

PREMISES LICENCE APPLICATION – Tesco Buckton Fields, Unit 1 New Local Centre, Buckton Fields Northampton NN2 8ES

Licensing Sub-Committee

Date 10.00am 17th February 2022

Remote Hearing via ZOOM

1.0 Purpose of Report

- 1.1 To consider an application for a new premises licence in accordance with section 16 of the Licensing Act 2003 (“the Act”) made by Tesco Stores Ltd (“the Applicant”) in respect of Tesco Buckton Fields at Unit 1, New Local Centre, Buckton Fields, Northampton NN2 8ES (“the Application”).

2.0 Summary

- 2.1 The Application, which can be found at **Appendix A**, was received by West Northamptonshire Council on 5th January 2022.

3.0 Application Details

- 3.1 The premises are intended for use as a retail premises (supermarket) selling a range of goods and services. This includes the sale of alcohol by retail for consumption off the premises from a sale area shown on the plan at **Appendix B**.

The licensable activities applied for in the Application are:

- **Late-night Refreshment (indoors)**
Monday - Sunday 23.00 – 00.00hrs
- **The Sale of Alcohol by Retail (off-premises only)**
Monday – Sunday 06.00 – 00.00hrs

The proposed designated premises supervisor is Mr Steven Nicholas Andrzejuk a holder of a personal licence issued by North Hertfordshire District Council.

Opening times will mirror those of the alcohol sales.

4.0 Consultations/Representations

- 4.1 When an application for a new premises licence or club premises certificate is received, the applicant must display a “Blue Site Notice” (“the Notice”) at or near the premises and serve a copy of the application on the responsible

authorities defined under the Act. For electronic applications it is a requirement of the local authority to serve a copy of the Application on the responsible authorities.

This gives responsible authorities and any member of the public the opportunity to make written relevant representations in relation to the application to the local authority within 28 calendar days of receiving the notice or the date on which the notice was first displayed at or near the premises. The last date for making relevant representations in relation to this Application was 2nd February 2022.

- 4.2. The Notice was displayed at the premises and notification of the Application was published in the Northants Chronicle and Echo, as verified by licensing officers.
- 4.3 West Northamptonshire Council have received two relevant representations from residents, and they can be seen at **Appendix C**.
- 4.4 There have been no representations from any of the responsible authorities.

5.0 Attendance

5.1 The Council is also required to send a notice of hearing to all persons and responsible authorities that have submitted a relevant representation and request confirmation of their intention to attend that hearing. A notice of hearing was sent to the following persons, as well as the Applicant on 2nd February 2022:

- Tesco Stores Ltd (Applicant)
- Suzanne Ferncombe (resident)
- Stephen Bennett (resident)

6.0 Plan of Premises Layout & Location

Please see a copy of a premises plan submitted with the Application at **Appendix B**.

7.0 Options

7.1 If relevant representations are received, then at the end of the consultation period the licensing authority must hold a hearing to consider them. It must take such steps as it considers appropriate for the promotion of the licensing objectives, which are:

- the prevention of crime and disorder;

- public safety;
- the prevention of public nuisance; and,
- the protection of children from harm.

7.2. The options available to the Sub-Committee are to;

- Grant the Application,
- Grant it and add appropriate conditions to the new Premises License or
- refuse it.

8.0 Financial & Resource Implications

8.1. There are no financial implications arising directly from this report.

Comments checked by Antony Russell, Finance Business Partner

9.0. Legal Implications

9.1. The decision made with regard to an application for a new premises license under section 16 of the Licensing Act 2003 (“the Act”) must comply with the requirements of section 17 the Act. It must take into account the revised statutory guidance issued under section 182 of the Act (April 2018 version) and, as of the date of the Sub-Committee hearing, the Northampton Borough Council Licensing Act 2003 Statement of Licensing Policy (2020).

