
Environment

Community Protection Service

PO Box 502, Vancouver House, Gurney Street, Middlesbrough, TS1 9FW Tel: (01642) 245432

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 12 DECEMBER 2012**

APPLICATION TO VARY A PREMISES LICENCE

Applicant: Asda Stores Limited

Ref.No. PRO/0361

Premises: Asda Supermarket, Ormesby Road, Middlesbrough, TS3 0DY

Application received: 17 October 2012

Summary of existing Licensable Activities:

Sale of Alcohol (Off Sales) – Monday to Saturday 8am to 11pm, Sunday 10am to 10.30pm, Good Friday 8am to 10.30pm, Christmas Day 12 noon to 3pm and 7pm to 10.30pm

A copy of the existing Premises Licence is attached at Appendix 1.

Summary of proposed variation:

Sale of Alcohol (Off Sales) – Monday to Sunday 6am to 12 midnight every day
Provision of Late Night Refreshment – Monday to Sunday 11pm to 12 midnight
Removal of all embedded restrictions

Full details of the application and accompanying operating schedule have been reproduced at Appendix 2.

1. Notification to Responsible Authorities:

The following Responsible Authorities have all received notification of the application:

| | |
|---|---------------------------|
| Chief Constable | Planning Manager |
| Chief Fire Officer | Trading Standards Manager |
| Area Child Protection Group | Director of Public Health |
| Environmental Health Manager (Public Safety and Public Nuisance) | |

2. Application advertised by the applicant: Evening Gazette 23 October 2012

3. Legislation

The Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

The Licensing Authority must also have regard to its Licensing Policy and any guidance issued by the Secretary of State.

4. Background

The premises consist of a supermarket located in a retail block on Ormesby Road close to its junction with Ladgate Lane. There is a workingmen's club and residential properties in close proximity to the premises. A location plan is attached at Appendix 3.

5. The Representations

On 31 October 2012 a representation was received from Mr Kevin Brown and Mr Stephen Pierson objecting to the application on the grounds of the prevention of public nuisance. A copy of this representation is attached at Appendix 4.

On 12 November 2012 a representation was received from Cleveland Police objecting to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance. A copy of this representation is attached at Appendix 5.

On 12 November 2012 a representation and petition containing 20 signatories was received from Councillor Michael Saunders, the local Ward Councillor, objecting to the application on the grounds of the prevention of public nuisance. A copy of this representation and petition are attached at Appendix 6.

On 13 November 2012 a representation was received from Councillor Brian Hubbard, the Ward Councillor for the neighbouring Beckfield Ward, on behalf of residents within the Beckfield Ward area objecting to the application on the grounds of the prevention of public nuisance. A copy of this representation is attached at Appendix 7.

6. The Licensing Policy

Members are referred to the following relevant sections of the Council's Licensing Policy.

| | |
|----------------------------------|----------------|
| Prevention of Public Nuisance | Pages 23 to 29 |
| Prevention of Crime and Disorder | Pages 32 to 42 |

And any other sections of the Policy which Members consider to be relevant.

7. Guidance to the Licensing Act 2003

Members are referred to the following relevant sections of the Guidance.

| | |
|--------------------|----------------------------|
| Crime and Disorder | Starting at paragraph 2.1 |
| Public Nuisance | Starting at paragraph 2.18 |

And any other sections of the Guidance which Members consider to be relevant.

8. Members' Options

Members may consider the following options:

1. Grant the application subject to conditions consistent with the operating schedule and mandatory conditions if applicable.
2. Grant the application subject to the addition of new conditions.
3. Refuse to specify a person in the licence as the premises supervisor.
4. Reject the whole or part of the application.

Members are reminded that any aggrieved party (i.e. Applicant, Responsible Authority, Other Person) may appeal any decision of the Licensing Committee to the Magistrates' Court.

