

REPORT: Regulatory Committee

DATE: 24 November 2008

REPORTING OFFICER: Chief Executive

SUBJECT: Application to vary premises licence – Asda Stores Widnes Road Widnes

WARDS: Riverside

1. PURPOSE OF REPORT

To hold a hearing to assess relevant representations made in response to an application in respect of the Asda Stores Widnes Road Widnes.

2. RECOMMENDATION: That the Committee considers the relevant representations and makes a determination on the application.

3. SUPPORTING INFORMATION

- 3.1** An application has been made under section 34 Licensing Act 2003 (“the 2003 Act”) as applied by Schedule 8 paragraph 7 for the variation of the premises licence in relation to the above property.
- 3.2** This hearing is held in accordance with the 2003 Act and the Licensing Act 2003 (Hearings) Regulations 2005.
- 3.3** The procedure to be followed has been circulated to all parties and will be repeated at the beginning of the hearing.
- 3.4** The hearing is solely concerned with those aspects of the application which have been the subject of relevant representations as defined in the 2003 Act.

4 THE APPLICATION

- 4.1** Asda Stores Widnes Road Widnes have applied to vary the premises licence.
- 4.2** The application is to:-
 - Extend the hours for the Supply of Alcohol to 24 hours a day seven days a week (off the premises)
 - Include the provision of Late Night Refreshment from 23.00 to 05.00 the following morning seven days a week (indoors and outdoors)
 - An additional hour to the standard and non standard times on the day when British summer time begins.

4.2 The current premises licence relates solely to the supply of alcohol (off licence only)

4.3 The current premises licence allows the sale of alcohol during the following hours

The sale of alcohol for consumption off the premises for the hours

Monday to Saturday 08.00 to 23.00

Sunday 10.00 to 22.30

Good Friday 08.00 to 22.30

Christmas Day Noon to 15.00

Christmas Day 19.00 to 22.30

4.5 Comments on the application

4.5.1 The element of the application relating to extended hours relating to the supply of alcohol is self explanatory

4.5.2 The element of the application relating to late night refreshment adds a new licensable activity

4.5.3 The element of the application relating to an additional hour to the standard and non standard times on the day when British Summer time begins is illogical and makes no sense. The applicant will be invited to explain what this was supposed to mean.

5. RELEVANT REPRESENTATIONS

5.1 RESPONSIBLE AUTHORITIES

The following responsible authorities have made relevant representations

Cheshire Constabulary

According to the applicant this application is part of a national move by Asda to incorporate the extra hours that are traded during the Christmas/New Year period into the Premises Licence, to obviate the need for each store to submit TENs. In this case it relates to a total of 12 hours over the entire holiday period and on no occasion will the store be open later than midnight.

However, the application, as it is written, represents the ability to do far more than this and must be treated as such.

Option 1: If the intention is to accommodate the Christmas/New Year period :-

1. The days when these hours shall operate shall be restricted to one week before Christmas Day and the 31st day of December

2. The existing levels of security staff (one SIA registered Door Supervisor) shall be retained on duty until the closing time of the store.
3. CCTV systems employed at the store shall continue to monitor and record during all extra hours of trading.
4. If the store remains open past midnight then the number of security staff employed shall be increased to two (SIA registered) and retained until 5am or closing time, whichever is the sooner.
5. The Late Night Refreshment entitlement shall apply to such refreshments purchased within the main body of the store and shall not apply to the on-site McDonalds franchise that operates within the building.

Option 2: If the intention is to trade on a 24/7 basis :-

1. The existing levels of security staff (one SIA registered Door Supervisor) shall be retained on duty until midnight.
2. After midnight the number of security staff employed shall be increased to two (SIA registered) and retained until 5am or closing time, whichever is the sooner.
3. CCTV systems shall continue to monitor and record during all hours of trading.
4. The Late Night Refreshment entitlement shall apply to such refreshments purchased within the main body of the store and shall not apply to the on-site McDonalds franchise that operates within the building.

It is noted that there are no other steps volunteered to help promote the Licensing Objectives.

ENVIRONMENTAL HEALTH

- Having considered the potential impact with regard to Public Nuisance I object to the application to vary their premises licence. My opinion is based on the close proximity of the premises to residential properties and previous history of noise complaints from activities at the site during the night.
- In addition there are no proposals within the application to minimise any noise nuisance which will occur as a result of the extended hours.

INTERESTED PARTIES

- Representations have been received from 48 local residents (see Appendix A) The relevant representations relate to

- The premises are not suitable for an all night alcohol and light meals extension because of its proximity to residential homes and the bar and night club area.
- Cheap alcohol being available during the early hours would be like a magnet encouraging more binge drinking which in turn would lead to more alcohol related crime.
- Problems arising from the bar and nightclub area spilling over to local roads, cars being vandalised discarded food the proposed extension of hours would exasperate this already volatile situation.
- Local residents would be affected by the extra clientele that granting the application would encourage.
- Clientele frequenting the nightclubs and bars would be attracted to the store during the early hours looking for cheap alcohol.
- The premises are located in the middle of the main walkway to the bar and night club area.
- Car doors slamming and trolley's being moved during the night would cause disturbance to local residents.
- Patrons of the premises are currently parking outside local residents houses which will continue during the night time.
- The extra use of the pelican crossing with the noise they generate echoing around the area in the small hours.
- The trolleys that are chained together at night to stop loutish behaviour would be left unchained with 24 hour opening making them a target for some clientele that frequent the club and bar area.

A representation was purported to be made by the Simms Cross Community Association however this was discounted because evidence was not produced that the organisation qualified as an interested party.

6. OPTIONS

6.1 The Committee has the following options:

The Committee must act with a view to promoting the licensing objectives namely

- (a) The prevention of crime and disorder
- (b) Public safety
- (c) The prevention of public nuisance

(d) The protection of children from harm

The Committee must also have regard to –
The Councils Statement of Licensing Policy, and
The Statutory Guidance issued by the Secretary of State
And resolve to

- Grant the application
- Grant subject to conditions
- Reject the application.

7 IMPLICATIONS FOR THE COUNCILS PRIORITIES

7.1 **Children and Young People in Halton**
None

7.2 **Employment Learning and Skills in Halton**
N/A

7.3 **A healthy Halton**
N/A

7.4 **A Safer Halton**
None

7.5 **Halton's Urban Renewal**
N/A

8 RISK ANALYSIS
N/A

9 EQUALITY AND DIVERSITY ISSUES
N/A

10 POLICY IMPLICATIONS

None

11 OTHER IMPLICATIONS

None

12 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Application Documents	Legal Services	John Tully/Kay Cleary