



Licensing Sub-Committee

Mon 22 Sep
2014
7.00 pm

Council Chamber
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

*making
a
difference*

www.redditchbc.gov.uk

Access to Information - Your Rights

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

Your main rights are set out below:-

- Automatic right to attend all formal Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agendas and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees

(or summaries of business undertaken in private) for up to six years following a meeting.

- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, on request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.

A reasonable number of copies of agendas and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its Committees etc.

- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, most items of business before the Executive Committee are Key Decisions.
- Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:

www.redditchbc.gov.uk

If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact the following:

Pauline Ross

Democratic Services

Town Hall, Walter Stranz Square, Redditch, B98 8AH

Tel: (01527) 881406

e.mail: p.ross@bromsgroveandredditch.gov.uk

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

Chair

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Democratic Services Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

Running Order

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

Refreshments : tea, coffee and water are normally available at meetings - please serve yourself.

Decisions

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

Members of the Public

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Democratic Services Officer.

Special Arrangements

If you have any particular needs, please contact the Democratic Services Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

Further Information

If you require any further information, please contact the Democratic Services Officer (see foot of page opposite).

Fire/ Emergency instructions

If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.

If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.

Do Not stop to collect personal belongings.

Do Not use lifts.

Do Not re-enter the building until told to do so.

The emergency Assembly Area is on Walter Stranz Square.

COMMITTEE PROTOCOL – LICENSING SUB-COMMITTEE

Each application that comes before this Sub-Committee will be treated on its own merits. This licensing authority will make its decision based on the merits of the application and the promotion of the four licensing objectives, namely:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm,

and will also have regard to the Guidance issued under Section 182 of the Licensing Act 2003 and the Redditch Borough Council Statement of Licensing Policy.

Members of the Sub-Committee will meet prior to the hearing to note matters to be presented, assisted by the legal and administrative support Officers only. The actual application will not be discussed.

LICENSING HEARING PROCEDURE

The Hearing

1. The Chair will open the meeting, outlining the nature of the decision to be taken, and will identify the members of the Sub-Committee and Council Officers present.
2. The Chair will then ask all parties present for that agenda item to introduce themselves.
3. The Chair will give a brief outline of the procedure to be followed at the hearing.
4. The Licensing Officer will present the report, outlining any relevant representations and relevancies to the Redditch Borough Council Statement of Licensing Policy and Guidance issued under Section 182 of the Licensing Act 2003.
5. The Licensing Officer may be questioned by members of the Sub-Committee and, if given permission by the Sub-Committee, the other parties present.

(Similar rights of questioning will apply, with the Sub-Committee's permission, in relation to paragraphs 7, 9 and 11 below.)

6. The Applicant / Licence Holder and / or his / her representative will speak in support of the application.
7. The Applicant / Licence Holder and / or his / her representative may be questioned by members of the Sub-Committee.
8. Any witnesses called, with due notice, by the applicant will, with the permission of the Sub-Committee, then make representations to the Sub-Committee.

(Similar rights will apply in relation to witnesses called by other parties.)

9. The witnesses may be questioned by members of the Sub-Committee.

10. Any person who has given notice that they wish to make representations to the Sub-Committee will be invited to do so, having stated the nature of his / her interest in the matter.
 - (a) In the case of any person who has made representations but fails to attend, the hearing will normally proceed, taking into consideration the written representations, but ensuring appropriate weight is given to the representations.
 - (b) No person wishing to make representations may raise any ground or objection at the hearing not previously referred to in the written submission, unless all parties give their consent to this.
11. Once a person making representations has concluded their case, he / she may be questioned by the members of the Sub-Committee Committee.
12. The Licensing Officer will be invited to make a closing statement.
13. Any persons who have made representations will be invited to sum up.
14. The Applicant / Licence Holder and / or his / her representative will be invited to sum up.
15. The Chair will announce an adjournment of the hearing in order for the Sub-Committee to make its decision. The decision will be made in private and the Chair will, in accordance with the legal framework given in Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006, move to exclude all parties present, with the exception of the members of the Sub-Committee and the legal and administrative support Officers, from the Sub-Committee's deliberations. Normally the Sub-Committee, legal adviser and committee administrator will withdraw from the room.
16. The Sub-Committee may return to the meeting room to seek clarification on any point. The Sub-Committee, legal advisor and committee administrator will then withdraw again.
17. The Chair may depart from the above procedure if he / she considers it is in the interests of natural justice to do so, either of his / her own volition or upon application by any party. Before doing so he / she shall invite the views of the parties present and consider any representations that may be made.