9.2. In accordance with section 17 of the Act, where relevant representations are made by a responsible authority or other person, and which are about the likely effect of the grant of the application on the promotion of the four licensing objectives, a hearing must be held to consider them, unless the Members of the Sub-Committee, the Applicant and each person or responsible authority that has submitted a relevant representation agree that a hearing is unnecessary or all representation are withdrawn.

9.3. Having regard to the relevant representations, the Sub-Committee must take such reasonable and proportionate steps as it considers appropriate, if any, for the promotion of the four licensing objectives. These steps are restricted to either;

(a) Granting the licence subject to—

- i. Such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the authority considers [appropriate] for the promotion of the licensing objectives, and

- ii. Any condition which must under section 19, 20 or 21 be included in the licence;
 - (b) Excluding from the scope of the licence any of the licensable activities to which the application relates;
 - (c) Refusing to specify a person in the licence as the premises supervisor;
 - (d) Rejecting the application.
- 9.4. A decision must be made by the Sub-Committee within the period of five working days beginning the day on which the hearing was held. Once the decision has been made, a written notice containing the full reasons for that decision must be supplied forthwith to the Applicant and any person or responsible authority that submitted a relevant representation
- 9.5. In accordance with section 181 and Schedule 5 of the Act, only the Applicant and any person or responsible authority that submitted a relevant representation may appeal to a Magistrates' Court if they are aggrieved at the decision of the Sub-Committee. Any such appeal must be submitted by way of complaint to the Court within 21 days commencing with the day on which the person in question **received** a copy of the written notice of the Sub-Committee's decision.

Comments checked by James Chadwick, Senior Licensing and Litigation Solicitor.

10.0. Committee

Each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case.

Additional Documents	Title
A.	Application for new premises licence (redacted of personal information)
B.	Premises Plans
C.	Relevant Representation from residents

Report Author	Martin O'Connell Senior Licensing Enforcement Officer

APPENDIX A – APPLICATION

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

Reference	PL390414963
Date	2022-01-05 14:20:01
Introduction	
<p>Once this form has been submitted, the contact person will receive a PDF copy of the application for their records. Consultation dates and site notice templates (where applicable) will also be on this email.</p> <p>Before completing this form please read the guidance notes.</p> <p>Designated Premises Supervisor (DPS) consent form</p> <p>Please also ensure the proposed DPS completes and submits the Designated Premises Supervisor Consent form, your application will not be complete, and consultation will not start until we have this. There are two ways to do this:</p> <ol style="list-style-type: none">1. You can download the word document form and attach it to this form.2. You can complete our online form <p>You will also need to upload a premises plan of the area to be licensed, for information on what this should contain please visit the gov.uk legislation site.</p> <p>If you are applying as an individual or individuals, you will need to upload proof of your right to work in the UK within this form.</p>	
Data protection	
<p>In this form, we will ask for some personal information (such as name, address, postcode) in order to fulfil your request for information or services.</p> <p>This information will be held securely and will be used to provide you with the service you have requested.</p> <p>Any processing will be performed in line with the requirements of the Data Protection Act 2018 and the General Data Protection Regulation.</p> <p>West Northamptonshire is registered as a Data Controller with the Information Commissioner's Office under the reference number ZA896620.</p> <p>Further details about how we process personal data can be found in our privacy notice.</p>	
Do you agree with the above?	I agree

Which area does the premises to be licensed fall in?	Northampton
Premises details	
Premises trading name	Tesco Buckton Fields
Does the premises have a postcode?	No
Address	''''
As the premises doesn't have a postal address please included details description and where possible Ordnance Survey Grid Reference	<p>Unit 1 in the New Local Centre under construction. This is located on the land adjacent the Buckton Field's Primary School on Home Farm Drive and opposite Buxton Way.</p> <p>Coordinates to view on Google Maps: 52.278884, -0.911353.</p> <p>Buckton Field's, Northampton, NN2 8ES</p>
Premises telephone number	01707 940740
Non-domestic rateable value of premises	0
Property band	Band C (£33,001.00 - £87,000.00)
Is your primary function the sale of alcohol?	No
Please state who you are applying for a premises licence as	A person other than an individual
Please specify	As a limited company/limited liability partnership
Please specify why you are completing this form	I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
Application details	
Name	Tesco Stores Limited
Are there other applicants?	No
Applicant description	Private Limited Company
Registered number	00519500
Telephone number	01707 940740
Email address	Licensing.Team@tesco.com
Operating schedule	

