

F. McArdle
Chief Executive

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Date: 6th November 2014

Dear Councillor,

Licensing and Appeals Sub-Committee

Further to recent correspondence, please find enclosed the agenda and supporting information for the Licensing and Appeals Sub-Committee meeting.

The **Licensing and Appeals Sub-Committee** will meet on **Thursday, 13 November 2014**, in the **Council Chamber** at the Civic Offices, Civic Way, Swadlincote. The meeting will commence at **13:30**.

If you require any further information, please contact Democratic Services on the number shown above.

Yours faithfully,



F.B. McArdle
Chief Executive

To:- **Conservative Group**
Councillors Stanton and Wheeler.

Labour Group
Councillor Bell.

AGENDA

Open to Public and Press

- 1** Apologies.
- 2** To note any declarations of interest arising from any items on the Agenda.
- 3** DETERMINATION OF PREMISES LICENCE APPLICATION - **3 - 48**
'SAINSBURY'S' - DERBY ROAD, MELBOURNE.

Exclusion of the Public and Press:

The Chairman may therefore move:-

That in accordance with Section 100 (A) of the Local Government Act 1972 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 paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

- 4** REVIEW OF AN EXISTING PRIVATE HIRE DRIVER'S LICENCE
(Paragraph 2).

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 3

Hearing Date: 13th November 2014

Contact Officer: Lisa Kinsey – 01283 595890

HEARING FOR AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003

Applicants Name	Sainsbury's Supermarkets Ltd
Premises Name	Sainsbury's
Address	Derby Road, Melbourne, DE73 8FE

1. PURPOSE

- 1.1 To determine an application for a premises licence received by this Authority on the 23rd September 2014 from Sainsbury's Supermarkets LTD. Application is attached at **(Appendix 1)**.

2. BACKGROUND

- 2.1 The applicant is seeking a new premises licence to permit the Sale by Retail of Alcohol. The full details are indicated below in paragraph 3.

3. APPLICATION DETAILS

- 3.1 The applicant requests the Licensing Authority to permit the following:

Activity	Days	Times
Sale by Retail of Alcohol for consumption off the premises only	Monday to Sunday	07:00 to 23:00hrs
Hours premises to remain open to members of the public	Monday to Sunday	00:00 to 24:00hrs

- 3.2 The steps the applicant intends to take to promote all four licensing objectives can be seen at section M of the application form.

4. CONSULTATION RESPONSES

- 4.1 Responsible Authorities

Derbyshire Trading Standards Representation received during the 28 day consultation period. Full details can be found in **(Appendix 2)**.

4.2 Other Parties -

Written representations have been received from the following persons during the 28 day consultation period. Full details can be found in **(Appendices 3 & 4)**.

Mr M Lee	80 Derby Road, Melbourne, Derbyshire, DE73 8FL
Mr M Sephton	82 Derby Road, Melbourne, Derbyshire, DE73 8FL

No other representations have been received.

5. OTHER RELEVANT CONSIDERATIONS

- 5.1 The Authority should consider its responsibilities under the Crime and Disorder Act 1998, and the Human Rights Act 1998 when considering the fair balance between the interests of the applicant and the rights of local residents.
- 5.2 Any decision taken by the Sub-Committee must be appropriate and proportionate to the objective being pursued.
- 5.3 Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives.
- 5.4 When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance to the application of each representation.
- 5.5 In making its decision, Members must also have regard to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy. If Members depart from either, they must specify their reasons for doing so.

6. DETERMINATION

- 6.1 The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
 - 1. Grant the licence in accordance with the application.
 - 2. Modify the conditions of the operating schedule by altering or omitting or adding to them.
 - 3. Exclude or restrict from the scope of the licence any of the licensable activities to which the application relates.
 - 4. Reject the whole of the application.
- 6.2 The Sub-Committee may also grant the licence subject to different conditions for different parts of the premises or the different licensable activities.

