

**REPORT ON APPLICATION FROM  
SAINSBURY'S SUPERMARKETS LIMITED  
UNDER THE LICENSING ACT 2003 FOR  
CONVERSION AND VARIATION OF PREMISES  
LICENCE**

**1. THE APPLICATION**

**Applicant(s): Sainsbury's supermarkets Limited**

**Premises: Sainsbury's  
13 – 19 Buckingham Street  
Aylesbury  
HP20 2LA**

**1.1 Conversion Application**

No representations have been received from Thames Valley Police in respect to the application by Sainsbury's Supermarkets Limited to convert the existing permissions to a Premises Licence. Therefore in accordance with the transitional provisions of the Licensing Act 2003 the application to convert the existing permissions, namely, a justices' 'off' licence, has been granted under delegated powers subject to any existing statutory restrictions and conditions and any other conditions which currently apply. In respect to the limitation on hours, this would permit the premises to sell alcohol for consumption off the premises during the following hours:

1. On weekdays other than Christmas Day, 8.00 a.m. to 11.00 p.m.
2. On Sundays other than Christmas Day, 10.00 a.m. to 10.30 p.m.
3. On Christmas Day, 12.00 noon to 3.00 p.m. and 7.00 p.m. to 10.30 p.m.
4. On Good Friday, 8.00 a.m. to 10.30 p.m.

Attached as Appendix 1 is a copy of the completed application form.

A plan of the premises will be made available at the Sub-Committee hearing.

**1.2 Variation application**

The application is for the variation of the Premises Licence during the transitional period under Schedule 8, paragraph 7 (1)(b) of the Act. More specifically, the application relates to the extension of the hours that alcohol can be sold and the provision of late night refreshment, as follows:

### Supply of alcohol

Monday to Sunday 24 hours trading

The applicant wishes to have the flexibility to sell alcohol at all times that the store is open. The applicant may elect not to open the store 24 hours a day every day.

### Late night refreshment

Monday to Sunday 11.00 p.m. to 5.00 a.m. The application states that the provision of late night refreshment will take place both indoors and outdoors. The applicant may elect not to open the store between these hours but requires the flexibility to provide late night refreshment should the store open.

Consistent with the above application to potentially trade at any time the applicant has also applied for the premises to be open to the public at anytime and that the existing restrictions relating to trading hours be removed.

The proposed designated premises supervisor is Andrew Chivers and the steps the applicant intends to take to promote the licensing objectives are set out in the operating schedule (see appendix 1, page 17 and 18 of application form).

## **2. RELEVANT REPRESENTATIONS**

### **2.1 Responsible Authorities**

**Thames Valley Police – No objection**

**Bucks Fire and Rescue – No objection**

**Environmental Health – No objection**

**Planning – No objection**

**Trading Standards – No comment**

**Area Child Protection Committee – No comment**

### **2.2 Interested Parties**

#### **2.2.1 Mr Keith Turner – 6 Nelson Terrace, Aylesbury**

Mr Turner is concerned with the lawful and unlawful availability of alcohol after 11.00 p.m. and the effect on further alcohol induced anti-social behaviour during the evening and early morning. Mr Turner is not confident with the existing security arrangements and expresses further concerns in respect to off sales of alcohol after 11.00 p.m. from an establishment so close to residential properties already experiencing problems of anti-social behaviour. Mr Turner's representation is attached as Appendix 2.

#### **2.2.2 Aylesbury Town Council**

The Town Council are concerned with current inadequate security arrangements and are not confident that the store would be able to cope with the additional potential burden after 11.00 p.m. The Town Council point out the potentially greater problems of disorder that might occur if off sales of

alcohol were available as on-licence premises are closing. The Town Council's representation is attached as Appendix 3.

### **2.2.3 Aylesbury Old Town Resident's Association (AOTRA)**

AOTRA point out the Special Saturation Policy adopted by the Licensing Authority. AOTRA believe it inappropriate to grant a permission 'so vague and open ended' the effect of which could be implemented at a later date when 'its relevant circumstances were profoundly changed'. They also cite inconsistencies with planning legislation and policy and express anxiety over the effect on crime and disorder both in respects to the sale of refreshment and alcohol. AOTRA's representation is attached as Appendix 4.

## **3. NOTICE OF HEARING**

All parties were served Notices of Hearing on the 28 June 2005 along with the document, 'Licensing Act 2003 – The Procedure to be followed at Hearings'. The parties have therefore been notified of the consequences of failing to attend.

## **4. REQUESTS FOR PERMISSION TO CALL WITNESSES**

At the time of writing this report no requests have been made for permission to call witnesses.

## **5. REQUESTS FOR CLARIFICATION AT THE HEARING FROM A PARTY**

At the time of writing this report no requests for clarification have been made.

## **6. STATEMENT OF LICENSING POLICY**

The following references are to the Council's Statement of Licensing Policy. It is considered that the following paragraphs have a bearing upon the application:

**Paragraph 1.5 – General**

**Paragraphs 1.12 – Amenity**

**Paragraph 3.3 – Licensing hours**

**Paragraph 5.2 – Planning controls**

**Paragraph 7.0 Special saturation policy**

**Paragraphs 8.1 to 8.5 Prevention of crime and disorder**

**Paragraphs 8.16 to 8.25 Prevention of children from harm**

Members will have the opportunity to discuss these and any other policies which they or any of the parties consider are relevant at the hearing.

