



Licensing Sub-Committee

Date: Tuesday, 21 November 2023
Time: 10.00 am
Venue: Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (Quorum: 3)
Susan Cocking, Les Fry and Sarah Williams

Chief Executive: Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic Services
Meeting Contact 01305 224202 elaine.tibble@dorsetcouncil.gov.uk

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

For easy access to all the council's committee agendas and minutes download the free public app called Modern.Gov for use on any iPad, Android, and Windows tablet. Once downloaded select Dorset Council.

Agenda

Item		Pages
1.	ELECTION OF CHAIRMAN AND STATEMENT FOR THE PROCEDURE OF THE MEETING	3 - 6
	To elect a Chairman for the meeting and the Chairman to present and explain the procedure for the meeting.	
2.	APOLOGIES	
	To receive any apologies for absence.	
3.	DECLARATIONS OF INTEREST	
	To disclose any pecuniary, other registrable or non-registrable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration. If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	

4. URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

**5. NEW PREMISES LICENCE APPLICATION – ASDA EXPRESS,
WINTERBORNE ZELSTON**

7 - 52

An application has been made for a new premises licence for Asda Express on the A31 at the Red Post Garage site in Winterborne Zelston. The application has been out to public consultation and has attracted relevant representations. A Licensing Sub Committee must consider the application and representations at a public hearing.

6. EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended). The public and the press will be asked to leave the meeting whilst the item of business is considered.

There are no exempt items scheduled for this meeting.



THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

Rights of a Party

1. A party has the right to attend the hearing and may be represented by any person.
2. A party is entitled to give further information where the authority has asked for clarification.
3. A party can question another party, and/or address the authority, with consent of the authority.

Failure to Attend

4. If the authority is informed a party does not wish to attend, the hearing may proceed in their absence.
5. If a party has not indicated their attendance and fails to attend the hearing may be adjourned if considered in the public interest, or hold the hearing ensuring the party's representation is considered.
6. Where the authority adjourns the hearing it shall notify the parties of the date, time and place.

Procedural Information

7. At the start of the hearing, the authority shall explain the procedure which it proposes to follow and shall consider any request for permission for another person to appear at the hearing.
8. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that it is required.
9. The authority will allow the parties an equal maximum period of time in which to speak.
10. The authority may require any person behaving disruptively to leave, and may refuse that person to return, but such a person may, before the end of the hearing, submit in writing information they would have been entitled to give orally had they not been required to leave.

FOOTNOTE:

In relation to all other matters governed by the Licensing Act 2003 (Hearings) Regulations 2005 any party or their representative may contact the Licensing Services at Dorset Council and they will be provided with a full copy of the regulations on request.

LICENSING SUB-COMMITTEE PROCEDURE

1. At the start of the meeting the Chairman will introduce:
 - the members of the sub-committee
 - the council officers present
 - the parties and their representatives
2. The Chairman will then deal with any appropriate agenda items.
3. The Licensing Officer will be asked to outline the details of the application, including details of any withdrawn representations.
4. The applicant or their representative is then invited to present their case.
5. Committee members will be invited to ask questions.
6. Where appropriate the Responsible Bodies e.g. representatives of Police, Fire Services, Environmental Services or Trading Standards will be invited to address the sub-committee on any relevant representations they may have.
7. The Chairman may then allow an opportunity for questions.
8. The Chairman will ask any person who has made representations, who have already expressed a wish to do so, to address the sub-committee. The sub-committee will have read all the papers before them, including any letters of representation. Members of the public are asked to keep their comments concise and to the point.
9. All parties will be given the opportunity to “sum up” their case.
10. The Chairman will ask the Legal Advisor if all relevant points have been addressed before advising all parties present that the sub-committee will withdraw from the meeting to consider its decision in private. The sub-committee will be accompanied by the Democratic Services Officer and the Legal Advisor can be called upon to offer legal guidance.
11. The Chairman will:
 - advise when the sub-committee’s decision will be confirmed in writing.
 - Inform those present of their right to appeal to the Magistrates’ Court.

NOTE

The Chairman may vary this procedure, as circumstances require but will have regard to the rules of natural justice and the Licensing Act 2003 (Hearings) Regulations 2005.

The meeting will take place in public. However, the public can be excluded from all or part of the meeting where the sub-committee considers that the public interest in so doing outweighs the public interest in the meeting or that part of the meeting, taking place in public.

Under no circumstances must the parties or their witnesses offer the sub-committee information in the absence of the other parties.

The Chairman and the Sub-Committee have discretion whether to allow new information or documents to be submitted and read at the meeting.

This page is intentionally left blank

Licensing Sub Committee

21 November 2023

New Premises Licence Application – Asda Express, Winterborne Zelston

For Decision

Portfolio Holder: Cllr L Beddow, Culture and Communities

Local Councillor(s): Cllr E Parker

Executive Director: J Sellgren, Executive Director of Place

Report Author: Aileen Powell

Job Title: Licensing Team Leader

Tel: 01258 484022

Email: Aileen.Powell@dorsetcouncil.gov.uk

Report Status: Public

Brief Summary: An application has been made for a new premises licence for Asda Express on the A31 at the Red Post Garage site in Winterborne Zelston. The application has been out to public consultation and has attracted relevant representations. A Licensing Sub Committee must consider the application and representations at a public hearing.

Recommendation: The Sub-Committee determines the application in the light of written and oral evidence and resolves to take such steps as it considers appropriate and proportionate for the promotion of the licensing objectives of: -

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

The steps that the Sub-Committee may take are: -

- a) Grant the licence subject to such conditions as the authority considers appropriate for the promotion of the licensing objectives, and the mandatory conditions.
- b) Exclude from the scope of the licence any of the licensable activities to which the application relates.
- c) Refuse to specify a person in the licence as the designated premises supervisor, or
- d) Reject the application.