Decision

18. The hearing will reconvene, all parties being recalled.
19. The Chair will announce the decision, together with reasons for it in public at the conclusion of the hearing, together with any conditions placed upon the licence and the licensing objective they relate to.
20. The decision will be confirmed in writing to the Applicant / Licence Holder and his / her representative (if appropriate), and to the other parties to the hearing, and also to the Chief Officer of Police, as soon as is practicable after the hearing.

Notes

1. *Any changes in Sub-Committee membership will be given at the beginning of the meeting.*
2. *Each party will be limited to a maximum time of ten minutes in which to make representations to the Sub-Committee. This period may be extended at the discretion of the Chair. If an extension is agreed, all parties are to be allowed the same time to make representations. Where appropriate, if several parties wish to make the same representation, a spokesperson may, by consent, be appointed, in which case the spokesperson is to be allowed the same period of time as other representatives. If a spokesperson is not appointed, the amount of time must be shared between the persons wishing to make the same representation.*
3. *Any person wishing to make representations and Applicants / Licence Holders can be represented by a legal representative (at their own expense) or by a Councillor.*
4. *Late representations and evidence will only be considered with the agreement of all parties present.*
5. *Parties to the hearing will not normally be entitled to cross-examine any other party unless given permission by the Sub-Committee to do so.*
6. *The Sub-Committee may require any person attending the hearing, who in its opinion is behaving in a disruptive manner, to leave the hearing and may:*
 - *refuse to permit that person to return; or*
 - *permit that person to return only on such conditions as the Sub-Committee specify,**but such person may, before the end of the hearing, submit in writing any such information which they would have given orally had they not been required to leave.*
7. *Decisions will generally be taken regardless of whether the applicant is present.*
8. *In cases where a decision cannot be given at the end of the hearing, the Sub-Committee will make its decision within 5 working days beginning with the day or the last day on which the hearing was held, and will inform the applicant as soon as is practicable thereafter of its decision.*
9. *Applicants have a right to appeal, details of which can be obtained via the Licensing Officer.*
10. *It is not the general policy of the Council to enter into discussions or correspondence on matters relating to the hearing or any decision made at the hearing.*
11. *Any irregularity resulting from any failure to comply with any provision of the relevant Regulations before the Sub-Committee has made a determination shall not of itself render the proceedings void. In the case of such irregularity, the Sub-Committee shall, if it considers that any person may have been prejudiced as a result of such irregularity, take such steps as it thinks fit to cure the irregularity prior to determination.*
12. *Clerical errors in any document recording a determination of the Sub-Committee or errors arising in such document from accidental slip or omission may be corrected by the Sub-Committee.*
13. *Parties are not normally permitted to cross-examine or question other parties at Licensing Sub-Committee hearings except with the permission of the Sub-Committee. It is important that questions should not be hostile or seek to unfairly undermine the position of any party.*



Licensing Sub-Committee

Monday, 22nd September, 2014
7.00 pm
Council Chamber Town Hall

Agenda

Membership:

Cllrs:

Pattie Hill (Vice-Chair)
Gay Hopkins

Pat Witherspoon
Reserve Member to be confirmed

1. Chair's Welcome	The Chair will open the meeting and welcome all present.
2. Apologies	To receive apologies for absence and the details of any Councillor nominated to attend the meeting in place of a Member listed.
3. Declarations of Interest	To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
4. Application for a Premises Licence under the Licensing Act 2003 - ASDA, Jinnah Road, Smallwood, Redditch, B98 7ER (Pages 1 - 30) Steve Jorden, Head of Regulatory Services	To consider an application for a Premise Licence made by ASDA, Jinnah Road, Smallwood, Redditch, B98 7ER (Report attached) (Central Ward)

Licensing Sub-Committee

MONDAY, 22ND SEPTEMBER, 2014

5. Exclusion of the Public and Press

Should it be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting in relation to any items of business on the grounds that exempt information is likely to be divulged it may be necessary to move the following resolution:

“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter on the grounds that it involves the likely disclosure of exempt information as defined in the relevant paragraphs (*to be specified*) of Part 1 of Schedule 12 (A) of the said Act, as amended.”

