



Minutes of a meeting of the Licensing Act 2003 Sub-Committee held at the Town Hall,
Peterborough on Friday 9 January 2009

Members Present: Councillors Newton (Vice-Chairman), Lowndes and Swift

Officers Present: Darren Dolby, Regulatory Officer, Licensing
Amy Brown, Lawyer, Legal Advisor to the Committee
Gemma George, Governance Officer, Clerk to the Committee

1. Apologies

There were no apologies received.

2. Declarations of Interest

There were no declarations of interest.

3. Variation of a Premises Licence - Asda

During his opening statement, the Chairman advised all present of the procedure to be followed.

The Chairman declared that he had received a letter from Stuart Jackson MP relating to the application and further stated that the content of the letter would in no way affect his decision.

There were no further declarations of interest and no objections were made to any of the Members of the Sub Committee taking part in the Hearing. All parties confirmed that they had received copies of the report and procedure.

List of speakers:

Applicant

Robert Thompson

Gosschalks Solicitors

Frederick Wing

General Manager, Asda Superstore

The Regulatory Officer informed the sub-committee that the application was for a variation to the Premises Licence for Asda, Viersen Platz, Peterborough, PE1 1ET made by Asda. The application was:

- To extend the hours for the sale of alcohol to 24 hours each day.

Representation had been received from a local resident, who had been deemed as an interested party, in respect of the two relevant licensing objectives: Prevention of Crime and Disorder and Public Nuisance.

Mr Robert Thompson spoke as a representative for the applicant and highlighted to the Sub Committee the proposed variation.

Members were informed that with regards to the request for the provision of late night refreshment, this would not mean that the cafeteria would be open, it would simply mean that hot food such as bread and chicken could be sold, thus enabling the purchase of hot food by night workers on their way home.

The Sub Committee was further advised that the license currently held by Asda did not mirror the stores current opening hours. The store opened at 7am every morning, but alcohol could not be sold until 8am. Members were informed that it was not the intention of Asda to sell alcohol 24 hours a day, seven days a week, but obtaining the 24 hour license would not only align the sale of alcohol with the current opening hours, it would also allow for flexibility around Christmas time, bank holidays and other annual holidays. Members were informed that combating alcohol abuse was of top priority to Asda and in town centre stores a "combating alcohol abuse" policy was in place stating that alcohol would not be sold between the hours of midnight and 6am.

Members were reminded that no representations had been received from statutory authorities and the working relationship Asda had with them all was extremely good.

Mr Frederick Wing, the General Manager of Asda Superstore in Peterborough, addressed the Sub Committee and stated that he had been managing the store for two years. He was the designated premises supervisor and had been a long term licence holder. Mr Wing highlighted to the Committee that it was difficult being in a City Centre location, but the relationship that the store held with the police was very good, and staff were re-trained once a year.

Mr Wing further advised the Sub Committee that there were no plans for 24 hour opening, and the application for the license was simply to align the sale of alcohol with the current opening hours. Mr Wing further re-iterated the point that the license would allow for flexibility around annual holidays.

Following questions from the Sub Committee, Mr Thompson and Mr Wing advised the following points:

- There had been no complaints from local residents specifically relating to alcohol
- When additional hours were to be implemented, there would be numerous members of staff monitoring the sale of alcohol

Mr Thompson briefly summarised the points which had been previously highlighted to the Sub Committee.

The sub-committee retired to consider the application.

RESOLVED

The sub-committee unanimously agreed to grant the variation to the Licence subject to:

- The same terms that were applied for with no additional conditions

Reasons for the decision:

In view of the findings of fact, the sub-committee was satisfied on a balance of probability and considering all the circumstances, including the conditions imposed, that the requested variation would not create public nuisance or increase crime and disorder.

In coming to its decision, the sub-committee also had regard to Peterborough City Council's Statement of Licensing Policy and the National Guidance, in particular, those sections highlighted at paragraphs 7.2 and 7.3 of the committee report.

9.30am to 11.30am
Chairman