevention of crime and disorder and public nuisance. Accordingly, if the law permits the shop to open for 24 hours or limits such opening, for example, on Sundays, the licensing authority should generally permit the sale of alcohol during those hours unless there are very good reasons as to why it is necessary not to do so.</i></p> <p>6.3 <i>Some shops may however be known to be a focus for disturbance because youths congregate there and engage in nuisance and anti-social behaviour, including trying to pressurise shop staff to make unlawful sales of alcohol. Where relevant representations are made by an interested party or a responsible authority (particularly, the police) concerning applications for premises licences for such places, or in connection with existing licences, licensing authorities should consider a restriction on opening hours as one mechanism of combating such problems if this would be necessary.</i></p>

EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO APPLICANT	The Sub-Committee has explained to the applicant the effect of failure to comply with any of the conditions attached to the licence or certificate is a criminal offence, which upon conviction, would result in a fine of up to £20,000 or up to six months imprisonment or both.
COMMENCEMENT DATE	This licence will come into effect from the second appointed day, namely the 24 th of November 2005.
RIGHTS OF REVIEW	At any stage, following the grant of a premises licence, a responsible authority, such as the Police or an interested party, such as a resident living in the vicinity of the premises may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The review is a request for the Council to look at the existing licence and decide whether its conditions are adequate to meet the four licensing objectives defined under the Licensing Act 2003.