- 6.3 Members are asked to note that they may not modify the conditions or reject whole or part of the application merely because they consider it desirable to do so. It must actually be appropriate to do so in order to promote the licensing objectives and any such step must relate to any outstanding representation made.
- 6.4 If Members grant the application, the details of the operating schedule will be incorporated into the licence as conditions. The licence will also be subject to certain mandatory conditions.

7. RIGHT OF APPEAL

- 7.1 Members should note that the applicant or persons making representations have the right of appeal against any decision made by the Sub-Committee.

8. APPENDICES

1. Application for a premises licence to be granted under the Licensing Act 2003
2. Representation from Derbyshire Trading Standards
3. Representation from Mr Lee
4. Representation from Mr Sephton

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**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We Sainsbury's Supermarkets Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Sainsbury's Derby Road			
Post town	Melbourne	Post code	DE73 8FE
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£93,500	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |

- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
 - statutory function or ☐
 - a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Sainsbury's Supermarkets Ltd
Address 33 Holborn London EC1N 2HT
Registered number (where applicable) 03261722
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any) 020 7695 6000
E-mail address (optional) N/A

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
2	2	1	0	2	0	1	4

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year			
1	1	1	1	1	1	1	1

Please give a general description of the premises (please read guidance note1)

A supermarket which is to sell a broad range of groceries, household products and alcohol.

Situated at Sainsbury's, Derby Road, Melbourne, DE73 8FE.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I)

☐

Supply of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Fri					
Sat					
Sun					
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)	
Wed				
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)	
Fri				
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sun				

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	0700	2300			
Tue	0700	2300			
Wed	0700	2300			
Thur	0700	2300			
Fri	0700	2300			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	0700	2300			
Sun	0700	2300			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Joanne Surguy	
Address	
Postcode	
Personal Licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) The opening hours of the store are not a licensable activity and the applicant asks that the hours not be restricted by the premises licence.
Day	Start	Finish	
Mon	0000	2400	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	0000	2400	
Wed	0000	2400	
Thur	0000	2400	
Fri	0000	2400	
Sat	0000	2400	
Sun	0000	2400	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

b) The prevention of crime and disorder

1. The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
 2. The system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
 3. The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and will be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
 4. The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.
 5. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.
 6. The system will display, on any recording, the correct time and date of the recording.
 7. All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain:
 - details of the time and date the refusal was made;
 - the identity of the staff member refusing the sale;
 - details of the alcohol the person attempted to purchase.
- This register will be available for inspection by a police officer on request.

c) Public safety

The premises licence holder will at all times maintain adequate levels of staff and security. Such staff and security levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

e) The protection of children from harm

1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram.

2. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
- Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be kept at the premises available for inspection by a police officer on request.

Please tick yes

- | | |
|--|-------------------------------------|
| • I have made or enclosed payment of the fee | <input checked="" type="checkbox"/> |
| • I have enclosed the plan of the premises | <input checked="" type="checkbox"/> |
| • I have sent copies of this application and the plan to responsible authorities and others where applicable | <input checked="" type="checkbox"/> |
| • I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable | <input checked="" type="checkbox"/> |
| • I understand that I must now advertise my application | <input checked="" type="checkbox"/> |
| • I understand that if I do not comply with the above requirements my application will be rejected | <input checked="" type="checkbox"/> |

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	Winckworth Sherwood LLP
Date	22 September 2014
Capacity	Solicitors duly authorised on behalf of the Applicant

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Winckworth Sherwood LLP
(Ref: CVE/26508/1811/RPB)
Minerva House
5 Montague Close

Post town	London	Post code	SE1 9BB
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Telephone number (if any)	020 7593 0277
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)
cedwards@wslaw.co.uk

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

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7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority (please delete as applicable):
Trading Standards

Name	Clair Dathan
Job Title	Trading Standards Officer
Postal and email address	Derbyshire County Council Trading Standards Chatsworth Hall Chesterfield Road Matlock Derbyshire DE4 3FW clair.dathan@derbyshire.gov.uk
Contact telephone number	01629 539848