[Subject to the “public interest” test, information relating to:

- **Para 1 – any individual;**
- **Para 2 – the identity of any individual;**
- **Para 3 – financial or business affairs;**
- **Para 4 – labour relations matters;**
- **Para 5 – legal professional privilege;**
- **Para 6 – a notice, order or direction;**
- **Para 7 – the prevention, investigation or prosecution of crime;**
may need to be considered as ‘exempt’.]

REDDITCH BOROUGH COUNCIL**LICENSING
SUB COMMITTEE****Monday 22nd September 2014****APPLICATION – NEW PREMISES LICENCE**

Relevant Portfolio Holder	Councillor Yvonne Smith
Portfolio Holder Consulted	No
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services.
Wards Affected	Central Ward
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To consider an application for a premises licence made by ASDA Stores Ltd for ASDA, Jinnah Road, Smallwood, Redditch, B98 7ER
- 1.2 ASDA Stores Ltd seek to apply for the following licensable Activities:

Late Night Refreshment: Monday to Sunday 23:00 – 05:00
Sale of Alcohol (Off the Premises): Monday to Sunday 00:00-24:00

2. RECOMMENDATIONS**2.1 The Sub-Committee is asked to RESOLVE**

- i) to grant, grant with conditions or refuse the application for a new premises licence as shown in the application form (Attached as Appendix 1)
- ii) if the Sub-Committee is minded to approve the application,
- a) to attach relevant Mandatory conditions; and
- b) to consider, with due regard to the statutory licensing objectives and the relevant representations received, whether to attach any appropriate conditions.

3. KEY ISSUES**Financial Implications**

- 3.1 Should the application be refused by the Sub-committee, there is a right of appeal to the Magistrates Court. Should an appeal be successful the Magistrates may make an order for costs.

Legal Implications

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- 3.2 The statutory framework is set by the Licensing Act 2003 ("The Act").

Decisions to approve applications for Premises Licences are delegated to Officers where no representations are made but Member decision is required where the application has triggered relevant representations as in this case.

- 3.3 The Licensing Authority will have a view to promoting the four licensing objectives contained in the Act: -

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

- 3.4 The Human Rights Act 1998 incorporates human rights under the European Convention into English law. Article 6 provides that, in the determination of a person's civil rights, everyone is entitled to a fair and public hearing. In this respect, third parties whose property rights may be adversely affected and, of course, applicants themselves, should be allowed to address the Sub-Committee if they wish to do so.

- 3.5 Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities to exercise their functions with due regard to the likely effect of the exercise of those functions on, and the need to do all they can to prevent, crime and disorder in their area.

Service/Operational Implications

- 3.6 All the required consultations were completed and, in accordance with the requirements of the Act, an advertisement was placed in the Public Notices section of the local press and a notice was placed on the premises. The application was also advertised on the Local Authority's Licensing page website.
- 3.7 Redditch Borough Council's Licensing Authority has received 4 relevant representations to the application, under **Crime & Disorder, Public Safety, Public Nuisance and the Protection of Children from Harm**. Copies of the representations are attached as **Appendix 2**.
- 3.8 There have been no representations received from any responsible authorities other than Safeguarding Service (Child Protection Services) who have confirmed that they have no child protection concerns. (Appendix 3).

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- 3.9 A plan to show the location of the premises is attached as **Appendix 4**.

Customer / Equalities and Diversity Implications

- 3.10 The Licensing Sub-Committee will ensure it has regard to the desirability of exercising its functions with regard to the need to eliminate discrimination and to increase equality of opportunity. Applications received will be treated in accordance with Redditch Borough Council's Equal Opportunities policy.

4. RISK MANAGEMENT

- 4.1 See paragraph 3.3 above regarding the four licensing objectives, which seek to reduce the likely risks in the areas stated.