Do you want the premises licence to start as soon as possible?	Yes
Do you want the licence to be valid only for a limited period?	No
Give a general description of the premises	Retail premises (supermarket) selling a range of goods and services. This includes the sale of alcohol for consumption off the premises. Sales of alcohol for consumption off the premises are made from the supermarket sales floor as shown on the enclosed plan.
Please specify how many people are expected to attend	N/a
Please select range of the number people expected to attend the premises at any one time?	Less than 5000
What licensable activities do you intend to carry on from the premises	Provision of late-night refreshment, Supply of Alcohol
Are there 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?	No
Late-night refreshment	
Will the activity take place indoors or outdoors or both?	Indoors
Please give any additional information	
What days will your activity take place?	Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday
Monday - Start and end times	23:00-00:00
Tuesday - Start and end times	23:00-00:00
Wednesday - Start and end times	23:00-00:00
Thursday - Start and end times	23:00-00:00
Friday - Start and end times	23:00-00:00
Saturday - Start and end times	23:00-00:00
Sunday - Start and end times	23:00-00:00

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State any seasonal variations for late-night refreshment	N/a
Please state any non-standard timing where you intend to use the premises for late-night refreshment at different times to those listed	N/a
Supply of alcohol	
Will the supply of alcohol be of consumption on premises, off the premises or both?	Off the premises
Please give any additional information	N/a
What days will your activity take place?	Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday
Monday - Start and end times	06:00-00:00
Tuesday - Start and end times	06:00-00:00
Wednesday - Start and end times	06:00-00:00
Thursday - Start and end times	06:00-00:00
Friday - Start and end times	06:00-00:00
Saturday - Start and end times	06:00-00:00
Sunday - Start and end times	06:00-00:00
State any seasonal variations for supply of alcohol	N/a
Please state any non-standard timing where you intend to use the premises for supply of alcohol at different times to those listed	N/a
Designated premises supervisor	
State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor. Please see the declaration about the entitlement to work in the checklist at the end of the form.	
First name	Steven Nicholas
Last name	Andrzejuk
Date of birth	23/08/1983
Personal licence number	NHPER/1869
Issuing licensing authority	North Herts District Council

Do you want to upload your completed Designated premises supervisor form or complete our online form?	Upload completed document
Please upload Designated Premises Supervisor consent form	Document successfully uploaded.
Please confirm that you understand the consent form must be submitted by the prospective Designated Premises Supervisor in order for the application to be deemed complete.	

Opening times	
What days will your premises be open to the public?	Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday
Monday - Start and end times	06:00-00:00
Tuesday - Start and end times	06:00-00:00
Wednesday - Start and end times	06:00-00:00
Thursday - Start and end times	06:00-00:00
Friday - Start and end times	06:00-00:00
Saturday - Start and end times	06:00-00:00
Sunday - Start and end times	06:00-00:00
Operating schedule conditions	
General – all four licensing objectives	<p>Tesco is a large national operator with a range of head office and local support. The company has devised policies, procedures, systems and training to ensure that they sell alcohol in a responsible manner.</p> <p>There is a detailed programme which ensures that comprehensive training is provided to employees having regard to their role and the responsibilities and such training is regularly reviewed, and records kept.</p>