Name of the premises you are making a representation about	Sainsbury's
Address of the premises you are making a representation about	Derby Road Melbourne Derbyshire

Which of the four licensing objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Yes	<p>The applicant has stated in Paragraph 7 that:</p> <p>'All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain</p> <ul style="list-style-type: none"> • Details of the time and date the refusal was made; • The identity of the staff member refusing the sale; • Details of the alcohol the person attempted to purchase <p>The register will be available for inspection by a police officer on request.'</p> <p>a) There is no mention of the DPS carrying out checks on the refusals register and taking action if members of staff are not following the procedure.</p> <p>b) The register should be made available to all authorised officers, not only a police officer. It would be better to state how long the register will be kept for.</p>
Public safety	No	
To prevent public nuisance	No	

To protect children from harm	Yes	<p>The applicant has stated in paragraph 2 that</p> <p>'Training records will be kept at the premises available for inspection by a police officer on request'</p> <p>c) The training records should be made available to all authorised officers, not only a police officer. It would be better to state how long the register will be kept for.</p> <p>d) The applicant has not indicated that appropriate signage will be displayed relating to the Challenge 25 policy</p>
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<p>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</p>	<p>a) At least weekly, the Designated Premises Supervisor (or deputy, authorised in writing) will:</p> <ul style="list-style-type: none"> • examine the record and compare it against the normal operating pattern for the premises • indicate any action required following that examination • sign off/endorse the record to indicate the above points have been carried out <p>b) The refusal record will be kept on the premises for production, on request, to an officer of a Responsible Authority. Records shall be retained on the premises for a minimum of 2 years.</p> <p>c) Records detailing the training provided will be kept on the premises for production, on request, to an officer of a Responsible Authority. Records shall be retained on the premises for a minimum of 2 years.</p> <p>d) Clear, prominent and unobstructed signage informing customers of the age verification policy in operation and the age restrictions on products, will be clearly displayed at:</p> <ul style="list-style-type: none"> • all entry points to the premises, • adjacent to the products, where displayed, and • all points of sale.
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LeDathan

Signed:

Date: 16.10.14

Please return this form along with any additional sheets to the Licensing Section, South Derbyshire District Council, Council Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH or email to licensing@south-derbys.gov.uk This form must be returned within the statutory period. For more details please check with the Licensing Office on 01283 595 716/890729



SOUTH DERBYSHIRE DISTRICT COUNCIL

Licensing Act 2003

Representation by an "Other Person" as defined by the above Act.

Note: Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the subcommittee hearing.

You may request that the Licensing Authority withholds some or all of your details, however, the withholding of details will only be considered in exceptional circumstances where the Licensing Authority believes there to be a genuine and well-founded fear of intimidation. Any person who wishes the Authority to consider withholding their details is advised to contact the Licensing Department prior to submitting this form.

An "other person" can make representations against a relevant licence application. Representations may be made on behalf of the above by a representative e.g. MP, solicitor, or a friend.

Please indicate in which capacity you are making this representation by ticking a box below:

- An individual person X
- A body representing a person e.g. Solicitor
- A person involved in a business
- A body representing a business

Representations are only relevant to an application if they relate to at least one of the four **Licensing Objectives** listed below:

- | | |
|---|---|
| 1. The Prevention of Crime and Disorder | X |
| 2. Public Safety | X |
| 3. Prevention of Public Nuisance | X |
| 4. The Protection of Children from Harm | |

Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority. This

period is reduced to the expiry of the 9th working day after the application was given for minor variation applications.

Licensing Section,
Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH 01283 22100

In the case of a closure order issued by the Police, representations may be made during the seven days that follow relevant notice being given to the Local Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter your contact details below: -

Name:	Michael Sephton
Address:	82 Derby Road, Melbourne, Derbyshire
Postcode:	DE73 8FL
Tel:	07515448959
E-mail:	michael-sephton@tiscali.co.uk

Please confirm name and address of person, represented person or business affected, if different from the address given above: i.e. this could be a shop premise in the vicinity but you do not live at the shop premises.