## **7. STATUTORY GUIDANCE**

Members are asked to consider the statutory guidance on the following issues:

**Paragraph 3.31 relating to shops, stores and supermarkets**

**Paragraph 5.20 relating to late night refreshment**  
**Paragraphs 5.32 and 5.33 relating to ‘interested parties’**  
**Paragraphs 6.2 and 6.3 relating to shops, stores and supermarkets**

Members will have the opportunity to discuss these and other parts of the guidance, if relevant, with the parties at the hearing.

**8. OTHER RELEVANT CONSIDERATIONS**

**8.1 Section 17(1) of the Crime and Disorder Act 1998**

Section 17(1) of the Crime and Disorder Act 1998 provides that “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 it reasonably can to prevent, crime and disorder in its area”. This duty applies to the Council in determining the application and, therefore, needs to be put in the balancing exercise together with all the other relevant considerations.

**8.2 Human Rights**

Under Article 8 of the European Convention on Human Rights the ‘interested parties’ have a right to respect for their private and family life and their home. They are entitled therefore not to be disturbed by unreasonable noise and nuisance. However, this is a qualified right and has to be balanced against the rights of others including the rights of businesses in the area to operate.

Having regard to the facts of this particular case, Members need to consider whether the objections are sufficiently serious to justify rejecting the application.

**9. OBSERVATIONS**

9.1 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. These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

9.2 In making its decision, Members must also have regard to 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. Of course, Members must also have regard to all the representations made and the evidence it hears.

9.3 The Sub-Committee must take such of the following steps as it considers necessary 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 from the scope of the licence any of the licensable activities to which the application relates.
4. Refuse to specify a person in the licence as the premises supervisor.
5. Reject the whole of the application.

9.4 The Sub-Committee may also grant the licence subject to different conditions for different parts of the premises or the different licensable activities.

9.5 Members are asked to note that they may not modify the conditions or reject the whole or part of the application merely because they consider it desirable to do so. It must actually be **necessary** to do so in order to promote the licensing objectives and any such step must relate to the actual representations made.

9.6 If Members grant the application, the details of the operating schedule (as set out in page 23 of Appendix 1) will be incorporated into the licence as conditions. The licence will also be subject to certain mandatory conditions.

## **10. ISSUES RAISED BY THE APPLICATION**

The issues raised by the application are for the Sub-Committee to determine having regard to all the relevant considerations. Whatever, the Sub-Committee decides, it must give reasons.

To assist Members further, a supplemental note commenting on the issues raised by the application will follow shortly.

Contact Officer  
Background Documents

Peter Seal 01296 585083  
Application form and plans

Ps-lsg-hst-Sainsburys – greens may 2003  
Licensingact1372005

PART B - Application to vary a premises licence under the Licensing Act 2003

We Sainsbury's Supermarkets Limited being the proposed premises licence holder of an existing licence to be converted under the terms of Schedule 8 to the Licensing Act 2003 apply to vary it under section 34 of the Licensing Act 2003 for the premises described in Part A above.

Part B1 - Variation

Please tick ✓

Do you want the proposed variation to have effect from the second appointed day?

If not when do you want the variation to take effect from

| Day |  | Month |  | Year |  |
|-----|--|-------|--|------|--|
|     |  |       |  |      |  |

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Please describe briefly the nature of the proposed variation. (Please read guidance note 8)

Extension of hours for the retail of alcohol.

Provision of late night refreshment.

**Part B2 - Operating Schedule**

Please complete those parts of the operating schedule which would be subject to change if this application to vary were successful.

What licensable activities do you now intend to conduct on the premises and/or at what varied times do you intend to conduct them?

(please see section 1 of the Licensing Act 2003 and Schedule 1 to the Licensing Act 2003)

Please tick ✓Yes

**Provision of regulated entertainment**

- 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 entertainment facilities:**

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

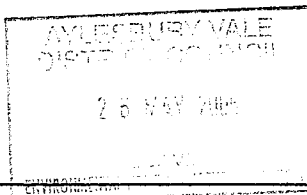
**Provision of late night refreshment (if ticking yes, fill in box L)**

**Sale by retail of alcohol (if ticking yes, fill in box M)**

Please complete Part B3 on this form.

**A**

| Plays<br>Standard days and timings (please read guidance note 8) |       |        | Will the performance of a play take place indoors or outdoors or both - please tick [✓] (please read guidance note 9.)   | Indoor   |  |
|--|-------|--------|--|----------|--|
| Day  | Start | Finish |  | Outdoors |  |
| Mon  |       |        | <b><u>Please give further details here</u></b> (please read guidance note 10)  |          |  |
| Tue  |       |        |  |          |  |
| Wed  |       |        | <b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 11)  |          |  |
| Thur   |       |        |  |          |  |
| Fri  |       |        | <b><u>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</u></b> (please read guidance note 12) |          |  |
| Sat  |       |        |  |          |  |
| Sun  |       |        |  |          |  |