5. APPENDICES

- Appendix 1 Application form
Appendix 2 Representations
Appendix 3 Response from Child Protection
Appendix 4 Location Plan

6. BACKGROUND PAPERS

Guidance under section 182 Licensing Act 2003

AUTHOR OF REPORT

Name: Sayful Alom
Worcestershire Regulatory Services
E Mail: sayful.alom@worsregservices.gov.uk
Tel: (01527) 548309

Insert name and address of relevant licensing authority and its reference number (optional)

LICENSING TEAM
 WORCESTERSHIRE REGULATORY SERVICES
 REDDITCH BOROUGH COUNCIL

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We ASDA STORES LTD
(Insert name(s) of applicant)

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

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description ASDA JINNAH ROAD SMALLWOOD	
Post town REDDITCH, WORCS	Post code B98 7ER
Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals* please complete section (A)
- b) a person other than an individual*
 - i as a limited company please complete section (B)
 - ii as a partnership please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)

- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname			First names	
I am 18 years old or over	<input type="checkbox"/>			Please tick yes
Current postal address if different from premises address				
Post town			Post code	
Daytime contact telephone number				
E-mail address (optional)				

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname			First names	
I am 18 years old or over		<input type="checkbox"/>		Please tick yes
Current postal address if different from premises address				
Post town			Post code	
Daytime contact telephone number				
E-mail address (optional)				

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name ASDA STORES LTD
Address ASDA HOUSE SOUTHBANK GREAT WILSON STREET LEEDS LS11 5AD
Registered number (where applicable) 464777
Description of applicant (for example, partnership, company, unincorporated association etc.) COMPANY
Telephone number (if any) 0113 952 0101
E-mail address (optional)

Part 3 - Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
A		S		A	P		

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY			

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

Please give a general description of the premises (please read guidance note 1)

SUPERMARKET

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Please tick any that apply

Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both - please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>	
Tue						
Wed				<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur						
Fri						
Sat				<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun						

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both - please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>	
Tue						
Wed				<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur						
Fri						
Sat				<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Both	<input type="checkbox"/>	Please give further details here (please read guidance note 3)
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both - please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue						
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>			
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both - please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Mon					Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)			
Wed						
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)			
Fri						
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sun						

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both - please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both - please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both - please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23.00	05.00	<u>Please give further details here</u> (please read guidance note 3)	Both	<input checked="" type="checkbox"/>
Tue	23.00	05.00			
Wed	23.00	05.00		<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)	
Thur	23.00	05.00			
Fri	23.00	05.00		<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat	23.00	05.00			
Sun	23.00	05.00			

FOR AN ADDITIONAL HOUR ON THE DAY ON WHICH BRITISH SUMMER TIME BEGINS

J

Supply of alcohol Standard days and timings (please read guidance note 6)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input checked="" type="checkbox"/>
Mon	00.00	24.00	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue	00.00	24.00			
Wed	00.00	24.00			
Thur	00.00	24.00		<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Fri	00.00	24.00			
Sat	00.00	24.00			
Sun	00.00	24.00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name JAMES WOODBURY	
Address [REDACTED]	
Post code	[REDACTED]
Personal licence number (if known) LEEDS.PERL.07399/14	
Issuing licensing authority (if known) LEEDS CITY COUNCIL	

K

Please highlight 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 (please read guidance note 8).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)	
Day	Start	Finish		
Mon	00.00	24.00		
Tue	00.00	24.00		
Wed	00.00	24.00		Non standard timings. Where you intend the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 5)
Thur	00.00	24.00		
Fri	00.00	24.00		
Sat	00.00	24.00		
Sun	00.00	24.00		

M - Describe the steps you intend to take to promote the four licensing objectives:

a) **General - all four licensing objectives (b, c, d and e)** (please read guidance note 9)

The premises will be constructed in accordance with Plan No12.096.A(100)00_02 GF dated March 2014 and Plan No 12.096.A(100)00_03 FF.
 All staff shall be trained in the premises licence holder's procedures which include liquor licensing and all checkout operators and their team trainers shall have additional training in the sale of alcohol.
 The premises will offer an alcohol delivery service

b) **The prevention of crime and disorder**

The premises to have internal & external CCTV cameras. The CCTV system will be registered in accordance with the Data Protection Act. The system will be capable of continuously recording and copies of such recordings shall be kept for a period of not less than 31 days and handed to a police constable or authorised person upon request. The system shall be maintained in working order & recordings will be made for each trading period conducted at the premises. Adoption of challenge 25 or similar proof of age scheme which is recognized by the police. The proof of age scheme shall be effected by the inspection of a recognized form of photographic identification such as passport, photo driving licence, proof of age card or any other form of identification agreed with the police. If the appropriate proof of age is not produced there will be no sale. Notices are to be prominently displayed advising customers of the challenge 25(or similar scheme) policy

c) Public safety

The premise licence holder seeks to comply with the requirements of the health and safety legislation.