Name:	
Address:	
Postcode:	

Address of premises in application causing concern, which you wish to make a representation about

Name of Applicant:	Sainsbury's
Address of Premises	Derby Road, Melbourne

Licensing Section,
Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH
01283 221000

Application Details:	Extension of licencing hours.
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Please give details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant box/es:

- **The Prevention of Crime and Disorder** **X**
- **Public Safety** **X**
- **Prevention of Public Nuisance** **X**
- **The Protection of Children from Harm** **X**

Details of representation.....

The Prevention of Crime and Disorder:

The extension of licencing hours for the proposed Sainsbury's Store will provide an outlet supplying alcohol to a large surrounding area of population which is open later than any other local outlet and this will attract teenagers and other groups of the younger people wanting to acquire alcohol late at night. Underage drinking will be a problem and lead to crime and increase the levels of noise disturbance around the shop. The Market Place has suffered these problems in the near past and the extension of licencing hours will bring the problem back to the village.

Late night drinking is also likely to occur in the car park which has over the years been a magnet for groups of youths to congregate both in cars and more latterly on motor bikes or on foot also likely to increase petty crime and noise disturbance. Budgen's have had the car park chained off during closed times in recent years, which was out in place to prevent crime and vandalism to the store.

Public Safety:

Groups of teenagers and youths congregating late at night are intimidating and will add to the feeling of uncertainty that many older people feel especially since people have been attached late at night within the village.

The late opening hours as already commented will attract non-Melbourne inhabitants to come to buy alcohol late at night this will increasing traffic late at night and is therefore a threat to road safety.

Extended licencing hours and therefore extended opening hours will lead to the increase in the number of delivery lorries coming into the village. Melbourne has a serious traffic issue at present without more lorries entering the village (even if this is just along Derby Road).

Licensing Section,
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01283 221000

The area around the shop is a high density residential area with large numbers of children going to and from school and playing in the area. Large lorries are therefore a threat to public safety both physically and through pollution.

Prevention of Public Nuisance:

The extension of licencing hours will increase the flow of traffic to the shop both in vehicles and on foot, which will increase the noise nuisance in this residential area, disrupting the enjoyment of family life late into the night and especially on a Sunday.

When the super market was built, it was not allowed to open on a Sunday, the opening hours have been allowed to be extended which is contrary to the original position and promises of South Derbyshire District Council, increasing the level of nuisance in the area.

Originally there was no sale of alcohol on a Sunday as the store was shut, this has been extended to the present hours and Sainsbury's propose to extend the licencing hours further. I believed that the store was too large to have extended opening hours on a Sunday, if this is the case then why have they applied for a licence from 7 in the morning until 11 at night. Further, they do not have planning permission to open 7 am to 11pm seven days a week so why do they need a licence to sell alcohol for the closed hours.

The extension of licencing hours and presumably the opening hours into the night will also have an effect with noise disturbance when the store closes at a time when local residence are trying to get to sleep or have gone to bed. The opening and closing is a disturbance now especially in a morning, with the arrival of staff at any time from 6.30am, with the banging of car doors, talking, the opening of the security doors and putting out of displays and trolleys, all of which is clearly audible inside my property which disrupts sleep. Closing at 11.00pm will therefore also have a big effect on noise disturbance levels in this residential area affecting the enjoyment of family life.

Why is there a need for the extension of licencing hours when there are a large number of outlets selling alcohol in Melbourne; from the Spar (which is open until 10.00 pm), restaurants, clubs and pubs? I have been informed that a local Indian Restaurant was refused a licence because of this fact and if it was allowed to sell alcohol this would have a detrimental effect on the local residential environment, (a public nuisance). Or was the Indian Restaurant refused for other reasons? If a restaurant within 50 meters of the Sainsbury's Store will cause a public nuisance if it sells alcohol then surely a Sainsbury's Store will be a public nuisance, especially as the store will be selling alcohol on its own and not with the consumption of a meal. Therefore encouraging reckless drinking. The granting of an extension would be an inconsistent application of licencing policy within Melbourne.