Contact Officer: John Hodgson
 Senior Licensing Officer
 Tel. 728719

For admin use only:

Decision:

Reasons:

Middlesbrough
Council



PREMISES LICENCE

Part A

Premises licence number MBRO/PR0361/019938

Part 1 - Premises details

| | |
|---|------------------|
| Postal address of premises, or if none, ordnance survey map reference or description | |
| Asda Supermarket Ormesby Road | |
| Post town | Post code |
| Middlesbrough | TS3 0DY |
| Telephone number | |
| 0113 243 5435 | |

| |
|--|
| Where the licence is time limited the dates |
| N/A |

| |
|--|
| Licensable activities authorised by the licence |
| Sale of Alcohol |

| |
|---|
| The times the licence authorises the carrying out of licensable activities |
| SALE OF ALCOHOL OFF PREMISES |
| Monday 8am - 11pm |
| Tuesday 8am - 11pm |
| Wednesday 8am - 11pm |
| Thursday 8am - 11pm |
| Friday 8am - 11pm |
| Saturday 8am - 11pm |
| Sunday 10am - 10.30pm |
| Sale of Alcohol - Seasonal Variations |
| Good Friday 8am - 10.30pm |
| Christmas Day 12 Noon - 3pm and 7pm - 10.30pm |

| |
|--|
| The opening hours of the premises |
| Not Known |

| |
|--|
| Where the licence authorises supplies of alcohol whether these are on and/or off supplies |
| Alcohol sales permitted OFF the premises |

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Asda Stores Limited
Asda House
Great Wilson Street
Leeds
LS11 5AD

0113 2435435

Registered number of holder, for example company number, charity number (where applicable)

464777

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Colin Michael Aisbitt
7 West Greens
Morpeth
Northumberland
NE61 1UE

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

HART/PL/286 Issued by Hartlepool Borough Council

Granted on 29 July 2011



Authorised Officer

COPY

Annex 1 - Mandatory conditions

Mandatory conditions in accordance with Section 19 of the Licensing Act 2003:

Where a premises licence authorises the supply of alcohol:

(i) No supply of alcohol may be made under the premises licence:

(a) At a time when there is no designated premises supervisor in respect of the premises licence, or

(b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(ii) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

(1) The premise licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 - Conditions consistent with the operating Schedule

Embedded Restrictions

OFF LICENCE

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a) On weekdays, other than Christmas Day, 8am to 11pm.
- b) On Sundays, other than Christmas Day, 10am to 10.30pm.
- c) On Christmas Day, 12 noon to 3pm and 7pm to 10.30pm.
- d) On Good Friday, 8am to 10.30pm.

The above restrictions do not prohibit:

- a) During the first 20 minutes after the above hours the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) The sale of alcohol to a trader or club for the purposes of the trade or club;
- d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Annex 3 - Conditions attached after a hearing by the licensing authority

Not Applicable

Annex 4 - Plans

Attached - as per Drawing No. SP-GF-NE-4708-02 submitted on 8 June 2011

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

LICENSING SECTION
MIDDLESBROUGH COUNCIL

APPENDIX 2

Application to vary a premises licence 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.

XWe ASDA STORES LIMITED
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

MBRO/PR0361/019938

Part 1 - Premises Details

| | |
|--|-------------------|
| Postal address of premises or, if none, ordnance survey map reference or description ASDA SUPERMARKET ORMESBY ROAD | |
| Post town MIDDLESBROUGH | Post code TS3 0DY |
| Telephone number at premises (if any) | |
| Non-domestic rateable value of premises | £ 83,000.00 |

Part 2 - Applicant Details

| | | |
|---|--|--------------------|
| Daytime contact telephone number | | |
| E-mail address (optional) | | |
| Current postal address if different from premises address | ASDA STORES LIMITED ASDA HOUSE GREAT WILSON STREET | |
| Post town | LEEDS | Post code LS11 5AD |

17/10/12
2315
570877

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes No

If not, from what date do you want the variation to take effect?

DD MM YYYY

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

| |
|--|
| |
|--|

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

1. TO EXTEND THE HOURS FOR THE SUPPLY OF ALCOHOL TO 0600 HOURS TO 2400 HOURS MONDAY TO SUNDAY.
2. TO INCLUDE THE PROVISION OF LATE NIGHT REFRESHMENT FROM 2300 HOURS TO 2400 HOURS MONDAY TO SUNDAY.
3. TO REMOVE ALL EMBEDDED RESTRICTIONS.
4. TO REMOVE THE RESTRICTION OF THE SALE OF ALCOHOL ON CHRISTMAS DAY AND GOOD FRIDAY.