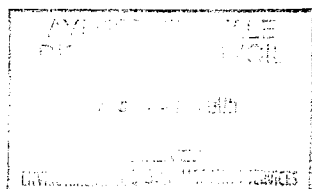


**B**

| Films<br>Standard days and timings (please read guidance note 8) |       |        | Will the exhibition of films take place indoors or outdoors or both - please tick [✓] (please read guidance note 9.)   | Indoor   |  |
|--|-------|--------|--|----------|--|
| Day  | Start | Finish |  | Outdoors |  |
| Mon  |       |        | <b>Please give further details here</b> (please read guidance note 10)   | Both     |  |
| Tue  |       |        |  |          |  |
| Wed  |       |        | <b>State any seasonal variations for the exhibition of films</b> (please read guidance note 11)  |          |  |
| Thur   |       |        |  |          |  |
| Fri  |       |        | <b>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</b> (please read guidance note 12) |          |  |
| Sat  |       |        |  |          |  |
| Sun  |       |        |  |          |  |

**C**

| Indoor Sporting Events<br>Standard days and timings (please read guidance note 8) |       |        | Please give further details (please read guidance note 10)  |
|---|-------|--------|---|
| Day   | Start | Finish |   |
| Mon   |       |        | <b>State any seasonal variations for indoor sporting events</b> (please read guidance note 11)  |
| Tue   |       |        |   |
| Wed   |       |        | <b>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</b> (please read guidance note 12) |
| Thur  |       |        |   |
| Fri   |       |        |   |
| Sat   |       |        |   |
| Sun   |       |        |   |



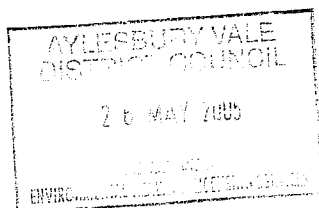


**D**

|   |       |        |  |          |  |
|---|-------|--------|--|----------|--|
| <b>Boxing or Wrestling entertainment</b><br>Standard days and timings (please read guidance note 8) |       |        | Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick [✓] (please read guidance note 9.)   | Indoor   |  |
|   |       |        |  | Outdoors |  |
|   |       |        |  | Both     |  |
| Day   | Start | Finish |  |          |  |
| Mon   |       |        | <u>Please give further details here</u> (please read guidance note 10)   |          |  |
| Tue   |       |        |  |          |  |
| Wed   |       |        | <u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 11)  |          |  |
| 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 12) |          |  |
| Sat   |       |        |  |          |  |
| Sun   |       |        |  |          |  |

**E**

|  |       |        |   |          |  |
|--|-------|--------|---|----------|--|
| <b>Live Music</b><br>Standard days and timings (please read guidance note 8) |       |        | Will the exhibition of live music take place indoors or outdoors or both - please tick [✓] (please read guidance note 9.)   | Indoor   |  |
|  |       |        |   | Outdoors |  |
|  |       |        |   | Both     |  |
| Day  | Start | Finish |   |          |  |
| Mon  |       |        | <u>Please give further details here</u> (please read guidance note 10)  |          |  |
| Tue  |       |        |   |          |  |
| Wed  |       |        | <u>State any seasonal variations for the performances of live music</u> (please read guidance note 11)  |          |  |
| Thur   |       |        |   |          |  |
| Fri  |       |        | <u>Non standard timings. Where you intend to use the premises for the performances of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 12) |          |  |
| Sat  |       |        |   |          |  |
| Sun  |       |        |   |          |  |



**F**

| Recorded Music<br>Standard days and timings (please read guidance note 8) |       |        | Will the playing of recorded music take place indoors or outdoors or both - please tick [✓] (please read guidance note 9.)   | Indoor   |  |
|---|-------|--------|--|----------|--|
| Day   | Start | Finish |  | Outdoors |  |
| Mon   |       |        | <b>Please give further details here</b> (please read guidance note 10)   | Both     |  |
| Tue   |       |        |  |          |  |
| Wed   |       |        | <b>State any seasonal variations for playing recorded music</b> (please read guidance note 11)   |          |  |
| Thur  |       |        |  |          |  |
| Fri   |       |        | <b>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 12) |          |  |
| Sat   |       |        |  |          |  |
| Sun   |       |        |  |          |  |

**G**

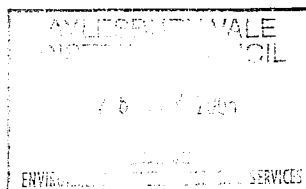
| Performances of dance<br>Standard days and timings (please read guidance note 8) |       |        | Will the performance of dance take place indoors or outdoors or both - please tick [✓] (please read guidance note 9.)   | Indoor   |  |
|--|-------|--------|---|----------|--|
| Day  | Start | Finish |   | Outdoors |  |
| Mon  |       |        | <b>Please give further details here</b> (please read guidance note 10)  | Both     |  |
| Tue  |       |        |   |          |  |
| Wed  |       |        | <b>State any seasonal variations for the performance of dance</b> (please read guidance note 11)  |          |  |
| Thur   |       |        |   |          |  |
| Fri  |       |        | <b>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 12) |          |  |
| Sat  |       |        |   |          |  |
| Sun  |       |        |   |          |  |

# H

|  |       |        |   |          |  |
|--|-------|--------|---|----------|--|
| <b>Anything of a similar description to that falling within (e), (f) or (g)</b><br>Standard days and timings (please read guidance note 8) |       |        | <b><u>Please give a description of the type of entertainment you will be providing</u></b>  |          |  |
| Day  | Start | Finish | <b><u>Will this entertainment take place indoors or outdoors or both - please tick [✓] (please read guidance note 9.)</u></b>   | Indoors  |  |
| Mon  |       |        |   | Outdoors |  |
|  |       |        |   | Both     |  |
| Tue  |       |        | <b><u>Please give further details here (please read guidance note 10)</u></b>   |          |  |
| Wed  |       |        |   |          |  |
| Thur   |       |        | <b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 11)</u></b>  |          |  |
| Fri  |       |        |   |          |  |
| Sat  |       |        | <b><u>Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 12)</u></b> |          |  |
| Sun  |       |        |   |          |  |

