

Application for the Grant of a Premises Licence – Tesco Express, 1 St Olaves Precinct, Bury St Edmunds

Report No:	LSC/WS/24/003
Report to and date/s:	Licensing & Regulatory Sub-Committee 9 May 2024
Cabinet Member:	Councillor Gerald Kelly Portfolio Holder for Planning & Regulatory Services Tel: 07968 396389 Email: gerald.kelly@westsuffolk.gov.uk
Lead officer:	Dawn Diaper Licensing Officer Tel: 07977 712172 Email: Licensing@westsuffolk.gov.uk

Wards impacted: St. Olaves

Recommendation: It is recommended that, in determining the application with a view to promoting the licensing objectives in the overall interests of the local community, Members give appropriate weight to, the steps that are appropriate to promote the licensing objectives; West Suffolk Council's Statement of Licensing Policy; Guidance issued under section 182 of the Licensing Act 2003; the representations attached to this report, and any further relevant information presented to the Sub-Committee on the day of the Hearing

The steps may be:

- (a) Grant the licence, subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Authority considers necessary for the promotion of the licencing objectives; OR
- (b) Exclude from the scope of the licence any of the licensable activities to which the application relates, OR
- (c) Reject the application



1. Background / Context

- 1.1 An application for the Grant of a Premises Licence, made under the Licensing Act 2003, was received and accepted by the Licensing Authority on 15 March 2024. The application form and associated plan are attached as **Appendix A** and **Appendix B** respectively.
- 1.2 The application, made by Tesco Stores Limited, proposes to trade as a retail premises (supermarket) selling a range of goods and services. This includes the sale of alcohol for consumption off the premises.

The licensable activities proposed under the authorisation of a Premises Licence are as follows;

- Alcohol Sales Off Premises
Monday – Sunday 06:00 – 00:00
 - Late Refreshment (Indoors)
Monday – Sunday 23:00 – 00:00
- 1.3 The Licensing objectives which must be actively promoted by the holder of any Premises Licence issued under the Licensing Act 2003 are as follows;
 - The Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm
 - 1.4 A statutory 28-day consultation period started on 16 March 2024 and ended on 12 April 2024. This enabled Responsible Authorities and 'Other Persons' to make representations towards the application. 'Other Persons' includes any individual, body or business whether or not they live in the vicinity.
 - 1.5 The details of the application were published in the local newspaper (Bury Free Press 22 March edition), displayed on the exterior of the premises, and advertised on the Council's website during the consultation period, as per the regulations.
 - 1.6 A hearing is necessary to determine the application following receipt of representations which have not been withdrawn.
 - 1.7 Representations were received by a responsible authority, West Suffolk Council's Private Sector Housing and Environmental Health team. The authority raised concerns around noise nuisance given the proximity of surrounding residential properties and requested additional conditions to be added to the Operating Schedule which include a restriction on the opening hours to 07:00 to 23:00 each day of the week. Full details of the representations and proposed conditions are attached as **Appendix C**.

2. Proposals

- 2.1 Members should seek to focus the hearing on the steps considered appropriate to promote the particular licence objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas.



3. Legal Compliance

- 3.1 The Sub-Committee may take any of the steps set out below, provided they are proportionate and appropriate for the promotion of the licensing objectives:
- (a) Grant the licence, subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Authority considers necessary for the promotion of the licensing objectives
 - (b) Exclude from the scope of the licence any of the licensable activities to which the application relates, or
 - (c) Reject the application

A condition is modified where it is altered or omitted or any new condition is added.

- 3.2 Each application should be considered on its own merits, having regard to the Council's Statement of Licensing Policy and the guidance issued under Section 182 of the Licensing Act 2003.
- 3.3 The decision may be appealed, by the applicant or any other party to the hearing, within 21 days of written notification of the determination made by the Sub-Committee. The Sub-Committee should state in reaching its determination those matters which it considered relevant, those matters which it did not consider as they were irrelevant, and its reasons for the decision.

4. Appendices

- 4.1 Appendix A – Application
Appendix B – Plan of Premises
Appendix C – Representation

5. Background documents

- 5.1 Licensing Act 2003 - <http://www.legislation.gov.uk/ukpga/2003/17/contents>

Guidance issued under S.182 of the Licensing Act 2003 –
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

West Suffolk Council Statement of Licensing Policy –
<https://www.westsuffolk.gov.uk/Business/Licensing-and-regulation/Licensing/upload/WSC-Statement-of-Licensing-Policy.pdf>