d) The prevention of public nuisance

External CCTV system in place to deter anti-social behaviour.

e) The protection of children from harm

All stores will have a till prompt system for age restricted products. Adoption of challenge 25 or similar proof of age scheme which is recognized by the police. The proof of age scheme shall be effected by the inspection of a recognized form of photographic identification such as passport, photo driving licence, proof of age card or any other form of identification agreed with the police. If the appropriate proof of age is not produced there will be no sale. Notices are to be prominently displayed advising customers of the challenge 25 (or similar scheme) policy.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 - Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	Gosschalke
Date	29 July 2014
Capacity	Solicitors for and on behalf of the applicants

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Gosschalke Solicitors Queens Gardens Hull East Yorkshire	
Post town	Post code HU1 3DZ
Telephone number (if any)	01482 324252
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) 	

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

(full name of prospective premises supervisor)
(home address of prospective premises supervisor)

I, JAMES WOODBURY
of 

(type of application)

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for
NEW LICENCE

(name of applicant)

by ASDA STORES LTD

(number of existing licence, if any)

relating to a premises licence

(name and address of premises to which the application relates)

for ASDA
JINNAH ROAD
SMALLWOOD, REDDITCH B98 7ER

(name of applicant)

and any premises licence to be granted or varied in respect of this application made by ASDA STORES LTD

(name and address of premises to which application relates)

concerning the supply of alcohol at
ASDA
JINNAH ROAD
SMALLWOOD, REDDITCH B98 7ER

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

(insert personal licence number, if any)

Personal licence number LEEDS/PERL/07399/14

(insert name and address and telephone number of personal licence issuing authority, if any)

Personal licence issuing authority
LEEDS CITY COUNCIL



Signed _____

Name J WOODBURY _____

(please print)

Dated 24.7.2014 _____

[Redacted]
Southmead Crescent
Redditch
[Redacted]
26th August 2014

Dear Sirs, Re ASDA application for 24 hour licensing

My wife and I wish to lodge an objection to this application on the following grounds:

The proposed ASDA site share with B&Q is in an area surrounded by high density residential areas and with easy walking access to the town centre. These access routes are currently used by youths attending clubs and pubs in town and consequently cause a lot of noise and public nuisance as the youths walk from town to their homes.

Allowing ASDA to sell alcohol 24 hours will significantly exacerbate this problem and require an increased burden on our local police during times of cutbacks. Irrespective of any sales policies ASDA may employ they will not be able to prevent the consequential damage noise and anti social behaviour which will be caused. The sale of alcohol will allow irresponsible youths to drink in the streets as they walk or sit at the steps of the B&Q site conveniently provided for easy access to Millsboro Road and then into town. Worse still they could loiter around residential property drinking and causing anti-social behaviour.

The sale of alcohol 24 hours will increase crime and disorder, give us concerns about our public safety. It will also cause significant public nuisance and we are concerned about any harm being caused to our grandchildren or our friend's children. The council has a duty to protect us from crime, noise and public nuisance which 24 hour alcohol will cause. The sale of alcohol 24 hours will support the very thing both medical practitioners and government policies are trying to eradicate: 24 hours alcohol supports anti-social binge drinking.

We have spoken to residents in Southmead Crescent and Millsboro Road and all our adamant that they do not approve of ASDA application for 24 hour alcohol licensing.

The council as the licensing authority has a duty under section 17 of the Crime and Disorder Act 1998 to do all it can to prevent Crime and Disorder in the Borough. We therefore would request that ASDA's application for 24 hour licensing be declined.

Yours Faithfully

[Redacted signature]

[Redacted signature]

FAO Licensing Officer
Licensing Section
Town Hall
Walter Stranz Square
Redditch
B97 9SD

26th August 2014

Dear Sir/Madam



Millsbro Road
Smallwood South
Redditch

In connection with the licensing application made by Asda on the 30th July 2014 (planning ref 2014\036\FUL) for:

- 1) the supply of alcohol on Mondays to Sundays between the hours of 00:00 to 24:00, and
- 2) the request to permit late night refreshments on Mondays to Sundays between the hours of 23:00 and 5:00,

Please see below our representations against the application.