The prevention of crime and disorder	<p>We will have a digital CCTV system that covers the premises, including the main area which will be used for display of alcohol. Images will be retained for 31 days.</p> <p>A member of the management team will be on the premises all the times the store is open. This colleague will have responsibility for the premises and will be the initial point of contact for any issues that may arise.</p>
Public safety	The premises licence holder is fully aware of its responsibilities under a range of health and safety related legislation and has policies and procedures in place to be confident of complying with the relevant obligations which arise.
The prevention of public nuisance	The company has a "good neighbour" ethos which seeks to ensure that the premises plays an active part in the local community.
The protection of children from harm	<p>The premises will operate a Think 25 policy. The checkouts will be programmed to prompt the customer assistant when an alcohol product is scanned at the checkout to follow the Think 25 policy.</p> <p>All colleagues will receive training in relation to the underlying law and Tesco policy, systems, and procedures. This training will be documented, and refresher training will be provided on a regular basis.</p>
Please upload the premises plan	Document uploaded successfully.
Declaration	

Upon submitting this form I:

- will make payment on the next section of this form.
- have enclosed the plan of the premises.
- understand that this application and supporting documents will be sent to the responsible authorities and a redacted version will be published on the council's website.
- have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- understand that I must now advertise my application.
- understand that if I do not comply with the above requirements my application will be rejected.
- have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15) (Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships)

It is an offence, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under section 24b of the immigration act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the immigration, asylum and nationality act 2006 and pursuant to section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

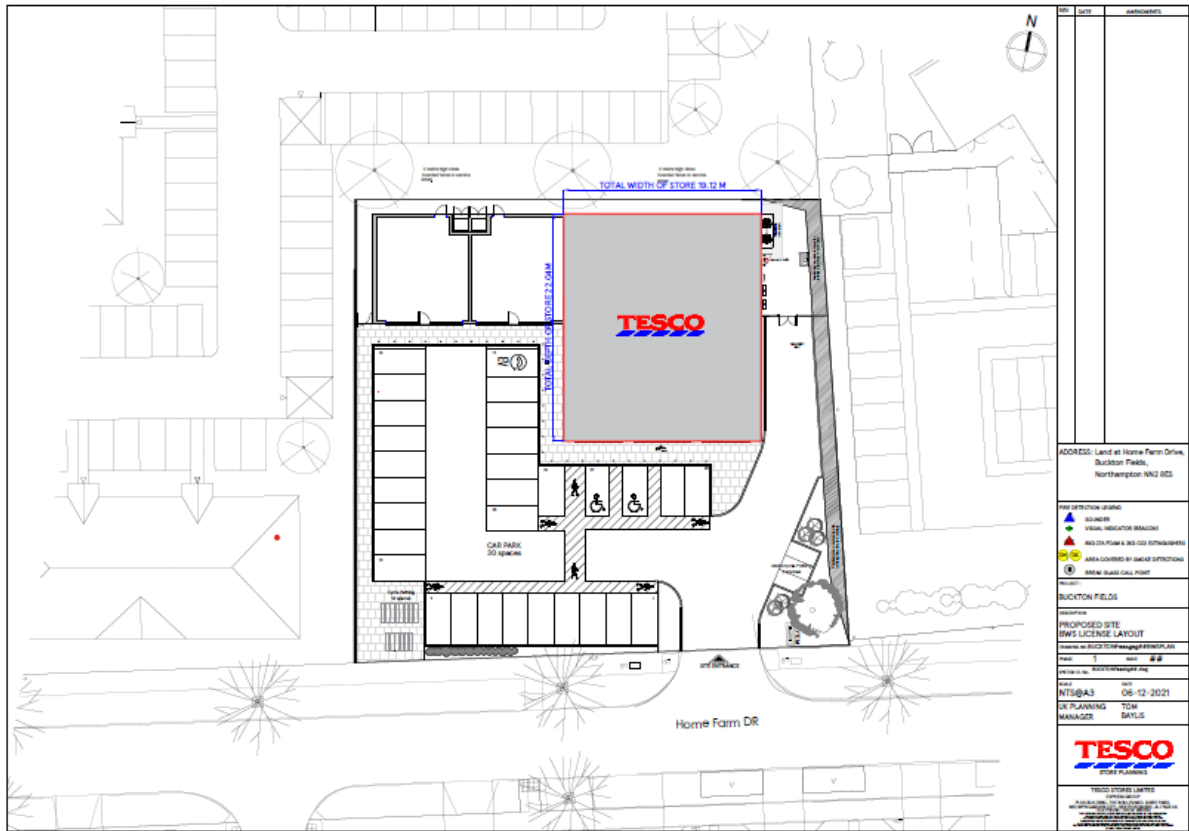
Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration

- [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).
- I/We 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
- The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)

Name	James Skinner
Date	05/01/2022
Capacity	Duly authorised agent (Licensing Team)
Contact details	
First name	Tesco Licensing Team
Last name	Tesco Licensing Team
Correspondence postal address	Maldon Building, 5 Falcon Way, Shire Park, Welwyn Garden City, AL7 1TW
Email address	Licensing.Team@tesco.com
Telephone number	01707 940740
Payment	
Total amount to pay today	315.00
Prepayment Timestamp	05/01/2022 14:13:52
Transaction status	successful
Transaction reference	0000404214
Postpayment Timestamp	05/01/2022 14:19:45

APPENDIX B – Premises Plans



REV	DATE	REVISIONS

ADDRESS: Land at Home Farm Drive,
Suction Fields,
Northampton NN2 0DS

FILE REFERENCE: 10101

- ▲ KERBS
- ▽ VISION TRIANGLE
- ▲ VISION TRIANGLE
- ACCESSIBLE BY PUBLIC
- NEW CALL POINT

SUCTION FIELDS

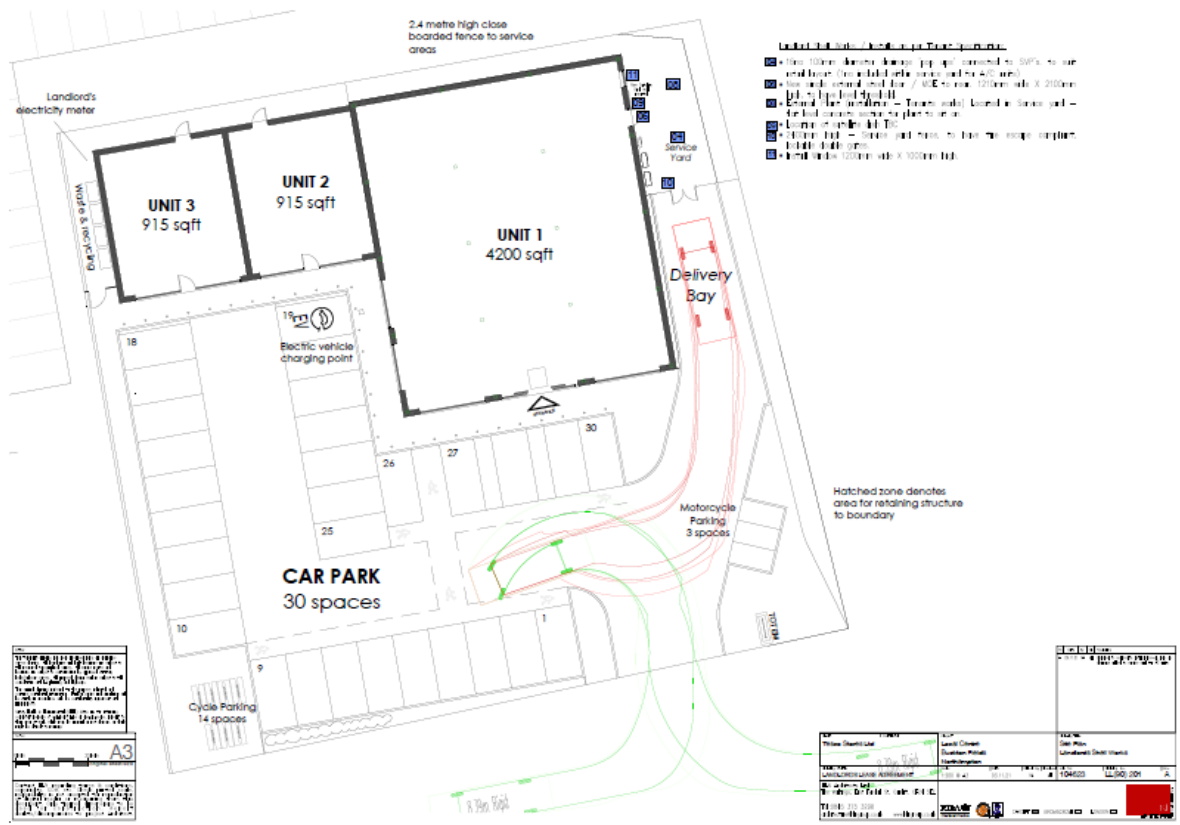
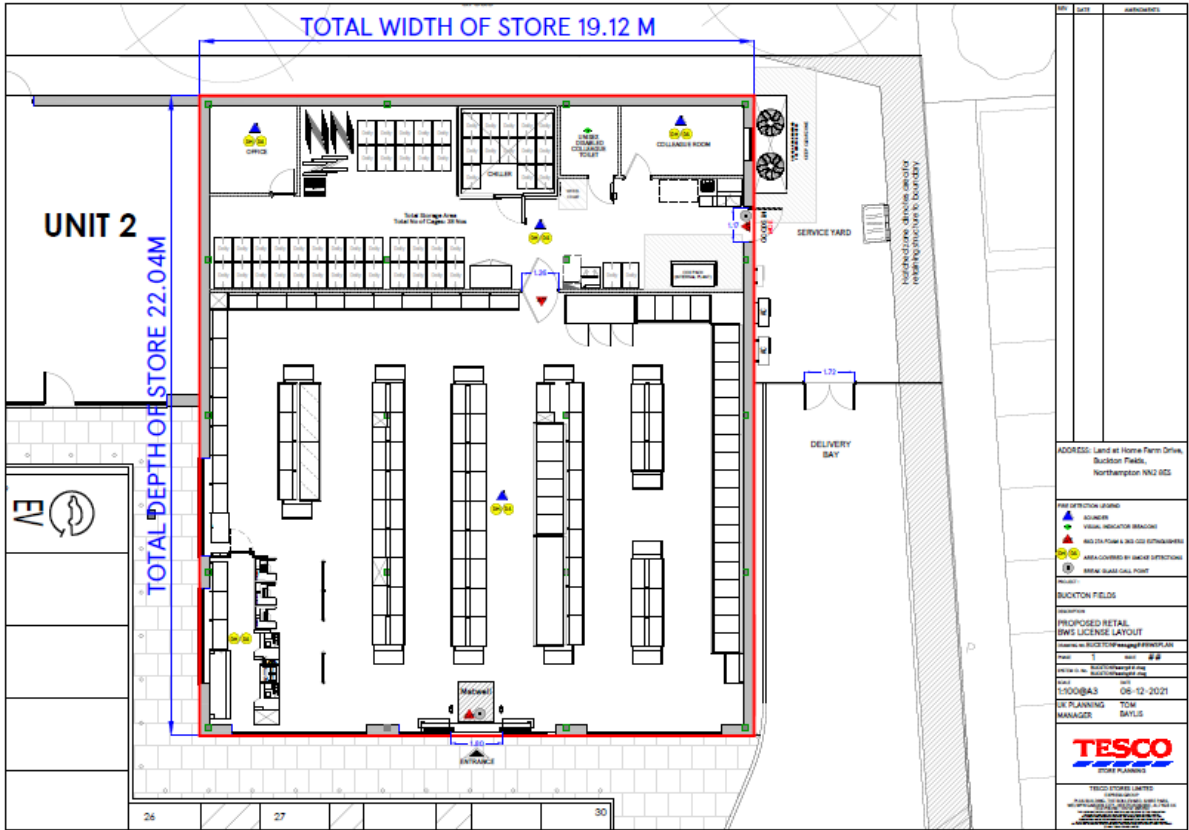
PROPOSED SITE
SWS LICENSING LAYOUT

