

Aylesbury Vale District Council

**DECISION OF THE LICENSING AND GAMBLING ACTS SUB-COMMITTEE
FOLLOWING A HEARING ON 27 AUGUST 2013 AT THE COUNCIL'S GATEWAY
OFFICES, GATEHOUSE ROAD, AYLESBURY**

**Application by Sainsbury's Supermarkets Ltd for a premises licence for Sainsbury's,
Jansel Square, Cambourne Avenue, Aylesbury HP21 7ET**

Members of the Sub-Committee

Cllr Peter Cooper (Chairman)
Cllr Sue Renshell
Cllr Andrew Douglas-Bate

Declarations of interest

None.

The application

The Sub-Committee has given careful consideration to the application before it, namely, to grant a premises licence for Sainsbury's, Jansel Square, Cambourne Avenue, Aylesbury.

The application seeks permission to sell alcohol for consumption off the premises every day from 0700 until 2300 hours. The opening hours on the application form were stated to be 24 hours every day.

The applicant was represented by Sabrina Cader of Winckworth Sherwood Solicitors and Louise Kelly, Sainsbury's Area Manager.

None of the responsible authorities made a representation in response to the application but a representation had been received from Pauline Murphy.

Mrs Murphy objected to the application on the grounds that it will cause a public nuisance and that it will encourage groups of teenagers to congregate near the premises. Mrs Murphy's representation referred to a historical problem of anti-social behaviour caused by groups of teenagers in the area and also expressed the view that the application was unnecessary and that there was no demand for another retail outlet selling alcohol.

As demand or need is not a licensing objective or a relevant consideration for the purposes of the Licensing Act 2003, we could not take it into account.

Mrs Murphy attended the hearing and during the course of the discussion we led confirmed that she lived in the area of Jansel Square and had not personally suffered any disturbance. Mrs Murphy maintained that the hours applied for were excessive.

In support of the application, we heard that Sainsbury's prides itself as a responsible retailer and that alcohol sales would only form a small part the convenience store's business. We also heard about the measures; systems and checks they have in place to promote the licensing

objectives such as their 'Challenge 25' policy; extensive training and support for all cashiers; daily reminders in respect of selling alcohol to someone who is underage (or others trying to buy alcohol on behalf of someone who is underage) or to someone who is intoxicated; use of electronic refusal registers; use of mystery shoppers and the installation of a CCTV system.

Our attention was drawn to the fact that there were no police concerns and that Sainsbury's had a good relationship with the police because of their other stores in the area.

In addition, we were told that Sainsbury's were committed to working in partnership with residents and were keen to be part of the community. We were also told that if there were problems in the future, local residents and the responsible authorities could exercise their right of review of the premises licence under the Licensing Act 2003.

The decision

We have listened to all the representations and have read all the material.

We have had regard to the statutory guidance issued under section 182 of the Licensing Act 2003, and the Council's own licensing policy.

We confirm that in making our decision we have sought to promote the licensing objectives.

Under the Licensing Act, we cannot modify the conditions or reject the whole or part of the application merely because of unsubstantiated concerns or because we consider it desirable to do so. Any regulation we impose must actually be appropriate in order to promote the licensing objectives and must be supported by the facts and the relevant representations made.

We are satisfied that in all the circumstances the impact of the grant of the premises licence on the licensing objectives does not justify a rejection of the application for the following reasons.

The application is limited in scope and the concerns expressed were unsupported.

The fact that the police did not object weighed heavily with us. We were informed that the police had responded to the application and confirmed that the local officers had been consulted and that they had no objections.

The application only received a single objection and even that objection was based on a historic problem. It would not be appropriate in our view to refuse the application or limit the hours just because of what happened in the area several years ago in different circumstances.

We are persuaded by Sainsbury's that they have adequate policies, procedures and training systems in place to deal with the issues of underage and proxy sales of alcohol.

We are also reassured that Sainsbury's commitment to maintain an effective and constructive dialogue with the local community, as well as the police, bodes well for the future.

Conditions

Having regard to the representations made, we are satisfied that no further conditions are necessary in order to promote the licensing objectives.

The effective date of this decision

This decision takes effect immediately. However, the premises cannot be used in accordance with this decision until the licence (or a certified copy) is kept at the premises and a summary of that licence (or a certified copy) is displayed at the premises. These documents will be issued by Licensing Services as soon as possible.

Right of Appeal

Mrs Murphy has a right of appeal to Aylesbury Magistrates' Court against this decision.

If you wish to appeal you must notify Aylesbury Magistrates' Court within a period of **21 days** starting with the day on which the Council notified you of this decision.

11 September 2013