The Protection of Children from Harm

Extended licencing hours and therefore extended opening hours, also allows extended delivery times. At present these are restricted and it would be hoped that this will be continued to present times. If delivery times are extended, not only is this a further noise

disturbance but also the very large delivery lorries are a threat to children and families who live in this residential area, as a whole due to their presence and pollution.

The extension of licencing will lead to underage drinking, with older youths buying alcohol and supplying younger children with whom they hang around. Even in small numbers this is not only a child safety issue but a disturbance issue as commented above.

If possible please suggest alterations to the application/licence that would resolve the problem mentioned above, again paying attention to the licensing objectives

The existing licencing hours and opening hours cause a disturbance now especially the 7am start and I would prefer an 8 am opening. However the existing hours of Budgen's are acceptable and should be applied to Sainsbury's.

Once the Licensing Section has received this form you will receive a written acknowledgement and you may be contacted to discuss the issue prior to any referral to a sub-committee hearing.

If referred to a sub committee hearing:

Please tick this box if you do not intend to be present ☒ X

Please tick this box if you do not intend to be represented

Please tick this box if you would like to remain anonymous

If you wish to withdraw your representation you may do so by confirming this in writing before the end of the last day of the 28 day consultation period.

Signed: By email Michael Sephton

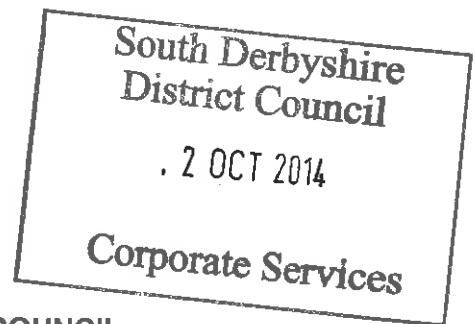
PRINT NAME: Michael Sephton.....

Date: 7 October 2014.....

Please return this form to the following address:

South Derbyshire District Council
PO Box 6927
Civic Offices
SWADLINCOTE
DE11 0AH

Licensing Section,
Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH
01283 221000



SOUTH DERBYSHIRE DISTRICT COUNCIL

Licensing Act 2003**Representation by an "Other Person" as defined by the above Act.**

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1. **The Prevention of Crime and Disorder**
2. **Public Safety**
3. **Prevention of Public Nuisance**
4. **The Protection of Children from Harm**

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period is reduced to the expiry of the 9th working day after the application was given for minor variation applications.

Licensing Section,
Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH 01283 22100

In the case of a closure order issued by the Police, representations may be made during the seven days that follow relevant notice being given to the Local Authority by the Magistrates Court, starting on the day after the day the notice was received.

Please enter your contact details below: -

Name:	Matthew Lee
Address:	80 Derby Road, Melbourne, Derby
Postcode:	DE73 8FL
Tel:	01332 862430
E-mail:	leesderby@aol.com

Please confirm name and address of person, represented person or business affected, if different from the address given above: i.e. this could be a shop premise in the vicinity but you do not live at the shop premises.

Name:	
Address:	
Postcode:	

Address of premises in application causing concern, which you wish to make a representation about

Name of Applicant:	Sainsbury's Supermarkets Limited
Address of Premises	Derby Road, Melbourne DE73 8FE

Licensing Section,
Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH
01283 221000

Application Details:	Supply of alcohol from 22/10/2014
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Please give details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant box/es:

- **The Prevention of Crime and Disorder** ✓
- **Public Safety** ✓
- **Prevention of Public Nuisance** ✓
- **The Protection of Children from Harm** ✓

Details of representation.....

