



## Minutes of the Licensing Sub-Committee

7 June 2012

-: Present :-

Councillors Addis, Pentney and Brooksbank

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### 6. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

### 7. Licensing Act 2003 – An application for a Premises Licence – Asda Supermarket, Borough Road, Paignton TQ4 7EP

Members considered a report on an application for a Premises Licence in respect of Asda Supermarket, Borough Road, Paignton TQ4 7EP.

#### Written Representations received from:

Name	Details	Date of Representation
MP for Totnes	Letter of Representation in relation to three Licensing Objectives; the Prevention of Crime and disorder, the Prevention of Public Nuisance and the Protection of Children from Harm.	26 April 2012
Brixham Town Council	E-mail Representation with extract from Town Council Minutes in relation to two Licensing Objectives; 'The Prevention of Crime and Disorder' and The Prevention of Public Nuisance.'	24 April 2012

The Licensing Sub-Committee noted that those who had submitted Written Representations had been advised the Meeting was taking place. The MP was

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unable to attend and Brixham Town Council had not returned the Notice to Speak. Members agreed it was in public interest to continue with the Meeting.

### Oral Representation was received from:

Name	Details
The Applicant's Solicitor	The Applicant's Solicitor outlined the application, as set out in the submitted Report, and responded to the written Representations and Members questions.

The application was introduced by the Licensing Officer who advised that there were no Representations from any Responsible Authority or any other interested party.

With permission from the Chairman, a document advising of permitted Alcohol Sale Times for supermarkets in Torbay was circulated to Members.

### Applicant's response to Representations:

The Applicant's Solicitor advised the Licensing Sub-Committee that this new Asda Store would be operating on the same Licensing hours as nearby supermarkets and noted that there had been no Representations from Responsible Authorities or local residents to the application. The Representations received expressed concerns with no evidence given, highlighting problems that 'might happen.' Asda undertakes full and examined training of all staff with Challenge 25 as standard operation, not Challenge 21, with till prompts and regular test purchases being undertaken.

### Decision:

Having carefully considered the written and oral representations, the Licensing Sub-Committee resolved to grant the Application for a Premise Licence in respect of Asda Supermarket, Borough Road, Paignton TQ4 7EP with the addition of the condition that the Challenge 25 Policy should apply in order to promote the Protection of Children from Harm.

### Reason for Decision:

Representations that to grant this application would create problems of Crime and Disorder, Anti-Social Behaviour and Public Nuisance and expose Children to the Risk of Harm are not substantiated by evidence.

There are two supermarkets nearby which sell alcohol with similar licensing hours and no evidence has been presented to suggest they are undermining the Licensing Objectives by adding to the problems feared.

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The Police have considered this application and have not seen fit to make any Representations suggesting that to grant this application could undermine any of the Licensing Objectives. No local residents either have made any Representations expressing concerns.

Having assessed the application and Operating Schedule carefully, along with the assurances given today by the Applicant, including the measures the Applicant intends to take to promote the Licensing Objectives, the Licensing Sub-Committee find no basis for finding that to grant this application would undermine any of the Licensing Objectives.