# I

|  |       |        |  |          |  |
|--|-------|--------|--|----------|--|
| <b>Provision of facilities for making music</b><br>Standard days and timings (please read guidance note 8) |       |        | <b><u>Please give a description of the facilities for making music you will be providing</u></b>   |          |  |
| Day  | Start | Finish | <b><u>Will the facilities for making music be indoors or outdoors or both - please tick [✓] (please read guidance note 9.)</u></b>   | Indoors  |  |
| Mon  |       |        |  | Outdoors |  |
|  |       |        |  | Both     |  |
| Tue  |       |        | <b><u>Please give further details here (please read guidance note 10)</u></b>  |          |  |
| Wed  |       |        |  |          |  |
| Thur   |       |        | <b><u>State any seasonal variations for the provision of facilities for making music (please read guidance note 11)</u></b>  |          |  |
| Fri  |       |        |  |          |  |
| Sat  |       |        | <b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 12)</u></b> |          |  |
| Sun  |       |        |  |          |  |

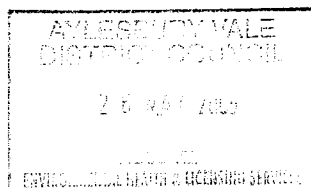


**J**

|   |       |        |   |          |  |
|---|-------|--------|---|----------|--|
| <b>Provision of facilities for dancing</b><br>Standard days and timings (please read guidance note 1) |       |        | <b>Will the facilities for dancing be indoors or outdoors or both - please tick [✓] (please read guidance note 9.)</b>  | Indoor   |  |
|   |       |        |   | Outdoors |  |
|   |       |        |   | Both     |  |
| Day   | Start | Finish | <b><u>Please give further details here</u></b> (please read guidance note 10)   |          |  |
| Mon   |       |        |   |          |  |
| Tue   |       |        | <b><u>State any seasonal variations for providing dancing facilities</u></b> (please read guidance note 11)   |          |  |
| Wed   |       |        |   |          |  |
| Thur  |       |        | <b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 12) |          |  |
| Fri   |       |        |   |          |  |
| Sat   |       |        |   |          |  |
| Sun   |       |        |   |          |  |

**K**

|  |       |        |  |          |  |
|--|-------|--------|--|----------|--|
| <b>Provision of facilities for entertainment of a similar description to that falling within I or J</b><br>Standard days and timings (please read guidance note 8) |       |        | <b><u>Please give a description of the type of entertainment facility you will be providing</u></b>  |          |  |
| Day  | Start | Finish | <b><u>Will this entertainment facility be indoors or outdoors or both - please tick [✓] (please read guidance note 9.)</u></b>   | Indoors  |  |
| Mon  |       |        |  | Outdoors |  |
|  |       |        |  | Both     |  |
| Tue  |       |        | <b><u>Please give further details here</u></b> (please read guidance note 10)  |          |  |
| Wed  |       |        | <b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J</u></b> (please read guidance note 11)  |          |  |
| Thur   |       |        |  |          |  |
| Fri  |       |        | <b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list</u></b> (please read guidance note 12) |          |  |
| Sat  |       |        |  |          |  |
| Sun  |       |        |  |          |  |

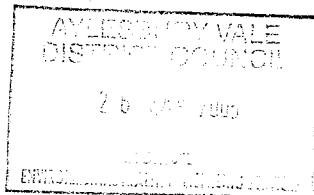


**L**

|  |       |        |   |          |   |
|--|-------|--------|---|----------|---|
| <b>Late night refreshment</b><br>Standard days and timings (please read guidance note 1) |       |        | <b>Will the provision of late night refreshment take place indoors or outdoors or both - please tick [✓] (please read guidance note 9.)</b>   | Indoor   |   |
|  |       |        |   | Outdoors |   |
|  |       |        |   | Both     | ✓ |
| Day  | Start | Finish | <b>Please give further details here</b> (please read guidance note 10)  |          |   |
| Mon  | 00:00 | 05:00  | <p>The applicant may elect not to open the store between these hours but requires the flexibility to provide late night refreshment should the store be open.</p> <p><b>State any seasonal variations for the provision of late night refreshment.</b> (please read guidance note 11)</p> <p><b>Non standard timings. Where you intend to use the premises for the provision of late night entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 12)</p> |          |   |
|  |       | 23:00  |   |          |   |
| Tue  | 00:00 | 05:00  |   |          |   |
|  |       | 23:00  |   |          |   |
| Wed  | 00:00 | 05:00  |   |          |   |
|  |       | 23:00  |   |          |   |
| Thur   | 00:00 | 05:00  |   |          |   |
|  |       | 23:00  |   |          |   |
| Fri  | 00:00 | 05:00  |   |          |   |
|  |       | 23:00  |   |          |   |
| Sat  | 00:00 | 05:00  |   |          |   |
|  |       | 23:00  |   |          |   |
| Sun  | 00:00 | 05:00  |   |          |   |
|  |       | 23:00  | 24:00   |          |   |

