

MINUTES OF THE RECONVENED LICENSING (HEARING) SUB COMMITTEE

HELD ON 5 NOVEMBER 2013

APPLICANT: SAINSBURY'S SUPERMARKET LTD
PREMISES: SAINSBURY'S, 90 CANNON STREET, LONDON, EC4N 6HA

PRESENT

Sub Committee:

Marianne Fredericks CC (Chairman)
Deputy John Barker OBE CC
Judith Pleasance CC

City of London Officers:

Rakesh Hira – Town Clerk's Department
Paul Chadha – Comptroller & City Solicitor's Department
Steve Blake – Markets & Consumer Protection Department
Peter Davenport – Markets & Consumer Protection Department

Applicant:

Represented by Robert Botkai (Winckworth Sherwood LLP) supported by Joanne Surguy (Licensing Manager, Sainsbury's)

In Attendance:

Mark Wheatley CC

Unable to Attend:

Representations by Other Persons:

Alastair Rhodes (QEB Hollis Whiteman Chambers)

Licensing Act 2003 (Hearings) Regulations 2005

A public Hearing was held at 2.30pm in the Aldermen's Dining Room, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises 'Sainsbury's, 90 Cannon Street, London, EC4N 6HA'.

The Sub Committee had before them a report of the Director of Markets and Consumer Protection, which appended copies of:-

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| Appendix 1: | Copy of Application |
| Appendix 2: | Current Licence |
| Appendix 3 | Conditions consistent with the operating schedule |

Appendix 4: Representations from Other Persons (1)

Appendix 5: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales

1. The Hearing commenced at 2:30pm.
2. The Chairman opened the Hearing by introducing herself, the other Members of the Sub Committee and the officers present.
3. The Chairman outlined that the Hearing had been re-convened following an adjournment on 17 October 2013 at the request of the Applicant, as he was not able to attend and that the person making the representation was also content for the Hearing to be adjourned.
4. The Sub Committee noted that both the Applicant and Mr Rhodes had reached an agreement but were displeased with the amount of time taken to arrive at this point.
5. Mr Botkai began explaining that the application had originally sought for the Supply of Alcohol for Monday to Sunday from 06:00hours until 24:00hours. However after the representation had been received it had been offered, to Mr Rhodes, that the application would be amended to reduce the hours to 07:00hours until 23:00hours for the Supply of Alcohol. Mr Rhodes maintained his representation and no progress was made until yesterday, at which point Mr Rhodes agreed to withdraw his representation. The issue of litter and anti social behaviour had been discussed at length with Mr Rhodes and assurances had been provided to him as no conditions, which would be enforceable, could be placed on the licence relating to these issues.
6. Mr Botkai pointed out that the two conditions being suggested at Appendix 2 relating to CCTV and the Challenge 25 scheme were not appropriate and were not placed on any other Sainsbury's stores in the City. In response to a question by the Chairman on how staff ensured that alcohol was not sold to underage customers, Mr Botkai explained that if staff believed customers were below the age limit they would challenge the customer, the self checkout tills would flag up whenever alcohol was being purchased, staff were reminded of the Think 25 policy and signage and badges were displayed.
7. In relation to CCTV, it was noted that there would be CCTV within the store in any event.
8. It was noted that in addition to reducing the hours for the supply of alcohol the Applicant had agreed to provide a telephone number of the Store and Area Manager to Mr Rhodes.

9. All parties withdrew from the room to allow Members of the Sub Committee to deliberate, accompanied by the representatives of the Town Clerk and the Comptroller & City Solicitor.

All parties returned to the room

10. The Chairman explained that the licence would be granted for the Supply of Alcohol for Monday to Sunday from 07:00hours until 23:00hours with no conditions being placed on the licence. The Chairman encouraged the Applicant to take the City of London's Code of Good Practice for Licensed Premises and Traffic Light System into consideration.
11. The Sub Committee noted that the Applicant had undertaken to provide a contact telephone number, to the individual making the representation, of the Store and Area Manager.
12. The Chairman highlighted that the Licensing Authority was duty bound to hold a Licensing (Hearing) Sub Committee within the appropriate timescales, if a representation against a premises licence was received. The Applicant was reminded that this should be considered when submitting any future applications in order to avoid any adjournments.
13. The Chairman thanked all those present at the hearing and informed them that a written decision would follow in due course.

The meeting closed at 2.46pm

Chairman

Contact Officer: Rakesh Hira
Tel. no. 020 7332 1408
E-mail: rakesh.hira@cityoflondon.gov.uk

Decision letter circulated to all parties on 12 November 2013

Applicant: Sainsbury's Supermarkets Ltd
Application: New Premises Licence
Premises: Sainsbury's, 90 Cannon Street, London, EC4N 6HA
Date of Hearing: Tuesday, 5 November 2013, 2.30pm (*Previously adjourned on 17 October 2013*)

I write to confirm the decision of the Licensing (Hearing) Sub Committee at the adjourned hearing on 5 November 2013 in relation to the above-mentioned application. The Sub Committee's decision is set out below.

1. This decision relates to an application made by Sainsbury's Supermarket Ltd for a new premises licence in respect of the premises 'Sainsbury's, 90 Cannon Street, London, EC4N 6HA'.

The application sought the following:

Activity	Proposed Licence
Supply of Alcohol	Mon-Sun 06:00 - 24:00

2. The Sub Committee considered the application and carefully considered the representations submitted in writing and orally at the hearing.
3. In reaching the decision the Sub Committee were mindful of the provisions of the Licensing Act 2003, in particular the statutory licensing objectives, together with the guidance issued by the Secretary of State in pursuance of the Act and the City of London's own Statement of Licensing Policy dated January 2013.
4. Furthermore, the Sub Committee took on board the duty to apply the statutory test as to whether an application should or should not be granted, that test being that the application should be granted unless it was satisfied that it was necessary to refuse all, or part, of an application or necessary to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives.
5. In determining the application the Sub Committee first and foremost put the promotion of the licensing objectives at the heart of their decision. In this instance, the most relevant of those objectives being the prevention of public nuisance.
6. The Sub Committee noted that discussions had taken place, albeit with some delay, between the Applicant and the individual making the

representation and that agreement had been reached in relation to reducing the hours for the Supply of Alcohol.

1. The Sub Committee decided to grant the licence for the following activity:

Supply of Alcohol - Monday to Sunday from 07:00 until 23:00hours.

2. The Sub Committee considered the conditions consistent with the operating schedule and concluded that it was not necessary or appropriate for these to be included on the premises licence.
3. It was noted that the Applicant had undertaken to provide a contact telephone number, to the individual making the representation, of the Store and Area Manager.
4. The Chairman of the Sub Committee highlighted that the Licensing Authority was duty bound to hold a Licensing (Hearing) Sub Committee within the appropriate timescales if a representation against a premises licence was received. The Applicant was reminded that this should be considered when submitting any future applications.
5. The Sub Committee encouraged the applicant to take the City of London's Code of Good Practice for Licensed Premises and Traffic Light System into consideration with regard to the premises.
6. If the Sub Committee was wrong all parties are reminded that any responsible authority, business, resident or a Member of the Court of Common Council is entitled to apply for a review of the licence which may result, amongst other things, in a variation of the conditions, the removal of a licensable activity or the complete revocation of the licence.
7. If any party is dissatisfied with the decision, he or she is reminded of the right to appeal, within 21 days, to a Magistrates' Court. Any party proposing to appeal is also reminded that under s181(2) of the Licensing Act 2003, the Magistrates' Court hearing the appeal may make such order as to costs as it thinks fit.