

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

Date of Hearing	Wednesday, 9 May 2012
Members of Panel	Councillors D. Barnard, D. Chambers and M. Rice
Applicant(s) Name	Tesco Stores Ltd
Premises Address	Lyon Court, Walsworth Road, Hitchin, SG4 9SP
Date of Application	13 March 2012
APPLICATION FOR GRANT	<p>This is an application for the grant of a Premises Licence under Section 17 of the Licensing Act 2003.</p> <p>The Sub-Committee has read the material presented to it and has 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>1. 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> <p>Monday to Saturday 0700hrs to 2300hrs Sunday and Bank Holidays 0800hrs to 2100hrs</p> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activity applied for is:</p> <ul style="list-style-type: none"> • PART M - Supply of alcohol <p>The hours during which the licensable activities may take place are:</p> <p>PART M - Supply of alcohol (off the premises)</p> <p>Monday to Saturday 0700hrs to 2300hrs Sunday and Bank Holidays 0800hrs to 2100hrs</p>
CONDITIONS DEEMED NECESSARY FOR THE PROMOTION OF THE LICENSING OBJECTIVES	<p>The Sub-Committee recognises that conditions will <u>only</u> be imposed on a licence where conditions are appropriate 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 it considers that it is appropriate to impose conditions as a result of these representations.</p> <p>The following conditions are each considered appropriate by the Sub-Committee to promote the licensing objective of Prevention of</p>

	<p>Public Nuisance and Prevention of Crime and Disorder</p> <p>The condition is:</p> <p>1. A record of refusal of alcohol sales, in a format to be agreed with the Licensing Authority, shall be kept.</p>
CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES	There were no conditions recommended by any of the responsible authorities.
CONDITIONS PROPOSED BY APPLICANT	This licence will be subject to the conditions, that are consistent with the terms offered by the applicant in order to promote the four licensing objectives set out in Part P of their application.
EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO 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.
STATUTORY GUIDANCE CONSIDERATIONS	<p>The Sub-Committee has taken into account the Guidance issued under section 182 of the Licensing Act 2003 (April 2012 version) in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision:</p> <p>Sections 1.16, 1.17, 2.1, 2.17, 2.34, 2.39, 2.40, 9.38, 9.39, 9.40, 9.41, 10.8, 10.12, 10.13, 10.14, and 10.22</p>
LICENSING POLICY CONSIDERATIONS	<p>The Sub-Committee has taken into account the North Hertfordshire District Council's Statement of Licensing Policy in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision:</p> <p>Sections 5.1, 5.6, 5.9, 6.5, 6.6, 9.1, 12.1 and 12.2</p>
RATIONALE FOR DECISION	<p>The Sub-Committee carefully considered the representations made by the members of the local community. The Sub-Committee notes that the Responsible Authorities made no representations against the application and that the Guidance states that the Authority should look to the police as the main source of advice on matters of Crime and Disorder.</p> <p>The Sub-Committee carefully considered the issue of opening hours. It was noted that the Applicant's opening hours are limited by the planning permission in force for the premises and that the Applicant's representative confirmed during the hearing that there would be no objection to the hours on the premises licence being restricted to those same hours. The Sub-Committee is aware that it must make its own decision as to the appropriate hours under the licensing regime and that different considerations apply when planning</p>

	<p>applications are considered. The Sub-Committee considered whether to grant the hours as applied for but decided that it was appropriate and reasonable on this occasion to slightly reduce the hours on Sundays and Bank Holidays in order to promote the licensing objective of the Prevention of Public Nuisance.</p> <p>The Sub-Committee were not satisfied by the explanation given as to the computer system Tesco has in place to record refusals and therefore considered it appropriate and reasonable to add a condition dealing with this.</p> <p>The Sub-Committee recognises that if the concerns expressed by the local community come to pass then the statutory review mechanism is available, in addition to other powers that relevant authorities possess.</p>
COMMENCEMENT DATE	This licence will come into effect from the date of this decision.
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.