

REPORT FOR: LICENSING PANEL

Date: 13 June 2013

Subject: Application to vary a premises licence in respect of 'Sainsbury's, 1-9 The Broadway, Stanmore, Middlesex, HA7 4DA'

Responsible Officer: Caroline Bruce – Corporate Director of Environment and Enterprise

Exempt: No

Enclosures: Application to vary a premises licence
Representations
Current Premises Licence
Location (GIS) Map

Section 1 – Summary

The application to a vary a premises licence issued under the Licensing Act 2003 to 'Sainsbury's, 1-9 The Broadway, Stanmore, Middlesex, HA7 4DA' has attracted representations from other persons (i.e. persons other than responsible authorities). As per the Council's Licensing Policy and delegation of Licensing functions, all applications with unresolved representations are to be dealt by the Licensing Panel.

Representations received

From	Relevant Representations details
The Planning Authority	No representations received
Health & Safety	No representations received
Environmental Health Authority (Pollution and environmental enforcement)	No representations received
Trading Standards	No representations received
The Area Child Protection Service	No representations received
LFEPA	No representations received
Metropolitan Police	No representations received

Representations from other persons

From	Relevant Representations details
Other persons	Representations Received

Section 2 – Report

Current situation

- 2.1 An application has been made to vary a premises licence in respect of “Sainsbury’s, 1-9 The Broadway, Stanmore, Middlesex, HA7 4DA” (‘the Premises’).
- 2.2 The Premises currently has the benefit of a Premises Licence which was granted in 2005 under the Transitional arrangements. Briefly the current premises licence states the following opening hours and authorises the following licensable activities and timings:

Hours open to public	
Monday - Sunday	Not Specified
Sale of retail alcohol (m)	
Monday – Sunday	08:00 – 23:00

- 2.3 The application now seeks add a seasonal variation to extend the timings for the Sale of retail alcohol. The periods of the proposed seasonal variations are:

From the 1st December to 7th January inclusive each year between the hours of 06:00hrs and 24:00hrs

From the Monday prior to Good Friday to the following Sunday following Easter Monday (inclusive) each year between the hours of 06:00hrs and 24:00hrs

In addition to the above, the application proposes the times for hours open to the public as follows:

Monday – Sunday – 00:00hrs – 24:00hrs (24 hours opening)

(Please note that the proposed hours open to the public are general hours and not just for the seasonal variations noted above. In addition, the licensing panel cannot authorise Sunday trading hours beyond that which the law permits).

- 2.4 The applicant’s proposed steps to promote the licensing objectives are listed in Section M of the application. The applicant has proposed to remove all of the conditions in annex 2 of the current licence and replace them with the conditions stated in part M of the application

Representations

- 2.5 The application to vary a premises licence has attracted two representations from other persons. These representations primarily raise issues pertaining to the prevention of public nuisance, public safety and the prevention of crime and disorder which the panel should consider when determining the application. The panel cannot consider issues that do not go towards the promotion of the licensing objectives.

- 2.6 Copies of all the representations received are attached to this report.

Consultation

- 2.7 The application was advertised in accordance with the Regulations under the Licensing Act 2003.

Licensing Policy Implications

- 2.8 In relation to the Council's Licensing policy at paragraphs 8.3 and 8.8, the applicant has addressed how he intends to promote the licensing objectives.

Legal Implications

- 2.9 The Licensing Panel is required to hold a hearing to consider the variation application and any relevant representations unless all parties agree that a hearing is unnecessary. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- 2.10 The Licensing Panel is required to give appropriate weight to the representations (including supporting information) presented by all the parties, the Guidance issued pursuant to section 182 of the Licensing Act 2003, the Council's statement of licensing policy and the steps that are appropriate to promote the four licensing objectives.
- 2.11 Having considered those relevant matters, the Licensing Panel is required to take such of following steps (if any) as it considers appropriate for the promotion of the licensing objectives –
- a. To modify the conditions of the licence
 - b. To reject the whole or part of the application
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition(s) added.
- 2.12 It should be noted with all options that –
- Clear reasons should be given for the decision.
 - Any additional or modified conditions should be practical and enforceable
 - The applicant and any person who made relevant representations would have the right of appeal to a magistrates' court on one of the grounds provided in Schedule 5 to the Licensing Act 2003
- 2.13 In addition to determining the application in accordance with the legislation, Members must have regard to –
- The common law rules of natural justice
 - The provisions of the Human Rights Act 1998
 - The considerations in section 17 of the Crime and Disorder Act 1998
- 2.14 By section 6 of the Human Rights Act 1998, the Panel is required to act in a way that is compatible with rights under the European Convention for the Protection of Human

Rights. The following provisions of the European convention seem relevant: Article 6 (right to a fair trial), Article 14 (prohibition of discrimination) and Article 1 of the First Protocol (protection of property).

Community Safety

2.15 In relation to section 17 of the Crime and Disorder Act 1998, this states:

'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.'

The Borough Commander has not made a representation against this application.

Financial Implications

2.16 There are no financial implications.

Risk Management Implications

2.17 If any party is aggrieved with the decision of the licensing panel on one of the grounds set out in Schedule 5 to the Licensing Act 2003, they can appeal to a Magistrates' Court. The Appeal period is 21 days from notification of the decision.

Section 3 - Statutory Officer Clearance

Name: Kanta Halai	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 31 May 2013		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 31 May 2013		

Section 4 - Contact Details and Background Papers

Contact: P Sivashankar, Licensing Services Manager
Tel: 020 8736 6237 (Int Ext 6237)

Background Papers: Current Licence, Licensing Act 2003, Statutory Guidance