**M**

|   |       |        |   |                  |   |
|---|-------|--------|---|------------------|---|
| <b>Supply of alcohol</b><br>Standard days and timings (please read guidance note 1) |       |        | <b>Will the supply of alcohol be for consumption</b><br>(please tick box [Y] (please read guidance note 13.))   | On the premises  |   |
|   |       |        |   | Off the premises | ✓ |
|   |       |        |   | Both             |   |
| Day   | Start | Finish | <b>State any seasonal variations for the supply of alcohol.</b> (please read guidance note 11)  |                  |   |
| Mon   | 00:00 | 24:00  | <p>The applicant wishes to have the flexibility to sell alcohol at all times that the store is open. The applicant may elect not to open the store 24 hours a day every day.</p> <p><b>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</b> (please read guidance note 12)</p> <p style="text-align: center;">See above</p> |                  |   |
|   |       |        |   |                  |   |
| Tue   | 00:00 | 24:00  |   |                  |   |
|   |       |        |   |                  |   |
| Wed   | 00:00 | 24:00  |   |                  |   |
|   |       |        |   |                  |   |
| Thur  | 00:00 | 24:00  |   |                  |   |
|   |       |        |   |                  |   |
| Fri   | 00:00 | 24:00  |   |                  |   |
|   |       |        |   |                  |   |
| Sat   | 00:00 | 24:00  |   |                  |   |
|   |       |        |   |                  |   |
| Sun   | 00:00 | 24:00  |   |                  |   |
|   |       |        |   |                  |   |



IN ALL CASES PLEASE COMPLETE BOXES N, O, P and Q below

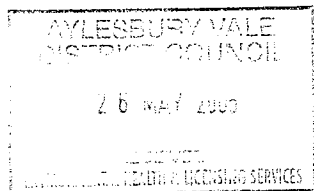
**N**

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 14)

The premises sell alcohol and other age related products.

**O**

| Hours premises are open to the public<br>Standard days and timings (please read guidance note 8) |       |        | State any seasonal variation (please read guidance note 11)   |
|--|-------|--------|---|
| Day  | Start | Finish |   |
| Mon  | 00:00 | 24:00  | <p><b>Non standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list</b> (please read guidance note 12)</p> <p>The applicant may elect not to open the store 24 hours a day every day but requires the flexibility to do so subject to statutory or operational restrictions</p> |
|  |       |        |   |
| Tue  | 00:00 | 24:00  |   |
|  |       |        |   |
| Wed  | 00:00 | 24:00  |   |
|  |       |        |   |
| Thur   | 00:00 | 24:00  |   |
|  |       |        |   |
| Fri  | 00:00 | 24:00  |   |
|  |       |        |   |
| Sat  | 00:00 | 24:00  |   |
|  |       |        |   |
| Sun  | 00:00 | 24:00  |   |
|  |       |        |   |



**P**

Please identify any of the conditions, terms or restrictions currently imposed on the converted licence which you believe could be removed as a consequence of the proposed variation you are seeking.

The hours for sale by retail of alcohol are currently restricted to:

|                    |                                   |
|--------------------|-----------------------------------|
| Monday to Saturday | 08.00 to 23.00                    |
| Sundays            | 10.00 to 22.30                    |
| Christmas Day      | 12.00 to 15.00 and 19.00 to 22.30 |
| Good Friday        | 08.00 to 22.30                    |

save for exemptions as set out in Section 63 of the Licensing Act 1964.  
The above restriction would be removed as a consequence of the proposed variation.

**Q** Please describe any additional steps that you intend to take in order to promote the four licensing objectives if the proposed variation is granted:

a) General - all four licensing objectives (b, c, d, e) (please read guidance note 15)

The plan which accompanies this application indicates the proposed position for the display and storage of alcohol.  
The alcohol may be displayed or stored, from time to time, in different positions within the premises.

b) The prevention of crime and disorder

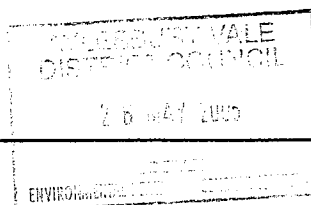
The CCTV system shall be installed or the existing system maintained which is fit for the purpose. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as identification standard.  
The CCTV system shall incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. If the premises are using a video recording system, the cassette tape shall be used on no more than 12 occasions.  
The precise position of the cameras may be agreed with the police from time to time.

c) Public safety

The applicant will at all times maintain adequate levels of staff. Such staff 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

All cashiers will be trained to require evidence of age from any person seeking to buy alcohol and appearing to the cashier to be under the age of 18. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example thumb print or pupil recognition) is introduced.

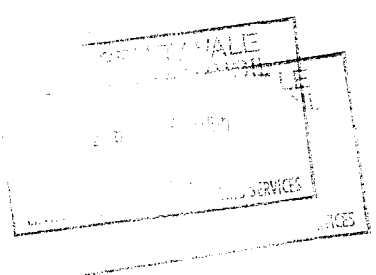
Prominent notices will be displayed at points of sale advising customers that they may be asked to provide evidence of age.