Reason for Recommendation: The Sub-Committee must consider the oral submissions and information given at the hearing before reaching a decision.

1. Background

- 1.1 Section 4 of the Licensing Act 2003 sets out the duties of the Licensing Authority, it sets out that a Council's licensing functions must be carried out with a view to promoting the four licensing objectives of:
- (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.
- 1.2 All decisions are made with due regard to the Licensing Act 2003 (the Act), the Revised Guidance issued under Section 182 of the Licensing Act 2003 (the Guidance) and the Dorset Council Statement of Licensing Policy (the Policy).

2. Details of the application

- 2.1 Euro Garages Limited has applied for a new licence for the Asda Express Store at the Red Post Garage site on the A31 at Winterborne Zelston. The application and plan of the premises is attached at Appendix 1.

- 2.2 The application was for the following hours: -

Late Night Refreshment

Every day 2300 – 0500

The supply of alcohol

Every day 0000 – 2400

Opening Hours

Every day 0000 – 2400

- 2.3 The operating schedule contains the steps which would be converted into conditions on a licence if it were to be granted, they include: -

Staff training
No miniatures on sale
All spirits stored behind the counter
CCTV
A challenge 25 proof of age policy.

A list of the full conditions from the operating schedule (and the one agreed with the police, see paragraph 3.2) is attached at Appendix 2.

- 2.4 During the course of the public consultation the applicants offered to reduce the hours sought due to the concerns raised by the Parish Council and residents. The reduced hours they offered are: -

Late Night Refreshment

Every day 2300 – 2400

The supply of alcohol

Every day 0600 – 2400

- 2.5 The applicants have also clarified that the provision of Late-Night Refreshment relates solely to the provision of hot coffee from a vending machine, and that they would be happy to have a condition reflecting that if a licence were to be granted.

3 Representations from Responsible Authorities

- 3.1 Section 13 of the Licensing Act contains the list of Responsible Authorities who must be consulted on each application. In accordance with this section Dorset Police, Dorset and Wiltshire Fire Service, Public Health Dorset, the Immigration Authority, Dorset Council Trading Standards, Dorset Council Children's Services, Dorset Council Planning, Dorset Council Licensing, Dorset Council Environmental Protection and Dorset Council Health and Safety have all been consulted.

- 3.2 Dorset Police have requested that a condition would be added to any licence if it is granted: -

Between the hours of 22.00 and 06.00, the entrance door to the premises will be locked closed and customers prevented access to the premises with any sales taking place through the night pay window.

The applicant has advised that they have agreed to this condition should any licence be granted. With the change to the hours for the sale of alcohol and late-night refreshment the 06:00 should be amended to Midnight, if a licence is granted.

- 3.3 No other comments have been received from the remaining Responsible Authorities.

4 Representations from Other Persons

- 4.1 The Licensing Act 2003 Section 182 Guidance (the Guidance) sets out at 8.13 the role of "other persons":

"As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous and vexatious representations.

4.2 The Guidance states at paragraph 9.4 what a “relevant” representation is; -

“A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives.”

4.3 Chapter 2 of the Guidance Licensing set out what can be considered under each of the four licensing objectives. The full chapter is attached at Appendix 3.

4.4 There are ten representations that contain some relevant objections relating to the four licensing objectives, these would include those representations citing increases to noise, litter and ASB, if it is a direct result of the activities being applied for, which in this case is the off sales of alcohol and the provision of coffee from a machine within the premises. Full copies of the representations can be found at Appendix 4, together with the response from the Licensing Officers in red and any further comments that were received.

4.5 The representations also contain a number of comments that cannot be considered relevant as they either do not relate to the application site or do not fall within the four licensing objectives. This would apply to comments that relate to a parking area which is not included in this application, although it is on the same site behind a vacant premises.

4.6 Any comments relating to the potential of a fast-food establishment coming onto the site and the noise caused by young people being attracted to that site, cannot be considered with this application, they would be considered when an application for that premises was received.

4.7 Matters relating to road safety would have been considered during the planning process, where Highways consider aspects relating to entrances and exit from the site and additional traffic. The Public Safety objective relates to the safety of people using the premises, see paragraph 2.7 of the Guidance.

4.8 Whether there is a “need” for the premises is a planning matter which would have been taken into consideration during that process, but it does not fall into one of the licensing objectives so cannot be considered when the licence is being determined.

4.9 The responsibility for drink driving rests with individuals, who the Guidance states are not the responsibility of the operator once they are beyond the premises. See paragraph 6.2 of this report.

5 History of the Site

- 5.1 There has previously been a shop and garage on this site with an alcohol licence being in place to sell alcohol from 0900 to 2300 every day from December 2006 to January 2020 when that licence was surrendered.

6 Statutory Guidance

- 6.1 The full Guidance can be found on the [Government Website](#). Officers have identified the following paragraphs as having particular significance to this application. Paragraphs 1.2-1.5 of the Guidance states; -

The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

The licensing objectives are:

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

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them

- 6.2 Paragraph 1.16 of the Guidance states: -

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;

- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

6.3 Paragraphs 9.42 to 9.44 of the Guidance sets how the Licensing Authority should decide what actions are appropriate.

Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination."

7. Dorset Council Policy

7.1 The Council adopted a Statement of Licensing Policy on 1 February 2021 that sets out how applications will be dealt with. The full Policy can be found on the [Council's website](#).

7.2 Officers have identified the following paragraphs as having particular relevance to this application. Paragraph 4.12 of the Policy states: -

The public safety objective is concerned with the physical safety of people using the premises. Public safety includes safety of performers appearing at any premises.