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

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

| |
|--------------------------|
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |

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

| |
|-------------------------------------|
| <input checked="" type="checkbox"/> |
|-------------------------------------|

Sale by retail of alcohol (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 6) | | | Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
|---|-------|--------|---|--|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 3) | Both | <input type="checkbox"/> |
| Tue | | | | | |
| Wed | | | | State any seasonal variations for performing plays (please read guidance note 4) | |
| Thur | | | | | |
| Fri | | | | 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 5) | |
| Sat | | | | | |
| Sun | | | | | |

B

| Films Standard days and timings (please read guidance note 6) | | | Will the exhibition of films take place indoors or outdoors or both - please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
|---|-------|--------|---|---|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 3) | Both | <input type="checkbox"/> |
| Tue | | | | | |
| Wed | | | | State any seasonal variations for the exhibition of films (please read guidance note 4) | |
| Thur | | | | | |
| Fri | | | | 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 5) | |
| Sat | | | | | |
| Sun | | | | | |

C

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

D

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

E

| Live music Standard days and timings (please read guidance note 6) | | | Will the performance of live music take place indoors or outdoors or both - please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
|---|-------|--------|---|--|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 3) | Both | <input type="checkbox"/> |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | | State any seasonal variations for the performance of live music (please read guidance note 4) | |
| | | | | | |
| Thur | | | | | |
| Fri | | | 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 5) | | |
| | | | | | |
| Sat | | | | | |
| Sun | | | | | |

F

| Recorded music Standard days and timings (please read guidance note 6) | | | Will the playing of recorded music take place indoors or outdoors or both - please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
|---|-------|--------|---|--|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 3) | Both | <input type="checkbox"/> |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | | State any seasonal variations for the playing of recorded music (please read guidance note 4) | |
| | | | | | |
| Thur | | | | | |
| Fri | | | 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 5) | | |
| | | | | | |
| Sat | | | | | |
| Sun | | | | | |

G

| Performances of dance Standard days and timings (please read guidance note 6) | | | Will the performance of dance take place indoors or outdoors or both - please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> | |
|---|-------|--------|--|--|--------------------------|--|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> | |
| Mon | | | | Both | <input type="checkbox"/> | |
| Tue | | | | Please give further details here (please read guidance note 3) | | |
| Wed | | | | State any seasonal variations for the performance of dance (please read guidance note 4) | | |
| Thur | | | | | | |
| Fri | | | | 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 5) | | |
| Sat | | | | | | |
| Sun | | | | | | |

H

| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6) | | | Please give a description of the type of entertainment you will be providing | | |
|--|-------|--------|--|---|--------------------------|
| Day | Start | Finish | Will this entertainment take place indoors or outdoors or both - please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| Mon | | | | | Outdoors |
| Tue | | | Both | | <input type="checkbox"/> |
| Wed | | | Please give further details here (please read guidance note 3) | | |
| Thur | | | | State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4) | |
| 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 5) | |
| Sun | | | | | |

I

| | | | | | |
|---|-------|--------|--|----------|-------------------------------------|
| Late night refreshment Standard days and timings (please read guidance note 6) | | | Will the provision of late night refreshment take place indoors or outdoors or both - please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| Day | Start | Finish | | Both | <input checked="" type="checkbox"/> |
| Mon | 2300 | 2400 | Please give further details here (please read guidance note 3) | | |
| | | | | | |
| Tue | 2300 | 2400 | | | |
| | | | | | |
| Wed | 2300 | 2400 | State any seasonal variations for the provision of late night refreshment (please read guidance note 4) | | |
| | | | | | |
| Thur | 2300 | 2400 | | | |
| | | | | | |
| Fri | 2300 | 2400 | 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 5) | | |
| | | | | | |
| Sat | 2300 | 2400 | | | |
| | | | | | |
| Sun | 2300 | 2400 | | | |
| | | | | | |