Part B3 - Premises Supervisor

|  |  |
|--|--|
|  |  |
|--|--|

|  |  |
|--|--|
|  |  |
|--|--|

|            |   |
|------------|---|
| applicable | nises supervisor, if any, and issuing authority of the personal licence, if |
| N/A        |   |







6, Nelson Terrace  
Aylesbury  
Bucks HP20 2JN  
01296 426629

Date: 22 June 2005

Dear Mr Seal

**Sainsburys**

With reference to the above I wish to register my objection to the request by this company to increase the hours in which they would be licensed to sell alcohol from their site in Buckingham Street.

Firstly I wish to clarify that I am a resident living in the vicinity of the supermarket and indeed live within 25 yards of where security products from bottles stolen from the store have been deposited. I am also the District Councillor for Aylesbury Central and sit on their Licensing Committee. I would like to make clear that I am not objecting as the local member or as a member of the Licensing Committee. I also have not and will not discuss this subject with any member of the Licensing Committee prior to the sub-committee sitting to determine this matter.

**Overview**

Central Aylesbury, as does many town centres, has an on-going problem with drunkenness and associated anti-social behaviour in the public spaces. The primary open spaces are Kingsbury and Market Square, which are covered by CCTV, and the green spaces of The Mount, St Mary's Churchyard and Vale Park, which are not covered by CCTV.

These areas are designated as non-drinking areas but as can be seen from the attached letters and diary this has been only partially effective in reducing the problems occurring through consumption of alcohol.

Aylesbury is in a minority of towns in as much as it has a substantial residential presence abutting the main retail areas that contain most of the licensed premises and off-licenses. Many of the local residents are elderly and the area also includes a number of "alms houses" and sheltered accommodation.

The number of incidences collated by Thames Valley Police has dramatically increased over the past few years for times after 12.00 p.m. in and around the town centre. Over the past few years there have been a number of periods when the problems worsened to the extent that the police eventually enforced a crack down in order to stabilise and reduce the problems fuelled by alcohol in areas such as The Mount and St Mary's Square. The problems, as far as local residents are concerned, include threatening and aggressive behaviour, broken windows, noise, abusive language, loud music and swearing. The perpetrators can range from two or three people to groups of over 10.

Whilst people exiting the town after a nights drinking cause some of the problems the more problematic is the use of the open spaces to gather from late morning to after midnight whilst drinking and in some cases smoking pot or taking other forms of drugs.

At present the long-term drunks are resident in Vale Park and are currently "allowed" to remain there, as there is little or no residential property close to the park.

### **Supply**

The alcohol is usually purchased from either of the two off-licenses or three supermarkets situated in the town centre. Most pubs employ doormen who are instructed to not allow customers exit premises with a bottle and there is a sufficient lack of evidence to suggest this policy is working.

The two off-licenses are laid out in such a way that the proprietors have a good view of their stock at all times. Both off-licenses normally employ two people in the evenings to ensure that stock is not stolen. There is plenty of evidence to show that The Yellow Parrot off-license is the point of purchase for some of the alcohol consumed in the open spaces. Both off-licenses are closed by 11.00 p.m.

The three supermarkets that sell alcohol are Marks and Spencers, Morrisons and Sainsburys. All supermarkets display their goods for sale in the same way they display any other commodity they sell – that is without any obvious protection against stealing. It would appear from the empties left in these open spaces that Morrisons is the supplier of choice for those drinking in The Mount and Sainsburys for the rest of the town's open spaces. Sainsbury's security tops have been collected from around St Mary's Square, which demonstrates that alcohol is being stolen from Sainsburys on a regular basis.

### **Objection**

I object to Sainsbury's application on the grounds that:

\* selling alcohol for consumption off- premises later than 11.00 p.m. will add and increase the opportunity for further alcohol induced anti-social behaviour during the evening and early morning. One of the key objectives of the 2003 Licensing Act is the prevention of crime and disorder. This is enshrined within AVDC's Licensing Policy in Prevention of Nuisance (8. 12 and 8.15). If this application is granted there could be no grounds for the existing off-licenses to follow suit.

\* clearly the store's current security measures are inadequate as evidenced by the security tops found outside their premises. It is not clear at present whether the individuals who were responsible for the theft of alcohol were above or below 18. One of the key objectives of the 2003 Licensing Act is the protection of children from harm. While there is a possibility that under-age individuals are stealing alcohol from Sainburys it should be questioned whether further conditions should not be considered for the sale of alcohol during their current hours of opening.

The aim of AVDC's Licensing Policy is "to ensure the safety and amenity of residential and working communities as well as assisting the entertainment and cultural activities provided by businesses and others." The granting of a license to sell

off-premises alcohol to by an establishment after 11.00 p.m., situated in the town centre, close to a substantial residential area where it is known that people (some under-age) congregate to drink and anti-social behaviour follows does not meet this aim.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Keith Turner'. The signature is fluid and cursive, with a large loop at the end of the last name.