7.3 Paragraph 4.25 of the policy states: -

The council recognises that it is necessary to balance the rights of local residents, businesses and others with those wishing to provide licensable activities, and those who wish to use such facilities.

7.4 Paragraph 4.26 of the Policy states: -

Ultimately if it is necessary for the prevention of public nuisance where conditions do not adequately address the issues an application can be refused.

7.5 Paragraph 5.1 of the Policy states: -

In determining a licensing application the overriding principle will be that each application will be determined on its own merits, having regard to the need to promote the four licensing objectives and taking into account this licensing policy and the guidance issued under Section 182 by the Secretary of State. Where it is necessary to depart from the guidance or this policy the council will give clear and cogent reasons for doing so.

7.6 Paragraph 5.17 of the Policy states: -

When determining any application where relevant representations are made, the council will consider it in the light of the four licensing objectives and in order to support a number of other key aims and purposes as set out in this policy. The requirement to promote the licensing objectives will be the paramount consideration. The council will focus upon the impact of the activities taking place on members of the public living, working or engaged in normal activity near the premises. Where relevant representations are made in relation to a premises licence, club premises certificate or temporary event notice the following factors will normally be taken into account when the council is looking at the impact of the activities concerned:

- The style of operation, the numbers of customers and customer profile likely to attend the premises.
- The location of the premises and the proximity of noise sensitive properties
- The proposed hours of operation
- Any proposed methods for the dispersal of customers

- The scope for mitigating any impact.
- The extent to which the applicant has offered conditions to mitigate the impact.
- How often the activity occurs.

7.7 Paragraph 6.13 of the Policy states: -

As a general rule, shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at all times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

7.8 Paragraph 7.5 of the Policy states: -

Once away from the licensed premises, a minority of customers will behave badly. Other mechanisms for addressing such concerns may be more appropriate than cumulative impact or may work alongside licensing policy.

7 Financial Implications

Any decision of the Sub Committee could lead to an appeal by any of the parties involved that could incur costs.

8 Natural Environment, Climate & Ecology Implications

None.

9 Well-being and Health Implications

None.

10 Other Implications

None

11 Risk Assessment

HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

12 Equalities Impact Assessment

Not applicable

13 Appendices

Appendix 1 – Application Form and Plan

Appendix 2 – Conditions in the operating schedule and those agreed with Responsible Authorities

Appendix 3 – Chapter 2 of the Guidance

Appendix 4 – Representation from Other Parties

14 Background Papers

[Licensing Act 2003](#)

[Home Office Guidance issued under Section 182 of the Licensing Act 2003](#)

[Dorset Council Statement of Licensing Policy 2021](#)

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.

(1) Delete as applicable.
(2) Insert name(s) of applicant.

(1) ~~[I]~~ **[We]** (2)

EURO GARAGES LIMITED

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and (1) ~~I am~~ **[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 EXPRESS PFS RED POST PFS MAIN ROAD A31 WINTERBORNE ZELSTON BLANDFORD FORUM			
Post town	DORSET	Postcode	DT11 9EX
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 15,750.00	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals* | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual* | <input checked="" type="checkbox"/> | please complete section (B) |
| i. as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | 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 | <input type="checkbox"/> | 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 | <input type="checkbox"/> | 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 (by ticking yes to one box below):

- 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				
Date of birth					I am 18 years old or over <input type="checkbox"/> Please tick yes				
Nationality									
Current residential address if different from premises address									
Post town						Postcode			
Daytime contact telephone number									
E-mail address (optional)									
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)									

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				
Date of birth					I am 18 years old or over <input type="checkbox"/> Please tick yes				
Nationality									
Current residential address if different from premises address									
Post town						Postcode			
Daytime contact telephone number									
E-mail address (optional)									
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)									

(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	EURO GARAGES LIMITED
Address	WATERSIDE HEAD OFFICE HASLINGDEN ROAD GUIDE BLACKBURN BB1 2FA
Registered number (where applicable)	04246195
Description of applicant (for example, partnership, company, unincorporated association etc.)	COMPANY
Telephone number (if any)	
E-mail address (optional)	JANET_BRAITHWAITE@GOSSCHALKS.CO.UK

Part 3 - Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
2	5	1	0	2	0	2	3

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

DD		MM		YYYY			

Please give a general description of the premises (please read guidance note 1)
CONVENIENCE STORE / PETROL FILLING STATION

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

--

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>
e) live music (if ticking yes, fill in box E)	<input type="checkbox"/>
f) recorded music (if ticking yes, fill in box F)	<input type="checkbox"/>
g) performances of dance (if ticking yes, fill in box G)	<input type="checkbox"/>
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	<input type="checkbox"/>

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	<input checked="" type="checkbox"/>
<u>Supply of alcohol</u> (if ticking yes, fill in box J)	<input checked="" type="checkbox"/>

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
			State any seasonal variations for performing plays (please read guidance note 5)		
Wed					
Thur					
			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 (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur					
			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 (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 5)
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 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)	
Tue				
Wed				
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 6)	
Fri				
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
			State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed					
Thur					
			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 (please read guidance note 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed					
Thur					
			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 (please read guidance note 6)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both - please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)			
Thur						
Fri						
Sat			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 (please read guidance note 6)			
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing			
			Will this entertainment take place indoors or outdoors or both - please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)			
Thur						
Fri						
Sat			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 (please read guidance note 6)			
Sun						

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	2300	0500			
Tue	2300	0500			
Wed	2300	0500			
Thur	2300	0500	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Fri	2300	0500			
Sat	2300	0500			
Sun	2300	0500			
			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 (please read guidance note 6)		