J

| | | | | | |
|--|-------|--------|---|------------------|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption - please tick (please read guidance note 7) | On the premises | <input type="checkbox"/> |
| | | | | Off the premises | <input checked="" type="checkbox"/> |
| Day | Start | Finish | | Both | <input type="checkbox"/> |
| Mon | 0600 | 2400 | State any seasonal variations for the supply of alcohol (please read guidance note 4) | | |
| | | | | | |
| Tue | 0600 | 2400 | | | |
| | | | | | |
| Wed | 0600 | 2400 | | | |
| | | | | | |
| Thur | 0600 | 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 5) | | |
| | | | | | |
| Fri | 0600 | 2400 | | | |
| | | | | | |
| Sat | 0600 | 2400 | | | |
| | | | | | |
| Sun | 0600 | 2400 | | | |
| | | | | | |

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

NONE

L

| Hours premises are open to the public Standard days and timings (please read guidance note 6) | | | State any seasonal variations (please read guidance note 4) | |
|---|-------|--------|---|--|
| Day | Start | Finish | | |
| Mon | | | AS EXISTING | |
| | | | | |
| Tue | | | | |
| | | | | |
| Wed | | | | <u>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 5)</u> |
| | | | | |
| Thur | | | | |
| | | | | |
| Fri | | | | |
| | | | | |
| Sat | | | | |
| | | | | |
| Sun | | | | |
| | | | | |

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

TO REPLACE THE HOURS FOR THE SALE BY RETAIL OF ALCOHOL WITH THE TIMES SPECIFIED IN BOX J ABOVE.

TO REMOVE THE RESTRICTION ON THE SALE OF ALCOHOL ON CHRISTMAS DAY AND GOOD FRIDAY.

TO REMOVE ALL EMBEDDED RESTRICTIONS - SEE SCHEDULE ATTACHED

Please tick as appropriate

• I have enclosed the premises licence

• I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

AS EXISTING SAVE FOR CONDITIONS TO BE REMOVED.

b) The prevention of crime and disorder

AS EXISTING SAVE FOR CONDITIONS TO BE REMOVED.

c) Public safety

AS EXISTING SAVE FOR CONDITIONS TO BE REMOVED.

d) The prevention of public nuisance

AS EXISTING SAVE FOR CONDITIONS TO BE REMOVED.

e) The protection of children from harm

AS EXISTING SAVE FOR CONDITIONS TO BE REMOVED.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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

Part 5 - Signatures (please read guidance note 10)

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

| | |
|-----------|---|
| Signature | <i>Gosschalks</i> |
| Date | 16TH OCTOBER 2012 |
| Capacity | SOLICITORS FOR AND ON BEHALF OF THE APPLICANTS. |