Keith Turner



# AYLESBURY TOWN COUNCIL

5 Church Street, Aylesbury HP20 2QP

Website: [www.aylesburytowncouncil.gov.uk](http://www.aylesburytowncouncil.gov.uk)

Town Clerk: Mrs Margaret Wagstaffe

Telephone: 01296 425678 (5 lines)

Fax: 01296 426134

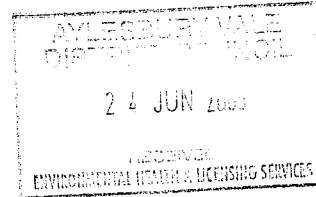
E-mail: [m.wagstaffe@aylesburytowncouncil.gov.uk](mailto:m.wagstaffe@aylesburytowncouncil.gov.uk)

SAINSBURY'S

- APPENDIX 3

23 June 2005

Mr P Seal  
Licensing Officer  
Aylesbury Vale District Council  
66 High Street  
Aylesbury



Dear Mr Seal

**Re: Application to vary a premises licence under the Licensing Act 2003  
Sainsbury's Supermarket Ltd, Buckingham Street, Aylesbury**

Aylesbury Town Council objects to the extension of hours for the retail of alcohol and the provision of late night refreshments.

The Town Council considers that further measures need to be taken to prevent crime and disorder.

- At the present time there is inadequate security in the store; security needs improving to prevent theft. Security cameras will record but will not prevent theft.
- There is a need for adequate staff resources to deal with groups of inebriated customers late at night.
- As occurs in other competing outlets we consider that the strong alcohol needs to be securely screened off.
- During the night time hours we consider that security staff are required on the doors to prevent drunks from entering the store to purchase alcohol.
- At night time one entry/exit would improve security.

The Town Council considers that at the present time theft is leading to public nuisance in St Mary's Churchyard and in the Mount Gardens. It appears that stolen alcohol is also falling into the hands of teenagers who gather in the Mount Gardens.

The Town Council concludes that an outlet selling alcohol during the night at a time when on-licence premises are closing, will lead to greater problems of disorder in the town centre and would propose that all off-licences in the town centre close at 11.00pm.

Yours sincerely

Mrs Margaret Wagstaffe  
Town Clerk

## AYLESBURY OLD TOWN RESIDENTS' ASSOCIATION

18 St Mary's Square,  
Aylesbury,  
BUCKS. HP20 2JJ

24 June 2005

The Licensing Officer,  
Aylesbury Vale District Council,  
66 High Street,  
Aylesbury,  
BUCKS. HP20 1SD

Dear Sir,

Sainsbury's Premises Licence

Applications for licences under the 2003 Act within the Authority's designated saturation area which fail to be specific in respect of the proportion of the premises area to be affected or give no indication of when implementation might be expected are objectionable in principle. This speculative application from Sainsbury's is deficient on both accounts. It would be inherently unsatisfactory, and potentially very harmful in terms of public order and nuisance, to licence anything so vague and open-ended which would allow the prospect of remaining on the books for a long while and eventually being brought in when the surrounding area and its relevant circumstances were profoundly changed. On these grounds alone, we ask for this application to be rejected. It would be time for a more purposeful application if and when Sainsbury's have a clear idea of their intentions. However, we also object to this application on the following grounds:

1. Central government guidance on the 2003 Licensing Act emphasises the importance of local authorities co-ordinating and properly integrating their various policies which impact, even indirectly, on the four licensing objectives. (Integrating Strategies, para. 3.45) Government evidently expects any conflicts to be dealt with at the application stage in order to avoid any problems subsequently. The Licensing Committee has been formally told this is in fact AVDC's intention. Para. 5.146 of the Aylesbury Vale District Local Plan (Jan. 2004) states that the Council "does not wish to encourage takeaway uses which are already well provided for". Hence the Authority has, by condition or otherwise, consistently set its face against additional takeaways in Aylesbury town centre. (This was so even when Class A3 use, i.e. sale of food and drink for consumption on premises, also permitted hot food to be taken away). Sainsbury's has only A1 planning consent, covering sale of goods and cold food, under which no change to other use classes is permitted. However, their current application is for a licence to "provide late night refreshment", both on and off the premises: this appears to be outside the present planning consent. With effect from 21 April 2005, consent is needed for the sale of hot food for consumption off the premises (Class A5), separate from any consent to use them for the sale of food and drink for consumption on the premises (Class A3). As Sainsbury's has consent for

neither use, we ask the authority to reject their application for a licence to provide late night refreshment.

2. In addition to the lack of planning consent, the police in this and many other areas have found that places of late night refreshment are frequently a trigger point for disorder and conflict. The pattern of late night activity can involve the congregation of groups of people in the vicinity, trips at unsociable hours and the disturbance associated with short-term on-street parking. Locations with large car-parks, like Sainsbury's, also cause concerns with regard to traffic, in particular on grounds of noise and safety. See, for instance, DTLR, 2002 publication on Use Class Orders, para. 4.11

3. We are clear that the potential for disorder and conflict with which the police should be concerned would be heightened where, as in this case, late night refreshment coincides with the sale of alcohol in the same premises. The migratory nature of those frequenting the pubs and clubs in Aylesbury is well established: no matter how late the closing time, it is probable that significant numbers, leaving at one time, would converge en masse on Sainsbury's, making supervision and control difficult. For example, even with the present limited hours, residents have drawn to the attention of the Authority, the police and Sainsbury's management, evidence of substantial theft of their spirits. It seems improbable that the rate of theft would be less late at night and in the early hours. Even if the rate of theft was not greater, the amount of stealing would increase proportionately with the much longer hours of trading.