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption - please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	0000	2400			
Tue	0000	2400			
Wed	0000	2400			
Thur	0000	2400	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 (please read guidance note 6)		
Fri	0000	2400			
Sat	0000	2400			
Sun	0000	2400			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	NEIL ROBERT ECCLES
Date of birth	██████████
Address	██████████ ██████████ ██████████ ██████████
Postcode	██████████
Personal licence number (if known)	PLHBC0143
Issuing licensing authority (if known)	HALTON

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 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	0000	2400	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue	0000	2400	
Wed	0000	2400	
Thur	0000	2400	
Fri	0000	2400	
Sat	0000	2400	
Sun	0000	2400	

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 10)

Staff shall be trained in the premises licence holder's procedures which include liquor licensing and all checkout operators shall have additional training in the sale of alcohol.
All spirits will be displayed behind the counter.
No miniature bottles of spirits of 20cl or below shall be sold from the premises.
Please note this does not apply to pre packaged gift packs which may contain a spirit miniature.

b) The prevention of crime and disorder

A CCTV system will be installed and maintained at the premises. Cameras will cover internal areas and the external area immediately in front of the store. 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 the Police or authorised person upon production of a compliant 'Access Request'.
All spirits will be displayed behind the counter.

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

e) The protection of children from harm

The store will have a till prompt system for alcohol products.
 When prompted, staff will adopt a Challenge 25 proof of age scheme.
 Only recognised forms of photographic identification such as Passport, Photo Driving Licence, 'Proof of Age' card, Military ID or any other form of identification agreed with the police will be accepted as proof of age. 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 policy.

Checklist: **Please tick to indicate agreement**

● I have made or enclosed payment of the fee.	<input checked="" type="checkbox"/>
● I have enclosed the plan of the premises.	<input checked="" type="checkbox"/>
● I have sent copies of this application and the plan to responsible authorities and others where applicable.	<input checked="" type="checkbox"/>
● I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	<input checked="" type="checkbox"/>
● I understand that I must now advertise my application.	<input checked="" type="checkbox"/>
● I understand that if I do not comply with the above requirements my application will be rejected.	<input checked="" type="checkbox"/>
● [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	<input type="checkbox"/>

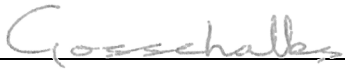
It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under Section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Part 4 - Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12).

If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	26TH SEPTEMBER 2023
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 13). **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 14)			
Gosschalks LLP Queens Gardens Hull			
Post town		Postcode	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)			
janet_braithwaite@gosschalks.co.uk			

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. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports - defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts - are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. 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.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.

6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. 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.
8. 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'.
9. 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.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways:

- 1) by providing with this application, copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Home Office online right to work checking service

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

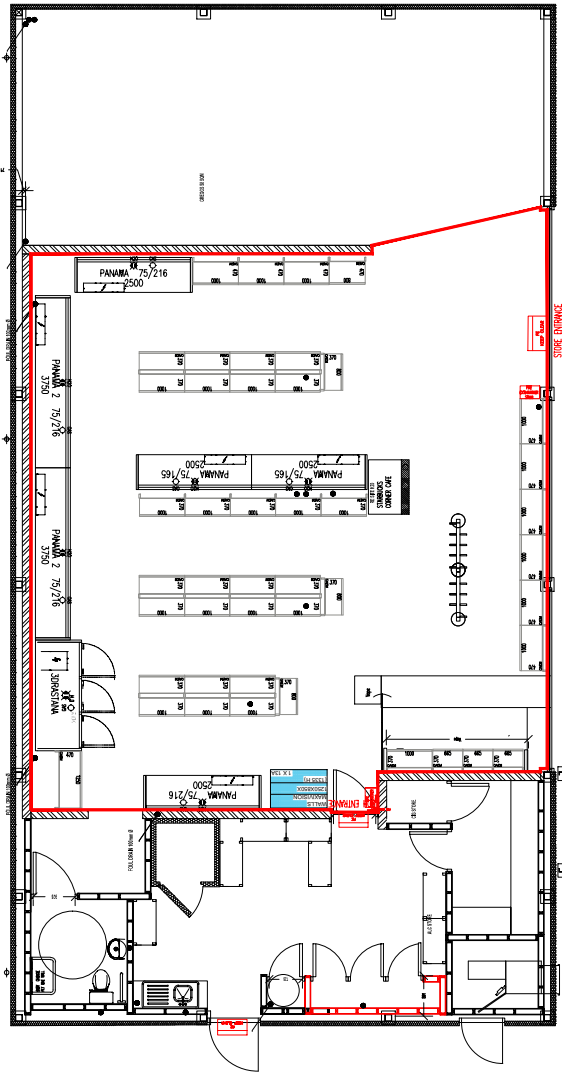
To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

- 1. All dimensions to be checked on site and any discrepancy to be notified with the client immediately.
- 2. The tolerance for BMS shall be +/- 5mm.
- 3. Use this drawing for site work (fixures and fittings). When referencing refrigeration cabinets use the latest CBS drawings. If the CBS drawings do not match this plan, please contact the Store Planner.
- 4. For all BMS items please contact the Architect.
- 5. If any discrepancy is noted at the time of the survey it is to be noted on site to call the contractor as needed.