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

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

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

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

Asda Supermarket, Ormesby Road, Middlesbrough, TS3 0DY

Schedule of conditions to be removed

Sale of alcohol - Seasonal Variations

Good Friday 8am - 10.30pm

Christmas Day 12 noon - 3pm and 7pm - 10.30pm

Embedded Restrictions

OFF LICENCE

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

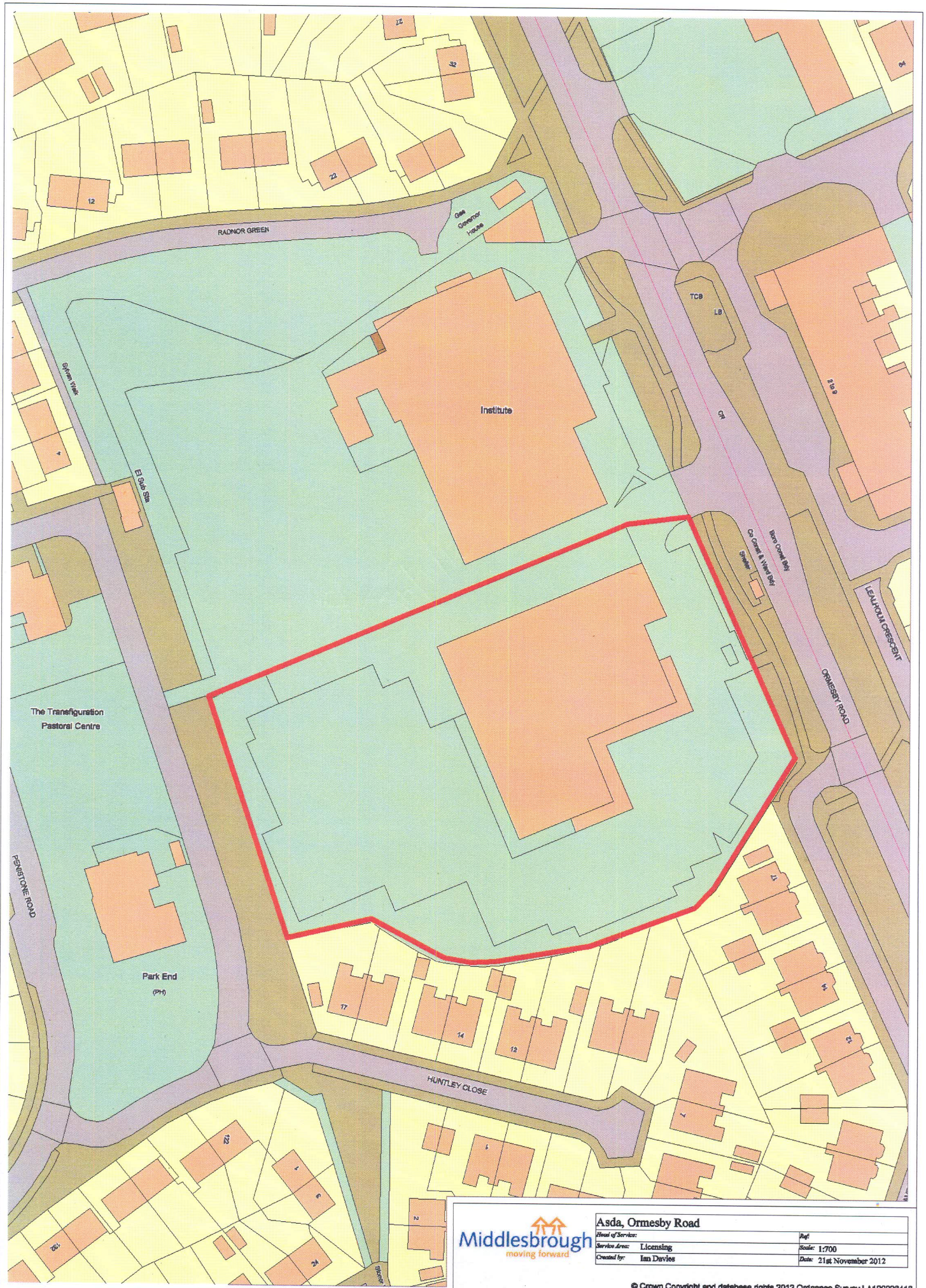
- a) On weekdays, other than Christmas Day, 8am to 11pm
- b) On Sundays, other than Christmas Day, 10am to 10.30pm
- c) On Christmas Day, 12 noon to 3pm and 7pm to 10.30pm
- d) On Good Friday, 8am to 10.30pm


The above restrictions do not prohibit:

- a) During the first 20 minutes after the above hours the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) The sale of alcohol to a trader or club for the purposes of the trade or club;
- d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

APPENDIX 3



| | | | |
|--|------------|---------------------------|--------------------|
|  | | Asda, Ormesby Road | |
| Head of Service: | | Ref: | |
| Service Area: | Licensing | Scale: | 1:700 |
| Created by: | Ian Davies | Date: | 21st November 2012 |

Mr Kevin Brown & Mr Stephen Pierson

[REDACTED]
Middlesbrough,
[REDACTED]Tel [REDACTED]
Mob [REDACTED]
Email [REDACTED]25/10/12

Dear Sir/Madam,

I am part owner / proprietor along with Mr Pierson of the above business, We have been part of this business serving this community for over 26 years.

My letter is concerning an application presented to you on 17th October 2012 by (Asda Supermarket, Ormesby Rd, Middlesbrough, TS3 ODY) which is situated opposite my store requesting a variation to their premises licence. I have very strong concerns to this variation application. I would regard the passing of this application as possibly damaging to the community.

