

NEW FOREST DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION: Tesco (Superstore), Caird Avenue, New Milton

**Decision of the Licensing Sub-Committee hearing held at Appletree Court,
Lyndhurst on Monday, 8 September 2008 at 10.00am**

1. Members of the Licensing Sub-Committee

Councillor Puttock - Chairman
Councillor Mrs McLean
Councillor Mrs Wyeth

2. Parties and their Representatives attending the Hearing

Applicant:

Mr Bark, Solicitor, Berwin Leighton Paisner Solicitors, for the Applicant
Mr Stubbins, Store Manager, Tesco Stores Ltd - Applicant

Cllr Mrs Schooling, New Milton Town Council – Objector

3. Other Persons attending the Hearing

Mr Weston – Observer
Mr Williams – Observer

4. Parties not attending the Hearing

None.

5. Officers attending to assist the Sub-Committee

Grainne O'Rourke – Legal Advisor
Melanie Stephens - Clerk

6. Decision of the Sub-Committee

The application is granted on the following terms and conditions.

Licensable activities and times permitted:

M: Supply of Alcohol (off the premises)

Monday 07.00 to 23.30
Tuesday 07.00 to 23.30
Wednesday 07.00 to 23.30
Thursday 07.00 to 23.30
Friday 07.00 to 23.30
Saturday 07.00 to 23.30
Sunday 10.00 to 22.30

Seasonal variations – during the month of December, alcohol may be sold up to 24 hours a day when the store is open to customers.

Hours premises to be open to the public

Monday 07.00 to 23.30
Tuesday 07.00 to 23.30
Wednesday 07.00 to 23.30
Thursday 07.00 to 23.30
Friday 07.00 to 23.30
Saturday 07.00 to 23.30
Sunday 10.00 to 22.30

Seasonal variations – the premises may open up to 24 hours a day during the month of December.

Mandatory conditions:

As provided in the Licensing Act 2003

7. Reasons for the Decision

The Sub-Committee carefully considered the application along with the evidence, both written and oral, supplied by the applicant and the remaining objector (New Milton Town Council, represented at the hearing by Councillor Schooling). Mr Linnell had withdrawn his objection prior to the hearing.

The Sub-Committee did have concerns that the availability of alcohol generally in the New Milton area was contributing to crime and disorder and was causing an increase in the level of public nuisance to local residents. Furthermore, the Sub-Committee had concerns that alcohol may be falling into the hands of minors and was mindful of the need to protect children from harm. Prevention of such matters is integral to the Sub-Committee's duties when considering licensing applications.

However, the Sub-Committee was of the view that it has not been demonstrated that the matters referred to above are attributable to the sale of alcohol by the Tesco superstore, the subject of this application.

Accordingly, the Sub-Committee is prepared to grant the application in the terms requested.

On a wider note, the Sub-Committee felt that some of the problems relating to anti-social behaviour that had been raised at the hearing by Councillor Schooling of New Milton Town Council may be linked with the Tesco Express store located elsewhere in the town.

The Sub-Committee pointed out that any person living in the vicinity, as well as the Town Council, are able to ask for the licence of the Tesco Express store to be looked at again by the Licensing Authority and possibly altered.

Date: 8 September 2008

Licensing Sub-Committee Chairman: Cllr L R Puttock

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Decision notified to interested parties on 15 September 2008