PROPERTY ADDRESS
 1231 MAIN ST
 SUITE 100
 PANAMA, PA 15140

ASDA
 Save money. Live Better

RED POST PFS
 BMS LICENCE APPLICATION

DATE	REVISED	ISSUED	BY	DATE
02/14/21	02/14/21	02/14/21	02/14/21	02/14/21
02/15/21	02/15/21	02/15/21	02/15/21	02/15/21
02/16/21	02/16/21	02/16/21	02/16/21	02/16/21
02/17/21	02/17/21	02/17/21	02/17/21	02/17/21
02/18/21	02/18/21	02/18/21	02/18/21	02/18/21
02/19/21	02/19/21	02/19/21	02/19/21	02/19/21
02/20/21	02/20/21	02/20/21	02/20/21	02/20/21
02/21/21	02/21/21	02/21/21	02/21/21	02/21/21
02/22/21	02/22/21	02/22/21	02/22/21	02/22/21
02/23/21	02/23/21	02/23/21	02/23/21	02/23/21
02/24/21	02/24/21	02/24/21	02/24/21	02/24/21
02/25/21	02/25/21	02/25/21	02/25/21	02/25/21
02/26/21	02/26/21	02/26/21	02/26/21	02/26/21
02/27/21	02/27/21	02/27/21	02/27/21	02/27/21

Project Name	1231 MAIN ST SUITE 100
Project Number	SP-GE-5198
Sheet Number	1
Scale	1:100

GROUND FLOOR
 BMS LICENCE APPLICATION

Feet	mm	6'	6'6"	7'	7'6"	8'	8'6"	9'	9'6"	10'	10'6"	11'	12'	13'	14'	15'	16'
		1830	2000	2100	2300	2400	2600	2700	2900	3000	3200	3300	3700	4000	4200	4600	4800

Conditions Consistent with the Operating Schedule

General

Staff shall be trained in the premises licence holder's procedures which include liquor licensing and all checkout operators shall have additional training in the sale of alcohol.

No miniature bottles of spirits of 20cl or below shall be sold from the premises. Please note this does not apply to pre-packaged gift packs which may contain a spirit miniature.

The prevention of crime and disorder

A CCTV system will be installed and maintained at the premises. Cameras will cover internal areas and the external area immediately in front of the store. 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 the Police or authorised person upon production of a compliant 'Access Request'.

All spirits will be displayed behind the counter.

The protection of children from harm

The store will have a till prompt system for alcohol products. When prompted, staff will adopt a Challenge 25 proof of age scheme.

Only recognised forms of photographic identification such as Passport, Photo Driving Licence, 'Proof of Age' card, Military ID or any other form of identification agreed with the police will be accepted as proof of age. 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 policy.

Condition Requested by Dorset Police

Between the hours of 22.00 and 00.00, the entrance door to the premises will be locked closed and customers prevented access to the premises with any sales taking place through the night pay window.

This page is intentionally left blank

2. The licensing objectives

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

- 2.10 Counter terrorism and public safety
- 2.11 Licensing committees may wish to give due consideration to appropriate counter-terrorism measures and advice when considering licence applications, for example at high profile or large premises or events or where there are factors which may increase attractiveness to attacks, and in particular when in receipt of relevant advice from police counter terrorist staff.
- 2.12 It is particularly relevant to consider conditions around health care provision in this regard. Any additional licensing conditions should be appropriate and proportionate to the venue as noted in para 1.16. We recommend that all licensing authorities pay particular attention to terrorist threats when making specific licence conditions in relation to security or health care provision at appropriate premises and events applying for a licence.
- 2.13 As noted in para 2.8 licensing authorities can recommend conditions where appropriate to do so, such as ensuring appropriate access for emergency services and vehicles such as ambulances; good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4); and ensuring the presence of sufficient trained first aiders on the premises and appropriate first aid kits.
- 2.14 However, in some instances, licensing authorities may wish to tailor their approach, depending on the particular nature of the application, and go further when addressing concerns around possible terrorist or other such risks. We have provided an Annex to help inform and support licensing authorities in their decision making with regards to additional licence conditions for premises and events, that may benefit from further security planning and health care provision in the aftermath of a particular type of incident.

Ensuring safe departure of those using the premises

- 2.15 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
 - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

- 2.16 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to

be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

- 2.17 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.18 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.
- 2.19 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Public nuisance

- 2.20 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.21 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

¹ S 177 of the 2003 Act now only applies to performances of dance.

Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

- 2.22 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.23 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.24 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.25 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.26 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Protection of children from harm

- 2.27 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.28 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.29 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
- 2.30 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.31 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.32 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;

- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

2.33 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

2.34 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

2.35 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

2.36 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

2.37 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under

section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Representation 1

I am objecting to this on two grounds: public safety and public nuisance. There is genuine concern in the local community about this as there is already evidence young drivers are using the parking hidden away behind the store in the evenings, to engage in unlawful activities as there is no police presence there. Evidence comes from the bin outside the store which in the mornings is full of containers from fast food establishments in the Poole area. It is expected that a fast food company will soon take up the empty site next to the ASDA, where there is planning approval. The combination of this with a 24hour alcohol licence at the ASDA is likely to make the site a destination venue for young people and young racers. This is expected to generate excess noise (Public nuisance issue), but more worryingly a potentially dangerous road situation (Public safety issue) of concern to all who live nearby, as I do. The site is on a dangerous bend on a major road. It is extraordinary anyway that there should be a proposal to sell alcohol to drivers here when most petrol forecourt stores stopped doing it years ago.

The solicitor has contacted us stating that ASDA is prepared to reduce the hours for alcohol sales and opening to 06.00 to midnight with a terminal hour for late night refreshment being midnight.

My objection still remains regarding any alcohol sold in the evening hours.