Our premises are licensed to sell alcohol Monday to Saturday 8am until 11pm and Sunday 10am until 10.30pm. We choose to close our store Monday to Saturday at 9pm & Sunday at 8pm. My personal feeling is that 9pm is late enough for a store on an estate to sell alcohol as I believe later hours could encourage anti-social behaviour. My feeling is that control could be lost if this variation is passed. We have been serving this community for over 26 years with both the residents safety and interests at heart. If the council think there is need for later off licensing hours in this area I would welcome your comments as I would possibly look at opening our store later. We employ 7 local staff in our store, who along with Mr Pierson and myself do our up-most best to both serve, & protect the community from alcohol related incidents & anti-social behaviour.

Please consider my letter.

Thank you,

Mr Kevin Brown



31 OCT 2012

Middlesbrough Council

www.middlesbrough.gov.uk

COMMUNITY PROTECTION SERVICES

Licensing

PO Box 65, Vancouver House, Gurney Street,
Middlesbrough TS1 1QP
Tel: (01642) 245432



Representations On A Current Application For A Grant/Variation of a Premises Licence Or Club Premises Certificate Under The Licensing Act 2003

Before Completing This Form Please Read The Guidance Notes At The End Of The Form

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I (Insert name)

Wish to make representation about the application for variation/grant for a premises licence/club premises certificate (delete as applicable)

PART 1 – PREMISES OR CLUB PREMISES DETAILS

| | |
|--|----------------------|
| Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description Asda, Ormesby Road, Middlesbrough | |
| Post Town Middlesbrough | Post Code TS3 0DY |

| |
|--|
| Name of premises licence holder or club holding club premises certificate (if known) |
| |

| |
|---|
| Number of premises licence or club premise certificate (if known) |
| |

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

I am

- | | Please
Tick ✓ |
|--|--------------------------|
| 1) an interested party (please complete (A) or (B) below) | <input type="checkbox"/> |
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2) a responsible authority (please complete (C) below) | <input type="checkbox"/> |
| 3) a member of the club to which this representation relates (please complete (A) below) | <input type="checkbox"/> |

| | |
|---------------------------|--------------|
| Telephone Number (If any) | 01642 303175 |
| E-Mail address (optional) | |

This representation relates to the following licensing objective(s)

- | | |
|---|----------------------------|
| | Please Tick ✓ |
| 1. The prevention of crime and disorder | <input type="checkbox"/> x |
| 2. Public safety | <input type="checkbox"/> |
| 3. The prevention of public nuisance | <input type="checkbox"/> x |
| 4. The protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for representation. (please read guidance note 1)

This is an application to vary a premises licence to allow the sale of alcohol for consumption off the premises from 0600 hours – 0000 hours Monday to Sunday. The premises currently sells alcohol from 0800 hours – 2300 hours Monday – Saturday and 1000 hours – 2230 hours on a Sunday. Therefore, this application requests the sale of alcohol for a further three hours daily and five hours on a Sunday and Cleveland Police wish to make representations for the following reasons:

The premises is situated in an area which already suffers from alcohol related crime and disorder and underage drinking, which is closely linked to the anti social behaviour in the area. It is the opinion of Cleveland Police that allowing this variation will only add to the current problems encountered. In addition to this concern, the premises is situated in a residential area and if the variation is granted, this will have a detrimental effect on nearby residents and both the public nuisance and prevention of crime and disorder objective will be undermined.

In the event that this application is not withdrawn, further evidence will be provided by Cleveland Police.

Please
Tick ✓

Have you made any representation relating to these premises before?

If Yes, please state the date of that representation

| Day | | Month | | Year | | | |
|-----|--|-------|--|------|--|--|--|
| | | | | | | | |

If you have made representation before relating to these premises please state what they were and when you made them.

| |
|--|
| |
|--|

How We Collect And Use Information

By completing this document you give Middlesbrough Council the authority to collect and retain information about you for the purpose of the application. In order to process the application we may need to check this information with other enforcement agencies, local authorities or government departments.

We must protect the public funds we handle and so we may use the information you have provided on this form to prevent and detect fraud. We may also share this information with other enforcement agencies including those organisations which handle public funds. Middlesbrough Council will not disclose information about you unless the law permits.

