

Brighton & Hove City Council

For general release

Meeting: Licensing Sub-Committee

Date: 22nd November 2005 at 9.30 a.m.

Report of: Assistant Director – Public Safety

Subject: Application for a Premises Licence under the Licensing Act 2003 –
Tesco Express, 5 – 8 West Street, Rottingdean

Applicant: Tesco Stores Ltd, Tesco House, Delamare Road, Cheshunt,
Waltham Cross, Hertfordshire

Ward(s) affected: Rottingdean Coastal

1. Purpose of the report

1.1 To determine an application for a premises licence.

2. Summary of application

2.1 The application is for:

A premises licence for the purpose of supply of alcohol.

2.2 Summary table of existing and proposed activities

	Existing	Proposed
M Supply of Alcohol	Off the premises. 1) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m. 2) On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m. 3) On Christmas Day, noon to 3 p.m. and 7 p.m. to 10.30 p.m. 4) On Good Friday, 8 a.m. to 10.30 p.m.	Off the premises. Every day: 7.00 a.m. to 11.00 p.m. During the month of December, up to 24 hours a day to enable us to sell alcohol at times when the store is open to customers.
O Hours premises are open to public	Not given	Every day: 7.00 a.m. to 11.00 p.m. During the month of December, up to 24 hours a day.

3. Representations received

3.1 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:

- a) Four relevant representations have been received from residents living near the premises on the ground that increased hours will create more noise and disturbance.

Environmental health records show no history of noise problems with this premises.

4. Commentary on licensing policy

4.1 The following extracts from Brighton & Hove Licensing Policy are considered relevant to this application and numbered as they appear in the policy:

General

- 1.2 The licensing objectives are:-
 - (a) prevention of crime and disorder;
 - (b) public safety;
 - (c) prevention of public nuisance;
 - (d) protection of children from harm.

1.4 Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act

1.14 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act, and the conditions attached to licences, certificates and permissions will be focused on matters which are within the control of the licensee and will centre on the premises themselves and their immediate vicinity. When considering these terms and conditions the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

In respect of the prevention of crime and disorder

2.6 Shops, stores and supermarkets which provide alcohol for consumption off the premises: the normal scenario will be to provide for sales of alcohol at any time when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.

In respect of the prevention of public nuisance

4.2 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, or as a result of people entering or leaving the premises.

4.7 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

4.8 Regard will be had to any history or likelihood of nuisance. Generally, favourable consideration will be given to applications for later hours in the city centre and on busy main roads. Powers may be exercised to impose conditions as to hours of opening in order to avoid unreasonable disturbance to residents of the neighbourhood.

Case Officer: Stuart Harley