Representations 2

We object to this application for the following reasons:

ROAD SAFETY

Red Post Garage is situated in a relatively isolated spot on the main A31. The section of road between Red Post Crossroads and the Botany Bay Inn, upon which the garage is situated, has been the site of several serious and sometimes fatal accidents. There is no street lighting, access to the garage is hazardous and the 40 mph speed limit is often ignored. This area is sparsely populated, and it is doubtful that a catering business of any kind would survive here without a considerable influx of custom from outside. It is likely therefore that a drive through fast food outlet with an alcohol licence will result in a significantly increased volume of traffic along an already difficult stretch of road.

PUBLIC NUISANCE & CRIME AND DISORDER

The site has a large car park which is already used by youngsters from outside the area who congregate in the evenings to consume the takeaway food they bring with them. If an alcohol licence is granted and the proposed McDonalds food outlet goes ahead, there is a danger that the site will become a 'GoTo' venue which will inevitably result in increased noise, rowdiness, drug taking, littering and, as has been seen in other places, may well attract boy racers. There is a minimal police presence in this area and it would be naïve to presume that the staff employed at McDonalds will have any influence on the behaviour of its customers.

We submit therefore that the granting of an alcohol licence to a 24-hour food outlet at Red Post Garage is wholly inappropriate because it poses a road safety hazard, it could prove a public nuisance and may well result in crime and disorder in what is a peaceful rural area.

Representation 3

I would like to submit my objection to the proposed extension to licence agreement at the above premises.

I am a resident of Winterborne Zelston and have concerns of public safety and the affect of longer opening hours on the local community.

An increase to deliveries would substantially effect the local area and will cause additional traffic to the village of Winterborne Zelston.

Furthermore with additional traffic in the area through the night is likely to cause a public nuisance to the village of Winterborne Zelston with an increase of noise pollution with the additional deliveries and customers that would be likely with 24 hour trading.

Please take these concerns of disruption, and public safety as my objection.

Representation 4

We have recently been made aware of the application to provide a McDonald's drive through and dining facilities, along with 24 hour sales of alcohol.

We wish to submit this document as a protest against the proposal and request that such a licence/ permissions are not given in this instance.

Our reasons are as follows

It is our opinion, having witnessed similar out let's in the area, that, particularly in the late evening and nights, the establishment will attract a number of vehicles and youths who will cause a nuisance by way of noise and disturbance to this quiet and rural area.

There are several narrow lanes in the vicinity, which will inevitably attract additional traffic accessing and leaving the proposed McDonalds at unsociable hours. It is our opinion that this will create unnecessary noise and create a hazard to the usual and already necessary traffic on the lanes.

As previously stated, we have observed the detrimental effects of littering from similar establishment not too far away from this location. Unfortunately, it appears that some users of this type of takeaway are unable to be persuaded to dispose of their rubbish in a responsible manner. This will lead to waste being discarded on country lanes/roads, and even agricultural land.

It is therefore our request that this application be refused

We cannot accept any objections relating to any potential fast food outlet on the site, the objections can only be about the Asda Express that is already in existence.

We have received correspondence from Asda stating that they are going to amend their timings, meaning that alcohol sales will only be between 06:00 and Midnight, and the late night refreshment part will cease at midnight also. In this instance, late night refreshment relates to the sale of tea/coffee and hot food like sausage rolls etc.

Please let me know if this has alleviated your concerns or if you still wish to continue with the objection. If you do, then you will be sent an invite to the committee hearing once a date has been set.

Yes, we would still like to register our opposition to the sale of alcohol at this Asda. We feel that the availability of alcohol, even up to the revised time of midnight, will still prove to be a cause, or additional reason towards anti social behaviour and noise issues.

Representation 5

I would like register my objection to the above licence application.

This will create serious threat to public safety.

The Red Post garage is situated on a narrow and twisting section of the A31.

The road is generally busy. The additional traffic waiting to turn into the premises will cause dangerous holdups and potential accidents (particularly westbound).

It will also create public nuisance in the area.

Winerborne Zelston is a quiet rural village. An establishment selling food and drink 24hours of the day is inappropriate and unwanted locally.

Could you please acknowledge this email.

Asda have reduced the time that they are requesting to sell alcohol and hot coffee from their store to finish at midnight rather than the 24 hours as first applied for.

The highways matters will have been taken into consideration when planning permission was granted for the store and will not be re-considered in a licence application.

You have mentioned public nuisance, which is a relevant consideration under the Licensing Act, would you be able to elaborate on the kind of nuisance that will be caused by the sale of alcohol and hot coffee from within the Asda store.

Representation 6

1. The Prevention of Crime & Disorder.

The Premises together with a 24 Hours McDonalds with a 24 hours Alcohol Licence and Late night refreshment from 23:00 to 05:00 will be a destination venue inviting crime and public disorder, as an Off Licence.

2. Public Safety.

The A 31 is a very busy trunk A road, used by a high volume of heavy commercial lorries, retail vehicles & private vehicles, a commercial and holiday route to the South West.

The premises are now a road safety hazard & will become more so, with very limited parking on site, no signage of advanced warnings of services, no clear indication of entry and exit upon the approach and traffic stopping in a live lane with no clear instructions not to obstruct the highway.

The speed limit of 40 mph is not observed by many vehicles National Highways should be consulted.

There is a clear and substantial risk to public safety.

3. Public Nuisance.

The premises are now a public nuisance to the residents of Winterborne Zekston, Thompson and Anderson & will become more so with a 24 hours Alcohol Licence and a 24 hours McDonalds The Applicant offers no steps in their Application to prevent public nuisance.

Prior to the current Applicant's user, the premises has never been a 24 hours user premises, previously a Little Chef with limited hours.

The premises are located in a rural area with no street lighting & the existing bright & tall signage is a blight on the area.