Middlesbrough Council is the Data Controller for the purposes of the Data Protection Act. If you want to know more about the information the Authority holds about you or the way the Authority uses that information please contact the Information Security Officer, PO Box 17, Melrose House, 1 Melrose Street, Middlesbrough, TS1 2YW.

Part 3 – Signatures (Please read guidance note 3)

Signature of representative or representative's solicitor or other duly authorised agent. (See guidance note 4) If signing on behalf of the representative please state in what capacity.

| | | | |
|-----------|--|------|--------------------------------|
| Signature | | Date | 12 th November 2012 |
| Capacity | | | |

| | |
|---|-----------|
| Contact name (where not previously given) and address for correspondence associated with this representation. (Please read guidance note 5) | |
| Post Town | Post Code |

| | |
|---------------------------|--|
| Telephone Number (if any) | |
| E-mail Address (optional) | |

Notes for Guidance

1. The ground(s) for representation must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems, which are included in the grounds for representation, if applicable.
3. The representation form must be signed.
4. A representative's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address, which we shall use to correspond with you about this representation.
6. Information on the Licensing Act 2003 is available at www.middlesbrough.gov.uk and you are advised to read any relevant guidance leaflets before completing this form.

Michael
Saunders/Councillors/Middl
esbrough_Borough_Council
/GB

12/11/2012 21:00

To Scott Lawrence

cc

bcc

Subject Asda Licensing Application

----- Forwarded by Michael Saunders/Councillors/Middlesbrough_Borough_Council/GB on 12/11/2012 20:58 -----



To

cc

Subject

Hello Mick - to be emailed to Scott Lawrence, or you can put it in letter form if you wish.

Email for licensing committee

Dear Members of the Licensing Committee

This is a covering letter (email form) for the petition against the additional hours for the sale of alcohol (6.00 am until midnight) and the proposed sale of hot food (from 10.00 pm until midnight), at the Asda Store, Park End.

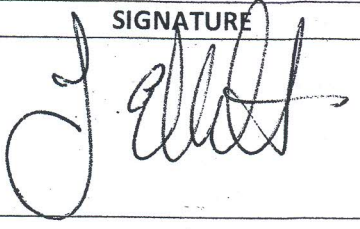




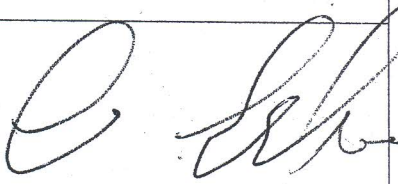
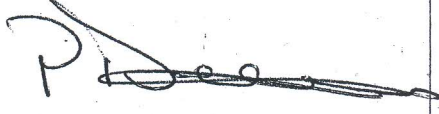


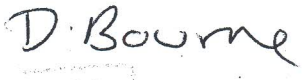
We are against the proposed amendments mentioned, as they will have a detrimental effect on those living in close proximity to the Asda Store.

Residents are concerned that the sale of alcohol at 6.00 am would have the potential of attracting those who will create noise and nuisance to those living in the area, and then continue to drink within the ward.

Also, the sale of alcohol (until midnight) combined with the sale of hot food (10.00 pm until midnight), has again the high risk of attracting those already consumed with alcohol, causing noise/nuisance in the area that is a heavily built residential area, and then be in the position to carry on consuming alcohol in their homes, into the early hours of the morning, causing maximum disruption to those living in the Park End estate.

I would hope that the committee sees that these new additional hours are unreasonable, given the concerns raised by residents who I have spoken to.


