

**Committee:** LICENSING  
**Date:** 8 October 2007  
**Agenda Item No:** 2  
**Title:** NISA CHECKOUT SUPERMARKET SAFFRON WALDEN  
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### Summary

- 1 This report sets out an application for a review of the premises licence in respect of the NISA Checkout Supermarket, Saffron Walden. The application is being made by the Chief Constable of Essex.
- 2 The Licensing Act 2003 places an obligation on a Licensing Authority to promote the objectives contained within the Act. The objectives are listed below:-
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 3 An application for a review can be made by a responsible authority or interested party
- 4 In this instance, the review is being sought by the police on the grounds that relate to the licensing objectives that deal with the prevention of crime and disorder and the protection of children from harm.
- 5 On 12 October 2005, a Premises Licence was granted to the Checkout Supermarket, 58-60 Cromwell Road, Saffron Walden following an application to convert their existing Justice's Off Licence in accordance with the Licensing Act 2003. This allows the sale of alcohol by retail for consumption off the premises only provided that the sale is made or authorised by a person who holds a personal licence.
- 6 Since the commencement of the Premises Licence, there have been three test purchases regarding the sale of alcohol to underage children and the current personal licence holders failed on each occasion.
- 7 On 15 February 2006, a test purchase of the sale of alcohol by retail was supervised by Essex County Council Trading Standards Officers in conjunction with Essex Police and the current premises licence holders Malde and Nila Visana failed that test. They were subsequently interviewed and on 16 March 2007, they received a Police Caution for allowing the sale of alcohol to underage persons. Both Mr and Mrs Visana are holders of Personal Licences issued by this authority

- 8 On 23 October 2006, a similar operation was mounted by Essex County Council Trading Standards and Essex Police and again it was discovered that the current premises licence holders allowed the sale of alcohol by retail to underage persons. Suitable advice was given by the statutory bodies to the personal licence holders regarding these matters.
- 9 On 9 June 2007, another operation was mounted by Essex County Council Trading Standards in conjunction with Essex Police when again it was found that Malde and Nila Visana allowed the sale of alcohol by retail to underage persons.
- 10 It is on the basis of three failed test purchases at these premises that the Chief Constable is seeking a review of the licence.
- 11 In accordance with the Licensing Act 2003, the Chief Constable has served copies of this application on all of the responsible authorities and on the premises licence holders.
- 12 Upon receipt of this application, the Licensing Authority advertised this fact on its website and on its public notice board at Saffron Walden between 16 August and 12 September 2007. In addition the author of this report arranged for a notice to be displayed on the premises regarding this review which was displayed in a prominent position so that it could be seen by members of the public.
- 13 The decision that the Committee can make in respect of this application is to:-
- Modify the conditions of the licence for a limited period not exceeding 3 months.
  - Exclude a licensable activity from the scope of the licence.
  - Suspend the licence for a period not exceeding 3 months.
  - Revoke the licence.
  - Remove the designated premises supervisor.
- 14 When determining an application, then due regard should be given to the Council's policy regarding licensing and to the guidance given by the Secretary of State.
- 15 If the Committee in their discretion wishes to impose conditions, the only condition that can be imposed are those that are necessary and proportionate to promote the licensing objective relative to the representations received. Equally, the Committee cannot impose conditions that duplicate the effect of existing legislation.

RECOMMENDED that

- 1 The application is determined page 2

- 2 In the event of an appeal against the decision of the Licensing Authority, then a member is nominated to represent the Authority at Court.

Background Papers:-

- Application for a review from the Chief Constable of Essex Police.
- Copy of Premises Licence
- Location of Premises
- Plan of Premises
- . Witness Statement Derek Lee
- . Witness Statement Claire Green
- . Witness Statement Jenny Tremlett
- . Witness Statement Susan Carroll
- . Witness Statement Elizabeth Mangnall
- . Witness Statement Wayne Groves
- . Letter from J Bacon
- . Letter from D Hooper
- . Letter from P Martin