Asda have now reduced the times that they wish to sell alcohol and hot coffee from the existing store to finish at midnight. We cannot take any matters relating to the Highway into account as this was considered during the planning application process. This application relates solely to the exiting Asda store and the sale of alcohol and coffee from within the store, this application does not cover any other area so comments relating to a McDonalds are not relevant to the application. If you would like to expand on the public nuisance that you are currently experiencing and how this will be impacted by the addition of alcohol to Asda then we will be able to take your objection into account.

My thanks for your advice.

We have nothing further to add.

Representation 7

We wish to comment and object to this licencing application as this is a generic application

From several Euro Garages owned sites who are undergoing an internal financial restructure to become Asda OnThe Move Garages , who promote the sale of alcohol , and late night hot food and drink , therefore our comments and objections are specific to this actual site

1 This site is only accessible by car , there is no public foot path , or cycle path path) , or any available public transport of any nature , therefore selling alcohol at a petrol station to be consumed off site is in our opinion increase the risk of drink driving and therefore threat to public safety on the busy and already dangerous road . The A31 is a trunk road which heavy goods and International freight drivers are directed , it is a mixed message to be selling alcohol to International lorry drivers who may not be aware of alcohol limits in the UK . The government drink driving campaign is to encourage no alcohol consumption .

2The application mentions CCTV camera on the forecourt in front of the kiosk , to monitor

Any anti social behaviour or crime, which may occur as a result of people visiting this site between 11pm and 5 am for late night refreshments or alcohol sales, however it does not mention the hidden /concealed car park behind the vacant Drive Thru , which would be impossible to see or manage from the kiosk and could put the staff at risk .

3 If late night refreshments are offered both indoors and out , and alcohol sold day and night this means the shop would have to be physically open , (currently staffed for petrol behind a screen at night) which again would be impossible to manage security by staff , this would encourage this site to become a destination , especially if the drive thru also becomes part of this location and increase traffic , anti social behaviour , and public nuisance in terms of litter , noise /light pollution

4 . The concealed car park , with no CCTV , presents a perfect opportunity for under age drinking , on site as Only 1 person needs ID approval , and staff would not be able to monitor Who was consuming the alcohol , therefore increased risk of harm to children . This activity Is already taking place on a weekend .

There is already a 24 hour licensed garage at Bere Regis , which is minutes away from this site

There are no 24 hour business with shift workers or hospital or students etc , so therefore no requirement for this site . It would be over development of a petrol station with kiosk in this rural location

Asda have now offered to close the premises at midnight. They have also clarified that the Late Night Refreshment is just for the sale of hot coffee and they would be happy to have a condition on any licence requiring this. They have also already agreed to a police request to ensure that all late-night sales are done from a hatch rather than people having access to the store.

Representation 8

We wish to make a formal objection to the application by Euro Garages Limited, Blackburn, for the provision of late night refreshment and the supply of alcohol at the Asda Express Red Post Filling Station, Winterborne Zelston DT11 9EX.

The supply of alcohol coupled with a 24 hour fast food outlet will create a destination venue which will generate noise, disturbance, litter and increased traffic and therefore we strongly object to this application on the grounds that it will cause a public nuisance to the local residents of Winterborne Zelston, Winterborne Thompson, Winterborne Anderson and Huish.

The venue, supplying alcohol and fast food refreshment, will create a road safety hazard with the resulting increase in volume of traffic on the A31 causing a dangerous road situation and therefore we strongly object to this application also on the grounds of public safety. At present, it can be difficult and prolonged getting a large enough gap in the traffic to safely pull out of the side roads, left or right, from Winterborne Zelston and Huish and indeed the filling station. An increase in the volume of traffic on the A31 will considerably worsen that, creating a dangerous road situation compounded by a greater number of vehicles turning into and out of the filling station by stopping in, and turning across, a live lane of traffic. National Highways recognises that vehicles stopping in live lanes on any road creates a risk to life. Most vehicles travel faster along that stretch of the A31 than the 40mph speed limit and there are no signs along the road to give advanced warning of the filling station giving further concern for public safety.

Please note our full objection to the licence application. We seek the Council to ensure the prevention of public nuisance and uphold and protect public safety by rejecting the licence application by Euro Garages Limited, Blackburn.

> The application we are considering relates solely to sales of alcohol and hot coffee from the existing Asda store and any comments about different outlets are irrelevant and cannot be considered. Asda have now reduced the trading hours for the sale of alcohol and hot coffee to midnight so that is what we are considering now, not a 24-hour licence, they have also offered to have a condition on their licence relating to the Late-Night Refreshment being restricted to just coffee.

>

> The road safety matters will have been considered when the planning permission was granted and so are not taken into account for a licence application.

>

> If you could expand on your points relating to the potential nuisance that may occur from the Asda store selling alcohol and hot coffee, then your objection can be considered.

Thank you for your swift response and for notifying us of the changes to the licence application. I'm afraid we cannot find the amended application on your website and we hope this is not a stealth step-by-step process to further licence applications.

We would still like to make a formal objection to the application by Euro Garages, Blackburn, for the supply of alcohol and hot coffee to midnight at the Asda Express Red Post Filling Station, Winterborne Zelston DT11 9EX.

The supply of alcohol to midnight will create an attractive destination which will generate noise, disturbance and litter and therefore we strongly object to this application on the grounds that it will cause public nuisance to the local residents of Winterborne Zelston,

Winterborne Tomson, Winterborne Anderson and Huish. People will be attracted to the site to buy alcohol and park in the car park, consuming fast food purchased in local towns and taking advantage of the rural location with minimal police presence and low security. This will create noise, disturbance and litter causing public nuisance to nearby residents. I have visited the site a few times over the past weeks and have seen the drinks cans and fast food cartons/packages left in the car park and forecourt. We attach a couple of photos from this last weekend.