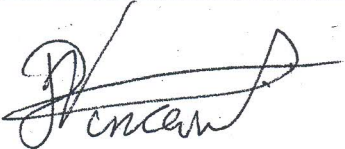
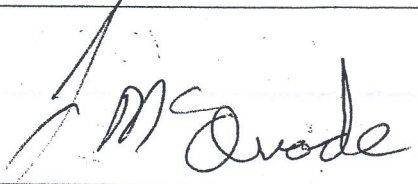
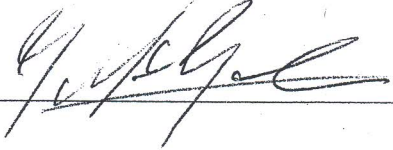

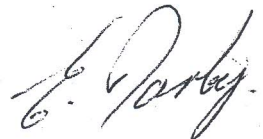
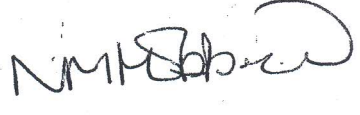



We, the undersigned, object to the new licensing proposals made by Asda, Park End, in relation to the sale of alcohol from 6.00am until 12.00pm midnight, and the sale of hot food from 10.00pm until 12.00pm midnight

| NAME | ADDRESS | SIGNATURE |
|--------------|---|---|
| J. ELLIOTT | <input checked="" type="checkbox"/> HUNTLEY CLOSE PARK-END |  |
| J KENT | <input checked="" type="checkbox"/> HUNTLEY CLOSE |  |
| R SANDS | <input checked="" type="checkbox"/> HUNTLEY CLOSE |  |
| J.A. ELLIOTT | <input checked="" type="checkbox"/> HUNTLEY CLOSE |  |
| E DUNKERLEY | <input checked="" type="checkbox"/> STONOR WALK PARK END |  |
| C GIBSON | <input checked="" type="checkbox"/> STONOR WALK PARK END |  |
| P DUNKERLEY | <input checked="" type="checkbox"/> STONOR WALK PARK END |  |
| A MARSHALL | <input checked="" type="checkbox"/> MARGROVE WALK PARK END |  |
| K STEPHENS | <input checked="" type="checkbox"/> EGSLEY WALK |  |
| D. Bourne | <input checked="" type="checkbox"/> EVERSHAM Rd |  |

19 NOV 2012

CHURCH

We, the undersigned, object to the new licensing proposals made by Asda, Park End, in relation to the sale of alcohol from 6.00am until 12.00pm midnight, and the sale of hot food from 10.00pm until 12.00pm midnight

| NAME | ADDRESS | SIGNATURE |
|---------------------|--|---|
| A PETZIE | HUNTLEY CLOSE |  |
| D. VINCENT | GLADSTONEBURY HOUSE PRIESTFIELDS |  |
| J Mc QUADE | GLASTONBURY HOUSE |  |
| T J MURKIN | ANGLESEY AVE PRIESTFIELDS M/S NO TSSOHA |  |
| BRIAN HUBBARD | WOBURN GROVE PRIESTFIELDS TSSOLA |  |
| E. DARBY | LINDISFARNE ROAD PRIESTFIELD ESTATE TSSOSA |  |
| Nicola Hubbard | WOBURN GROVE PRIESTFIELDS |  |
| MRS MARGARET BARKER | HUNTLEY CLOSE |  |
| MRS NORMA CALLABY | HUNTLEY CLOSE |  |
| MARGARET LAWTON | HUNTLEY CLOSE |  |



Brian
Hubbard/Councillors/Middle
sbrough_Borough_Council/
GB

13/11/2012 07:33

To Scott
Lawrence/COMPROT/Middlesbrough_Borough_Council/GB
@MIDDLESBROUGH_BOROUGH_COUNCIL

cc

bcc

Subject Licensing proposal - Asda Store, Park End

Dear Scott

I would be grateful if you could pass on my comments to the Licensing committee, in relation to the increased hours for the sale of alcohol & hot food at Asda, Park End:

The Asda Store sits near the boundary of the Beckfield ward, and as a matter of concern after reading the new proposed alcohol sale times (from 6.00 am until 12.00 pm midnight), together with the sale of hot food (from 10.00 pm until 12.00 pm, midnight) and following discussions with a number of residents within the Beckfield ward, would like to object to this application.

We are concerned that the new times would see an increase of people fuelled by alcohol, many of those who live in the locality of the Beckfield ward. This in turn would lead to added noise levels long into the night and the following morning, if these times were allowed.

On behalf of concerned residents within the Beckfield ward, I would like to state my objection to this application.

Kind regards,
Brian Hubbard
Councillor for the Beckfield ward