

LICENSING AND APPEALS SUB-COMMITTEE

13TH NOVEMBER 2014

PRESENT:-

Members of the Licensing and Appeals Sub-Committee

Councillor Stanton (Chairman), Councillor Wheeler (Conservative Group) and Councillor Bell (Labour Group)

District Council Representatives

A. Kaur (Legal & Democratic Services Manager) A. Edwards (Senior Legal Officer). E. McHugh (Senior Licensing Officer) L. Kinsey (Licensing Officer) A. Maher (Clerk to the Sub-Committee)

Also in attendance

For Item 3

R Botkai (solicitor acting on behalf of Sainsbury's Ltd)
C Bell (Sainsbury's Ltd)
P Sellars (Sainsbury's Ltd)
M. Sephton (objector)
M Lee (objector)
Councillor Harrison (observer)

MATTERS DELEGATED TO SUB-COMMITTEE

LAS/71 **APOLOGIES**

The Sub-Committee was informed that no apologies had been received.

LAS/72 **DECLARATIONS OF INTEREST**

The Sub-Committee was informed that no declarations of interest had been received.

LAS/73 **APPLICATION FOR A PREMISES LICENCE, 'SAINSBURY'S' DERBY ROAD, MELBOURNE, DERBY, DE73 8FE**

The Sub-Committee was asked to determine an application for a new Premises Licence to permit the sale by retail of alcohol at 'Sainsbury's' Derby Road, Melbourne, DE73 8FE, between 7am and 11pm, Monday to Sunday. It was made clear that the Sub-Committee would deal only with this matter and not any planning related matters, which would be subject to a different process.

Members were informed that the application related to a new store; albeit one located in a building that, until recently, had been used by another supermarket.

With the permission of the Chairman, the Sub-Committee heard from Robert Botkai, the solicitor acting on behalf of Sainsbury's. Mr Botkai explained that the company had submitted its standard application for a premises licence and in particular, the time periods when sales would be allowed. He assured the Sub-Committee that, in reality, the company would not sell alcohol at the store for all of these periods. It was likely to cease trading at 10pm on weekdays; possibly earlier, if there was no commercial case for staying open until then.

However, the proposed hours contained in the application would, he suggested, provide flexibility so that the store could respond to changing circumstances; for example if the Sunday trading laws changed, so that it could open for longer than six hours, which is the current legal time limit for trading on that day.

The Sub-Committee then heard from Michael Sephton and Matthew Lee, who had both submitted objections to the application, which focused on the likely impact on what, they argued, was an otherwise quiet residential area. They both highlighted the problems of anti-social behaviour and gave instances where this had occurred around the site in the past; and especially the problems caused by youths from the village and elsewhere congregating in the car park. They also pointed out that the previous supermarket had closed at 8pm. If the new Sainsbury's store was to open until 10pm then, they feared, any anti-social behaviour problems would go on for longer – especially if those involved were able to buy alcohol from the store.

The Sub-Committee discussed the application. During this discussion it was explained that the Derbyshire Trading Standards Service had withdrawn their objections to the application, following reassurances about the operational conditions that ought to be placed on it. It was also made clear that the police had raised no objections to the application, in terms of the possible impact on crime, public safety or anti-social behaviour. The measures to prevent any behaviour problems from occurring were explained. These included the installation of CCTV cameras in the car park, so that it could be monitored and a strict policy of not selling alcohol to those who were under 25 years of age.

RESOLVED:-

To grant the application for a Premises Licence as follows:

Sale by retail of alcohol for consumption off the premise:

– Monday to Sunday 07:00 hours to 23:00 hours.

The grant of the application for a Premises Licence be subject to the mandatory conditions contained within the Licensing Act 2003, and the conditions contained within the operating schedule of the original application form.

LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT ACT (ACCESS TO INFORMATION) ACT 1985

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

LAS/74 REVIEW OF PRIVATE HIRE DRIVER'S LICENCE

The Sub Committee reviewed an existing private hire driver's licence and the reasons why this review had become necessary

RESOLVED:-

In line with the Council's Private Hire Licence Conditions, the licence holder be required to pass the Driving Standards Agency Notice within a four week period from the date of the hearing. Failure to do so would result in the suspension of the licence holder's Private Hire Licence.

M. Stanton

CHAIRMAN

The Meeting terminated at: 3.15pm