Fundamentally, in our consideration of the impact of the application, the key objectives relevant to the licensing act 2003 which have been at the forefront of our thoughts on this matter are:

- a. The prevention of crime and disorder
- b. Public Safety
- c. The prevention of public nuisance
- d. The protection of children from harm

We are categorically opposed to a 24 hour license being granted and to all elements of the proposal on the basis that residents situated in all three roads leading from the town centre location (Millborough, Lodge and Marsden), plus Southmead Crescent and Britannia close will be adversely affected by the very real potential for anti social behaviour.

The possibility of a store with a 24 hour license and the provision of late night refreshments is of major concern due to the levels of noise that will be generated from and around the site. coupled with the impact on the residents in very close proximity and the wider area. A number of residents have already been subjected to the effects of anti social behaviour, brought about by 'drunks' walking down the roads leading from the town centre, in the late evening/early hours whereby they have been awoken from sleep by loud shouting/arguing and fighting. A 24hr store located at such close proximity and selling alcohol at all times of day and night is definitely not beneficial for residents, since this will inevitably give rise to unacceptable noise levels.

Other impacts of anti social/criminal behaviour which residents have experienced relate to damage being caused to vehicles and property fronts, and include but are not limited to: broken windscreens, cars being walked over, wing mirrors kicked off, plant pots smashed.

There is a very real concern about the congregation of groups/gangs of people, giving rise to the possibility for crime or fear of crime. Groups of individuals have on a number of occasions been observed congregating on the current/proposed access steps (residential side):

- a) drinking alcohol and creating noise, as well as littering the area by leaving empty bottles/cans in situ,
- b) giving rise to the fear of intimidation as the steps are impassable.

Groups/gangs of people have also been observed at the Trafford Park site, creating noise, and they don't even have a 24 hour store requirement or license. Groups/gangs invariably cause a public nuisance and give a low perception of any residential area and we don't want/need the area brought into disrepute.

Thus, the new store proposals and the proposal for 24 hour licensing will invariably give rise to concerns over ability to police and provide security in the area and also to ensure the safety of the area and of residents' property. The proposal will create an inevitable increase in general public nuisance/crime/fear of crime along with 'inappropriate levels of footfall' and noise from vehicles accessing the site at all times of day and night.

Further, residents are currently already impacted by the effects of empty cans/bottles being left on or around property fronts and in alleyways directly next to properties – so of course there is also an environmental concern linked to the very real potential for increased litter in the area.

Other concerns which have a link to but are not driven by the ability to purchase alcohol at all times, is the very real impact of the proliferation of drugs in the area. Drug dealing has been witnessed on a number of occasions and has been brought to the attention of the local Police.

Therefore in considering our response to this application we feel there are a number of questions which are unanswered:

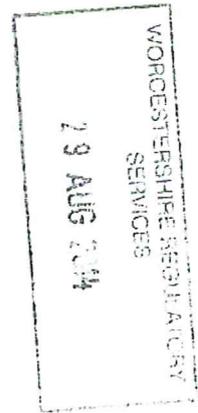
- 1) Will there be a designated premises supervisor who will be known to the public in case of need to directly address issues?
- 2) What will be the Stores policy regarding individuals/groups leaving the vicinity of the town centre after a night out drinking in town seeking an additional source of alcohol on their way home?
- 3) What assurances or steps will the store have in place to ensure no disturbance to residents (who have a right to peace and quiet)?
- 4) How does the store envisage it will prevent inappropriate behaviour over the late night/weekend period – how will the store ensure their patrons respect the rights of residents living close by?
- 5) What assurances or steps will the store have in place to ensure that residents do not suffer damage to property and that anti social behaviour will not arise as a result of alcohol being sold from the premises at all times of day and night?
- 6) What steps will the store have in place to ensure drug related issues do not proliferate?
- 7) What steps will the store have in place to ensure people are not 'hanging around' outside the store or in the residential vicinity, consuming alcoholic purchases?
- 8) What steps will the store have in place to ensure people who are already drunk will not get served?
- 9) Unlike pub premises, whose doors must be closed at 23:30, with no further admittance, why is it considered acceptable for a residential area to have a store with a 24 hour license imposed on them?
- 10) In relation to public safety, if people do consume alcohol outside of the store then what safeguards are in place to ensure bottles are collected as soon as possible?
- 11) Regarding the prevention of public nuisance, how does the store envisage it will work closely with local residents to ensure any problems are resolved timely and in particular in relation to those living closest to the site – (how to keep litter down to a minimum, how to keep noise down)? Residents need to see from the store a demonstration of their social responsibility and keenness to work with the community!
- 12) Regarding the protection of children from harm, children under the age of 16 are not allowed to purchase or attempt to purchase alcohol, no one under 18 will be allowed to purchase or consume alcohol – so what safeguards will the store have in place towards protecting children from harm and ensuring no impact on local residents and their families?
- 13) Further, what level of age verification policy will the store have in place - '18', 'think 21' or 'challenge 25'?
- 14) In order to address the potential issues of anti social behaviour/crime and fear of crime would the store consider limiting access points - i.e. away from the residential side of the site?
- 15) Regarding the application to permit late night refreshments, are we talking about the provision of refreshments from inside the store, or from the provision of a 'burger wagon' in the vicinity of the car park? The latter would be wholly unacceptable due to the noise levels created by generators – which already blights residents living closest to the site!
- 16) How will the store ensure its' support for the binge drinking reforms of 2005 and can it demonstrate required social responsibility in this regard?
- 17) Is the applicant willing to engage in dialogue with local residents to address concerns and consider variations to its' application?
- 18) What security safeguards will the store be implementing to safeguard itself and fulfil its social responsibility towards residents and the general public?

