

# LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 23 February 2011

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: -

Glenvi Greenwood Smith  
Glenn Harwood (Chairman)

Anna Sauntson

## 1. APPOINTMENT OF CHAIRMAN

### RESOLVED:

That Councillor Glenn Harwood be appointed Chairman for this Hearing.

## 2. DECLARATIONS OF INTEREST

No interests were declared.

## 3. APPLICATION FOR A PREMISES LICENCE – TESCO STORES LTD, CHURCH STREET, RUSHDEN

The Licensing Officer reported on an application for a Premises Licence for Tesco Stores Ltd, Church Street, Rushden, under the Licensing Act 2003.

The application requested that the convenience store be allowed to supply alcohol (Off Sales only) from Monday to Sunday from 06:00 hours to 23:00 hours.

All the statutory bodies had been consulted. Two representations had been received: one from the public (St Mary's Church, Rushden Church Council); and one from Rushden Town Council. (The representations had been analysed and extracts placed under the relevant licensing objective are attached as an Appendix to these minutes at page 3 below).

### (a) Evidence from the applicants

Mr P Bark, a solicitor representing Tesco Stores Ltd, spoke in support of the application. He described Tesco's policy regarding the selling of alcohol in its stores and how the company took steps to ensure that it sold alcohol in a responsible way. The new store would be a Tesco Express convenience store for the local community selling mainly food and a limited range of alcohol products which would not be discounted. Alcohol products would only make up 7% to 8% of the total range of goods on sale at the store and these products would be delivered at the same time during the day as food deliveries at the back of the store. He stated that a security guard would be on duty at the main entrance/exit to the store from 3.00pm until 11.00pm, Wednesday to Sunday. There would be up to 16 CCTV cameras within and outside the store, with some of the cameras covering the area selling alcohol and spirits would be located behind the checkouts. It was also Tesco's policy to work closely with the local police who would be notified if there were any incidents or problems. He

emphasised that the store wanted to engage with the local community and that each store had a budget to fund and support local projects. He asked that the Panel grant the licence in full with the hours requested on the application, subject to any appropriate conditions the Panel may wish to add.

Ms Jo Gilpen, the store manager and Mr Matt Madeger, the store's operations manager, were also present and spoke briefly in support of the application.

#### **(b) Evidence from an objector**

Mr John Allen, spoke on behalf of the Rushden Church Council, who were objecting to the application. He stated that the Church Council was not against the opening of the Tesco store and hoped that it would help regenerate this part of the town but wished to object to the proposed hours for selling alcohol. Unlike other premises in Rushden selling alcohol, the store would be situated directly opposite the War Memorial and outside St Marys Church, where young people met during the evening and drank alcohol. These groups of young people often caused problems for the Police and the Church Council was concerned that if the application was allowed in full, it would result in an increase in public order and public nuisance issues. There was also concern that the location of the new store would increase drink related crime in this area of Rushden and he mentioned that the Town Council also supported this view. He mentioned that there was a big problem with under age drinking in Rushden town centre generally and requested that the hours the store was permitted to sell alcohol should be reduced from 10.00am until 8.00pm Monday to Saturday and from 10.00am until 4.00pm on Sunday. He stated that the requested reduction in hours would assist with limiting the potential increase in the alcohol related issues in this part of Rushden.

Mr Bark replied to Mr Allen's statement by stating that Tesco had carefully considered the objections made and would respond to these in a responsible way in line with their company's licensing policy. He emphasised that the neither the Police nor the other enforcing authorities had made any formal objections to the application and stated that, if granted, the Licence could be reviewed at any time under the Licensing Act.

The Panel raised a number of issues with the applicant including: the potential problem with litter cause by customers after they had left the store; the location and provision of litter bins outside the store; the number and location of CCTV cameras both inside and outside the store; the security arrangements proposed for storing and selling alcohol within the store, including the use of security guards; the arrangements proposed for dealing with the potential theft of alcohol from the store; and the requested hours of opening to sell alcohol.

After considering the submitted report and the representations made at the Hearing from the speakers, including advice from the Solicitor, the Panel retired to consider the application and evidence presented, and it was

#### **RESOLVED:**

That the application for a Premises Licence for the Tesco Express Store, Church Street, Rushden, be granted subject to mandatory conditions and additional conditions being imposed on the Licence (see below).

The Chairman read out the following statement giving the reasons why the Panel had granted the Licence with additional conditions:

"The Licensing Panel has considered this application for a new Premises Licence for Tesco Stores Limited, Church Street, Rushden and has taken into account the licensing officer's report and relevant representations.

After careful deliberation and consideration of the four licensing objectives, East Northamptonshire Council's Statement of Licensing Policy and Guidance issued under Section 182 of the Licensing Act 2003, the Panel has reached a decision.

The Panel felt there was enough evidence provided by both the Town Council and the Church Council of existing anti-social behaviour and public nuisance in two areas immediately adjacent to the premises, specifically St Mary's Churchyard and the Memorial Garden. The Panel felt that allowing alcohol sales in new premises so close to those areas had the potential to exacerbate those anti-social behaviour and public nuisance problems.

The Panel, therefore, grants the Premises Licence for the supply of alcohol for the following hours.

**Supply of Alcohol (Off Sales only)**

Monday to Sunday from 10:00 hours to 22:00 hours.

**Reason: Prevention of Crime and Disorder and Prevention of Public Nuisance.**

The Licence issued is subject to mandatory conditions.

The Panel imposes the following additional conditions:-

1. The Licence Holder shall make adequate provision for waste bins which are to be situated at the exits of the premises.  
**Reason: Prevention of Public Nuisance.**
2. The Licence Holder shall have in place a security guard between 15:00 hours until close of business from Wednesday to Sunday (inclusive).  
**Reason: Prevention of Crime and Disorder**

The Panel was pleased to see the comprehensive operating schedule and believes it shows all reasonable steps are being taken to address the concerns of the objectors. The Panel welcomes the applicant's willingness to liaise with the Police and enforcement authorities but would encourage similar liaison and co-operation with the Town Council and St Mary's Church Council.

The Decision Notice will be sent out in writing to all interested parties. If aggrieved with the Panel's decision, the applicant and any party that has made representations has the right to appeal to the Magistrates Court within 21 days of the Decision Notification letter."

**Chairman**

**APPLICATION FOR A PREMISES LICENCE – TESCO EXPRESS STORE, CHURCH STREET, RUSHDEN**

The representations received had been analysed by the Licensing Officer and are summarised under the following three licensing objectives: -

**1. Prevention of Public Nuisance**

The representation from the Church Council referred to the proposed hours attracting late night drinkers to the garden area by the war memorial and to the churchyard thereby increasing anti social behaviour. The representation from Rushden Town Council reflected the same concerns and, in addition, referred to the possibility of increased littering in the area.

**2. Prevention of Crime and Disorder**

Both the Church Council and Rushden Town Council referred to the possibility of increased crime and disorder in the vicinity of the war memorial. The Church Council pointed out the work of the police and street pastors to reduce crime and disorder in the area.

**3. Protection of Children from Harm**

Both representations pointed out potential danger to children with the Church Council laying greater emphasis on those youth groups that use the Church premises on a regular basis.