I live directly opposite the store and believe the quality of life of people living in the area will be negatively affected.

I submit that the application should not be considered because the guidance on the application form has not been followed:

- Box K has not been completed as required by the instruction on page 4 and guidance note 8
- Box L gives hours of opening which are inconsistent with the applicant's own statements and planning permission for the premises
- Box M (a) has not been completed as required by guidance note 9
- The address of the individual named in Box J has not been given

If the Council does choose to consider the application, even though completed incorrectly, I wish to object on the following grounds:

Prevention Of Crime & Disorder: The store is in a residential area so any noise or disorderly behaviour will be of direct detriment to local residents. When the store was occupied by Budgens it used to leave the car park open and the exterior lights switched on until 11pm or later. This prompted groups of young people to congregate and behave boisterously – often playing football, shouting and revving engines. The police were called on many occasions or took action themselves. Budgens eventually chained off the car park and switched off the lights and the bad behaviour stopped. If alcohol is available for sale by the store after 8pm at night, and the car park is open and lit, the problems will return much worse than before. There can be no doubt that open air drinking will take place in the environs of the store after 8pm and crime (such as damage to vehicles) and disorder (such as shouting and drunkenness) will result.

Public Safety: Greater availability of cheap alcohol will undoubtedly lead to the increase in drunken behaviour and endanger the safety of other store users, local residents and patrons of the Royal British Legion. Sainsbury's staff are likely to be threatened if they attempt to stop unruly behaviour brought about by alcohol purchased at the store for immediate consumption.

Prevention Of Public Nuisance: The noise resulting from those who purchase alcohol after 8pm and drinking it close to the store will disturb the sleep and general amenity of those living close to the premises. Cars parked in the store's car park and the Royal British Legion may be damaged by the activities of such people.

Protection Of Children From Harm: Users of the Royal British Legion often leave children outside in the summer months. The sale of alcohol after 8pm and the resulting unruly behaviour (such as games of football) is likely to endanger these children.

If possible please suggest alterations to the application/licence that would resolve the problem mentioned above, again paying attention to the licensing objectives

No alcohol to be sold after 8pm

Once the Licensing Section has received this form you will receive a written acknowledgement and you may be contacted to discuss the issue prior to any referral to a sub-committee hearing.

If referred to a sub committee hearing:

Please tick this box if you do not intend to be present ☐

Please tick this box if you do not intend to be represented ☒

Please tick this box if you would like to remain anonymous ☐

If you wish to withdraw your representation you may do so by confirming this in writing before the end of the last day of the 28 day consultation period.

Signed: 

PRINT NAME: MATTHEW LEE

Date: 29 SEPTEMBER 2014

Please return this form to the following address:

South Derbyshire District Council
PO Box 6927
Civic Offices
SWADLINCOTE
DE11 0AH

Licensing Section,
Civic Offices, Civic Way, Swadlincote Derbyshire DE11 0AH
01283 221000

**Licensing Act 2003
Premises Licence Application –
Notification to Local Authority of agreement regarding
Representations**

To: Licensing Authority Office

Date: 11 November 2014

Dear Sir/Madam

I write in my capacity as the Principal Trading Standards Officer for Derbyshire County Council Trading Standards.

Discussions have taken place with the application in relation to the promotion of the licensing objectives.

I understand that the applicant has formally amended their application to include the following conditions:

1. The DPS or other appointed person will monitor the refusals log on a weekly basis and keep a record of this action.
2. The refusal log records to be kept by the licence holder for a period of at least 12 months.
3. Records showing the training provided to staff to be retained by the licence holder for at least 12 months.
4. Clear, prominent and unobstructed signage informing customers of the age verification policy in operation will be displayed at the point of display and at the point of sale.

On this basis, please accept this notice as formal notification to withdraw my representation to the above premises licence application. Furthermore, I confirm that I do not consider a hearing to be necessary.



Signed

Name in blockCLAIR DATHAN.....

Date.....11 November 2014.....