Scale: 1:100

DATE: 08-12-2021

DR. PLANNING: TOM
MANAGER: DAVID

TESCO
TESCO PLANNING



APPENDIX C – Representations from residents

Representation from Suzanne Ferncombe (sent by email on 11/01/2022)

To Whom It may Concern

Licensing Applications

Tesco Buckton Fields, NN2 8ES

I wish to object to the application for a licensed premise to operate during the hours of 06.00 – 00.00.

I believe granting such a license that operates during such long hours would be irresponsible on the grounds.

The prevention of crime and disorder:

In this heavily residential area, I am very concerned at the potential for disorderly behaviour if large numbers of people congregate on in and around the shop up until the closing hours of 00.00 and beyond. With our houses facing directly to the proposed development, we worry as to the draw of large groups of people and or youths to make this area their new “hang out” spot. We have a lovely neighbourhood currently in Buckton Fields, and inviting people to a licensed premises up to 00.00 at night could result in issues such as litter, damage to property and with alcohol involved, these issues have the potential to be heightened and more severe.

Public safety: The same concerns apply to this objective as listed above

The prevention of public nuisance:

The proposed development will be facing a large residential area. There must be a real concern that residents will be caused a serious noise nuisance in the early hours of the morning from people coming and going, and also congregating into the early hours of the morning.

The protection of children from harm

This is a particular concern in a family area. Families for all ages live here and many have young children who need to have established sleep patterns, uninterrupted by noise in the small hours, regardless of days of the week, not just school days.

Summary

In summary, these applications are inappropriate in an essentially residential area where family life is important. Whilst we welcome amenities to the area, we are conscious that granting an extended license until 00.00 would have a negative impact on our lives.

Regards,

Suzanne Ferncombe

Representation from Stephen Bennett (sent by email 16/01/2022)

To Martin O'Connell,

I am a homeowner who lives opposite the proposed site of the new Tesco on Home Farm Drive, NN2 8ES. Whilst I welcome the presence of a new convenience store, I would like to object to the application for a licensed premise to operate between the hours of 06.00 and 00.00 as I believe that permitting a license for 18 hours a day in a heavily residential area would have a negative impact on the below points:

1. The prevention of crime and disorder – I am very concerned for the potential of large groups to congregate until closing time and beyond. We have already had an incident of youths breaking into Buckton Fields Primary School grounds late in the evening. Permitting the shop to open so late has the potential to create an environment for anti-social behaviour and damage, which threatens public safety and could be heightened and more severe if the premises is permitted to sell alcohol until late into the night.
2. The prevention of public nuisance – I am very concerned for the potential of noise pollution created by delivery trucks and shoppers congregating both very late at night and in early in the morning, which has the potential to negatively impact local residents, particularly in a very family-orientated residential development. The proposed site currently faces and will be surrounded by residential development and the trading hours of the shop should harmonise with this.

I would also like to draw your attention to operating hours of similar local convenience stores whose hours are not as long as the proposed Tesco in Buckton Fields: Tesco Express Link Road (6-11), Nisa Whitehills (6-10) and Premier Obelisk (6-10). Allowing a new shop to open later into the night than all the others will only encourage people from nearby areas to make journeys into the development and create unnecessary disruption.

In conclusion, I welcome the plans for the new convenience store, but strongly object to the proposed licensing hours, particularly in such a large residential area with its potential to negatively impact the prevention of crime and disorder and the prevention of public nuisance.

Kind regards,

Stephen Bennett