Thank you very much for help and we seek the Council to ensure the prevention of public nuisance by rejecting the licence application by Euro Garages Limited, Blackburn.



Representation 9

I would like to raise my concerns regarding the proposed 24 hour alcohol licence at the Asda Express, Winterborne Zelston.

Those of us in the locale have all welcomed the regeneration of the old Esso garage site with a new fuel station and Asda Express. The convenience and wide provision of goods is extremely useful and we're grateful to the company for reviving a derelict site.

That said, I am very concerned about the proposed 24 hour alcohol licence and have listed my main concerns below:

The licence application states that there will be CCTV coverage within the store and immediately outside it. This would enable Asda to keep tabs on any area they are directly responsible for, however it does not offer any monitoring of the rest of the site. In particular, the car park behind the currently empty restaurant.

It is the remote location of the site that causes me concern. By offering alcohol Asda will undoubtedly attract more customers – specifically those requiring alcohol whilst out driving (a scary enough prospect!) but also those who wish to consume it in a remote location because they can't access or consume it closer to home.

The Winterborne Zelston site has a sizeable, hidden and largely ignored car park at the rear. My worry is that the sale of alcohol will encourage groups of people to the site, who then congregate in the car park. Due to the location, noisy / anti-social behaviour will go unchecked. Asda's CCTV will not cover this area and no one will have responsibility for the car park area and any behaviour therein.

We live in a quiet, remote countryside location with very little police presence and, as a result, any anti-social behaviour will undoubtedly go unchecked, even with raised awareness. As a mum with two small children I am especially worried about the increase in traffic through our village (both during the day and at night from those speeding / making a public nuisance) and the possible harm to local property and human life due to anti-social behaviour.

Should the restaurant ever be filled by a take-away outlet then one can only assume that the location will become a greater attraction for those looking for an isolated spot to congregate. With this comes noise, litter (a huge problem already for us) and, if fuelled by alcohol, reckless driving and behaviour.

If we could guarantee that the car park area would be floodlit, policed and monitored by CCTV 24hours a day then I would feel much happier about the proposed licence. As it is, I feel it will encourage group gatherings, particularly at night, and will undoubtedly cause an increase in bad driving, bad behaviour, litter, noise and bad feeling from all living in the locale.

I hope these objections can be taken into account when the licence application is reviewed.

The applicants for this licence have now reduced the times for the sale of alcohol and hot coffee to midnight. We cannot take the car park behind the vacant store into consideration when considering this particular application which is just alcohol in the grocery provision and hot coffee. The site behind the store is the responsibility of the site owner as a whole. We can certainly ask Asda to make suggestions about it, but if it is not within their licensed area,

and it is not, it cannot be considered as a relevant representation. If you are still concerned now you know that the outlet will be closed at midnight can you let me know, otherwise I will have to discount your representation.

Thank you for getting back to me. That's good news that the sale time has been reduced, however I am still concerned about the increase in dangerous driving, litter and anti-social behaviour that will inevitably follow, no matter how late the licence runs. If you need me to flesh these concerns out into more coherent and detailed arguments then please let me know.

If you could flesh them out that will be helpful especially on the litter and anti-social behaviour. The dangerous driving less so as there has historically been a licence for alcohol on that site and it is really a planning issue.

My main concerns are twofold – an increase in litter and the threat of anti-social behaviour.

We already have a big litter problem along our lanes – we are daily picking up drinks cans (alcoholic and non) from the verges, and I can only see this increasing if Asda were to offer people the opportunity to drink late at night. With an allocated driver and a car full of drinkers it seems inevitable that more empty cans and bottles will find themselves thrown out of windows, causing hazards for people and wildlife.

Equally, with an increase in alcohol consumption comes an increase in anti-social behaviour. We live in a quiet, remote countryside location with very little police presence and, as a result, any anti-social behaviour will undoubtedly go unchecked, even with raised awareness. As a mum with two small children I am especially worried about the increase in traffic through our village (both during the day and at night from those speeding / making a public nuisance) and the possible harm to local property and human life due to anti-social behaviour.

Representation 10

I would like to raise concerns and object to the application of a 24 hour alcohol licence and the availability of light refreshment between 23.00pm and 5.00am. The granting of these licences will lead to further road safety hazards and more of a public nuisance, it will also lead the way to further proposals of change of use or amendments of use. The garage is on the boundary of a conservation area with the lighting of the garage already causing a public nuisance with light pollution and a danger to road users on the unpoliced 40 mile an hour zone by people pulling in quickly and at the last minute -who are travelling faster the speed limit of the road.

The road is not safe as it is and we do not require any further enhancements to public safety.

The applicants for this licence have now reduced the times for the sale of alcohol and hot coffee to midnight. The road safety would have been taken into consideration when the planning permission was granted, for which Highways are a consultee. Under the licensing act we cannot re-consider this as Highways are not one of our statutory consultees. This application is merely concerned with adding alcohol to the grocery shelves and having the availability of hot coffee up until midnight. If you are still concerned now you know that the outlet will be closed at midnight can you let me know, otherwise I will have to discount the main part of your representation.

I would like to proceed with the objection.

With the Bere regis shell garage already having a licence and only a couple of miles away and the proven fact that supermarket garages that sell alcohol actually add to deaths caused by drink driving i think 1 less chance for somebody to purchase it and take it upon themselves to be reckless is a good and positive step forward.

The road is also used by alot of international drivers whose own laws in their country may be less than ours and will see no harm in picking up alcohol after filling up the fuel tank and be on their way with a can in hand.

The back of the unused coffe house on the site is already used by certain members of society who are drinking and taking drugs there so best not encourage them any further.