In conclusion however, we believe a 24hour license/provision of late night refreshments definitely does not fit with the predominantly residential area and the 'cheek by jowl' proximity. We would therefore request that the application be refused due to the very real negative impacts that this proposal will bring to the local residents and areas owned and occupied by them.

Yours faithfully

OBO Smallwood South Residents

FAO Licensing Officer
Licencing Section
Town Hall
Walter Stranz Square
Redditch B97 9SD



20 August 2014

[Redacted]

[Redacted] Millsborough Road
Smallwood
Redditch [Redacted]

Dear Sir/Madam

RE: Licensing Application made by Asda on 30 July 2014 – planning reference 2014/036/FUL

With regards to the above said application we would like to submit our objections to a 24 hour licence which would allow the supply of alcohol Monday to Sundays between the hours of 00:00 to 24:00 and also the request to permit late night refreshments on Mondays to Sundays between the hours of 23:00 and 5:00 due to the following reasons:

- 1) Public nuisance – this is already a problem with the current footfall leaving the town centre when the pubs have closed. We have been awoken many times by arguing, fighting and generally loud conversations of groups of individuals using Millsborough Road as a cut through to surrounding areas.
- 2) Crime – As stated in the above Millsborough Road is used as a cut through when the pubs have closed and we have had several incidents during this said time whereby damage has been caused to motor vehicles i.e. wing mirrors being kicked off, wiper blades torn off, scratches to paintwork and marker pens used to graffiti paintwork.
- 3) Public safety – We have already observed groups of individuals meeting up and drinking on the steps leading from Millsborough Road to the current site and having a 24 hour licence could potentially encourage further groups

Therefore we believe a 24 hour store selling alcohol and late night refreshments will give rise to unacceptable noise levels, possible increase in crime and could give a generally low perception of the area and as a result the application should be refused.

Yours sincerely

[Redacted signature]

[Redacted signature]

Appendix 3



From:
Sent:
To:
Subject:



Sayful Alom

FW: Licensing Applications - Our Reference -



Duty Officer

Tel: 01905 822799

Fax: 01905 617132



Email: wrsenquiries@worcsregservices.gov.uk

Website: <http://www.worcsregservices.gov.uk/>

Worcestershire Regulatory Services

PO Box 866, Worcester, WR1 9DP



Environmental Health, Trading Standards & Licensing



From:

Sent: 13 August 2014 09:10

To: wrs.licensing; (WRS)

Subject: Licensing Applications - Our Reference



Good Morning,

Copies of the following licensing applications has been received:

14/04/308/PREML1

Asda Stores Ltd	Asda, Jinnah Road, Smallwood, Redditch, B98 7ER	Asda Store's Ltd.

Our Safeguarding Service Manager Adrienne Plunkett, has considered these applications against a list of warning factors and is satisfied that there are no child protection concerns.

Kind Regards

