

Item 5 Application for a new Premises Licence – ASDA Superstore, Anton Mill Road, Andover SP10

1 The application

1.1 The application is by ASDA Stores Limited for the premises to be known as the ASDA Superstore, Anton Mill Road, Andover SP10. The premises are a new purpose built supermarket with car park in Andover town centre.

1.2 As these are new premises a new Premises Licence is required and the applicant has now applied under section 17 of the Licensing Act 2003 for such a licence. This application has attracted representations necessitating the application to be determined at a hearing. The application seeks the following licensable activities:

- The supply of alcohol for consumption off the premises for 24 hours a day, seven days a week; and
- The provision of late night refreshment from (2300 hours to 0500 hours).

A copy of the application is attached as Annex 1 to this report.

2 Background

2.1 The new premises will be a supermarket. It is understood that the premises will open 24 hours a day from Monday through to Saturday (with shorter hours on Sunday) although this has not been confirmed by the applicant's solicitors.

3 Promotion of the Licensing Objectives

3.1 The applicant makes the following comments in relation to the steps taken to promote the four licensing objectives:-

- a) General – All staff shall be trained in ASDA procedures which include liquor licensing and all checkout operators and their team trainers shall have additional training in the sale of alcohol. A minimum of three members of management will be assigned to the store all of whom will hold a personal licence. There will be a minimum of two managers on site at all times that the premises are open for licensable activities.
- b) The prevention of crime and disorder – The premises to have internal and 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 and recordings will be made for each trading period conducted at the premises. Adoption of Challenge 21 (or any greater age that ASDA adopts) or similar proof of age scheme which is recognised by the police. The proof of age scheme shall be effected by the inspection of a recognised form of photographic identification such as passport, photo driving licence, proof of age card or any other form of identification agreed with the police. Notices are to be prominently displayed advising customers of the Challenge 21 (or similar scheme) policy.

- c) Public safety – ASDA 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 21 (or any greater age that ASDA adopts) or similar proof of age scheme which is recognised by the police. The proof of age scheme shall be effected by the inspection of a recognised form of photographic identification such as passport, photo driving licence, proof of age card or any other form of identification agreed with the police. Notices are to be prominently displayed advising customers of the Challenge 21 (or similar scheme) policy.

The measures to promote the licensing objectives are of relevance when considering the representations received.

4 Relevant Representations – Responsible Authorities

- 4.1 **Environment and Health Service** – The Commercial Team have no comments to make in respect of matters relating to health and safety.
- 4.2 **Planning Service** – No objection.
- 4.3 **Hampshire Constabulary** – The Hampshire Constabulary has an **objection** to the granting of a 24hour premises licence at ASDA Superstore, Anton Mill Rd, Andover. The objection is based on the “prevention of crime and disorder” objective under the Licensing Act 2003. Andover town centre suffers a high level public disorder linked to the night time economy. Evidence shows that establishments offering late night refreshment are a 'honey pot' for person(s) to gather, which in turn increases the number of

assaults, public disorder and rowdy and inconsiderate behaviour. A 24hour ASDA store situated a few minutes walk from the town centre would be a magnet and prime target to buy food and alcohol, by the more challenging customer profile in the early hours of the morning. Hampshire Constabulary have discussed with Gosschalks Solicitors these concerns, unfortunately the situation has not been resolved, and Gosschalks have been unable put forward additional steps their clients will undertake to eradicate the police concerns of crime and disorder. Hampshire Constabulary has requested *SIA registered staff will be present at the premises entrance at such time when the sale of alcohol is supplied to the public*. SIA door staff will not only enhance personal safety for staff working at the premises, but help reduce crime and disorder.

4.4 Solicitors representing the applicant have indicated that they are agreeable to a condition of “an SIA Registered Door Supervisor will be present at the premises entrance on Fridays and Saturdays from 2300 to 0600 the following morning at such times when the sale of alcohol is supplied to the public”. The Police are not content with this and maintain that the condition as proposed in paragraph 4.3 above is necessary.

4.5 **Hampshire Fire and Rescue Service** – No comments to make.

5 Relevant Representations – Interested Parties

5.1 M Barlow – Objection to the application on the grounds that the objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. See Annex 2 to this report.

5.2 J Smith - Objection to the application on the grounds that objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. See Annex 3 to this report.

6 Policy Considerations

6.1 It is considered that the following extracts from the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 are relevant.

2.1-2.18 – Crime and disorder

2.32-2.40 – Public nuisance

8.28-8.32 – Steps to promote the licensing objectives

9.3-9.7 – Where representations are made

9.19-9.28 – Hearings

10.9-10.10 – Consistency with steps described in operating schedule

10.19-10.21 - Hours of trading

- 6.2 It is considered that the following extracts from the Licensing Authority's own Statement of Licensing Policy are relevant to this application:

Section A: Prevention of Crime and Disorder

Section C: Prevention of Public Nuisance

The Statement of Licensing Policy has either previously been provided for Members of the Committee or will be provided at the hearing. Copies can also be obtained from the Licensing Section of the Administration Service or downloaded from the Council's website.

7 Observations

- 7.1 The Committee is obliged to determine this application with a view to promoting the four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. In making its decision, the Committee is also obliged to have regard to the national Guidance and the Council's own Statement of Licensing Policy. The Committee must also have regard to all of the representations made and the evidence it hears. The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- a) Grant the application as requested
- b) Modify the conditions of the licence, by altering or omitting or adding to them. (The Committee may where appropriate attach different conditions to different parts of the premises concerned and/or to different licensable activities).
- c) Reject the whole or part of the application (in the case of the latter for example by only allowing some of the licensable activities or permitting them to take place at times other than those requested).

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote one or more of the four licensing objectives:-

- a. Prevention of crime and disorder
- b. Public safety
- c. Prevention of public nuisance
- d. Protection of children from harm

Background Papers (Local Government Act 1972 Section 100D)

Premises Licence application for ASDA, Anton Mill Road, Andover and all associated paperwork

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	3		
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