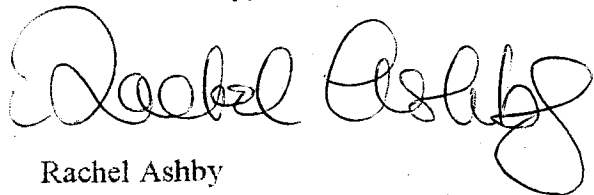
4. An all-night off-licence outlet for alcohol is bound to increase the amount, whether purchased or stolen, immediately available for consumption in the public spaces of the town centre. Although drinking it is contrary to the by-law, there is already much evidence of it taking place, resulting in antisocial behaviour, disturbance and crime. An all-night off-licence in the town centre would be extremely likely to lead to a significant increase in street drinking, especially in the quiet hours after midnight when town centre residents should be able to expect to sleep. It also increases the risk of alcohol getting into the hands of under age drinkers at the time of night when the police already have much other crime and disorder to contend with; and there are fewer other responsible citizens out and about to observe, and act to contain, misdoing.

5. The application gives only one measure for the control of crime, etc. - installation of CCTV. (Head Q(b)) CCTV is not now a fully effective means of deterring crime, given the availability of cheap (£8) devices which can be used to deactivate closed-circuit television security monitors up to 7 metres away (see Times article of 25 April 2005 by Mr S. Coates, copy enclosed). In any case, CCTV does not itself do anything substantive to prevent crime happening: it merely provides post hoc evidence of thefts or other crimes that have occurred. Such evidence then calls for time and other resources from the police, the courts and others to prosecute the offenders.

The above objections focus on the prevention of crime, disorder and public nuisance. In a more general sense, they are also aimed at reducing the risk of a deterioration in

public safety for those necessarily out and about late at night and in the early hours, including for example shift workers and those returning late and walking to their homes in the town centre from the station or bus stops. In the light of these objections, on behalf of those who have their homes in the town centre, we ask please to reject Sainsbury's application for a licence to provide late night refreshment between the hours of 23.00 and 05.00; and for any extension of the hours during which they offer alcohol for sale.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Rachel Ashby', written in a cursive style.

Rachel Ashby  
Lady Chairman

Copy to: Planning Officer, AVDC  
Thames Valley Police



# Secret weapon is a turn-off as campaign begins to curb TV

By Sam Coates

IT IS one of the curses of the 21st century: in railway stations, pubs, cafes, shop windows, even buses and taxis, there are few places left to hide from the television screen.

Flat-screen technology has meant that television is the new wallpaper. But now a campaign group is attempting to reverse the relentless advance of the box. Like Peter Finch's character said of television in the 1976 black comedy *Network*, "I'm as mad as hell, and I'm not gonna take this any more!"

Today is the start of International TV Turnoff Week, which aims to help people to cut down the amount of time they spend in front of the screen. It is organised by White Dot, the international campaign against television.

The group believes that it is absurd and ultimately dangerous for human beings to spend most of their "leisure" time staring at the television and not communicating with one another.

White Dot intends to "eradicate TV pollution from public places". The group has a secret weapon. A US inventor with an anarchic streak has invented a tiny transmitter, similar to a key fob, that he claims can turn off every television within a seven-metre range.

The TV-B-Gone, which costs £8, works on the same principle as a universal remote control but has only one function: acti-

vating or deactivating television sets. The device runs through some 209 infrared codes that control more than 1,000 models of television. The process takes 69 seconds, although the manufacturer claims that it ought to disable most sets within 17 seconds.

Yesterday *The Times* secretly tested the TV-B-Gone in pubs and shops in East London.

In Dixons we aimed it at a wall of television sets, but found that only about a third switched off. On subsequent attempts others turned themselves off, but a majority appeared to be able to resist the gadget.

In an East End pub it took about two minutes to switch off screens showing football and Formula One racing — long enough for our behaviour to be noticed by suspicious drinkers.

But our actions went unnoticed in Dorothy Perkins, where we managed to turn off the closed-circuit television security monitor at the entrance at the first attempt.

The British arm of White Dot is run by David Burke, the author and anti-television campaigner, who has said that he has a regional network of activists carrying the devices, ready to cause trouble.

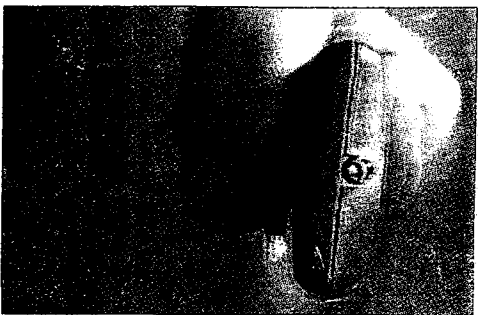
Their first target is likely to be the Arsenal-Tottenham football derby which will be screened in pubs across the country tonight. They are also expected to turn off continuous news channels showing elec-

tion coverage over the week. Mr Burke said: "We are going to be going into pubs and either turning off the TVs and leaving leaflets or striking up a conversation to ask people, 'I've just turned off the television, did you notice?' People may think it is intrusive for an anti-television campaigner to go into a

public house and turn off the television but a lot of people find the televisions intrusive. We have people in Newcastle, London, Manchester, Cornwall, Leicestershire and Bradford ready for the campaign."

Neil Addison, a barrister, said: "To one person, it might be a practical joke. To another person it's a damn nuisance and quite often in harassment cases the harasser claims to just be joking."

"You would have to do it quite a few times to justify a legal case, but if you could keep turning off your neighbour's TV just think how annoying that would be."



Zapped: the device that can turn off all TVs within 7m