

LICENSING SUB-COMMITTEE
16th August, 2006

PRESENT – Councillors Hartley, Newall and Maybrey. (3)

APOLOGIES – Councillor Foster.

LS7. ELECTION OF CHAIR – RESOLVED – That Councillor Hartley be appointed Chair for this meeting only.

LS8. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

LS9. VARIATION OF PREMISES LICENCE - The Director of Development and Environment submitted a report (previously circulated) to consider an application by Asda Stores Limited to vary the Premises Licence in respect of Asda Supermarket, Whinbush Way, Darlington.

Mr. Richard Taylor, Solicitor; Mr. Bostock, the Regional Trading Law Manager for Asda; and Ms. Candice Wady, Store Manager addressed the meeting and responded to Members' questions and to the 'points for clarification' highlighted in the submitted report. Mr. Neville Newmarch, Environmental Health Officer also attended the meeting. The four residents making representations did not attend the meeting and therefore could not respond to the 'points for clarification'.

The Sub-Committee considered the views of the applicant in accordance with Guidance issued Under Section 182 of the Licensing Act 2003 (Hearings) Regulations 2005 and in accordance with the "Licensing Sub-Committees – Full Hearing Procedure for Applications for Reviews of Premises Licences/Club Premises Certificates Where Relevant Representations Have Been Received".

RESOLVED – That the application to vary the Premises Licence be granted to extend the hours for the supply of alcohol to twenty-four hours a day, seven days a week subject to the following conditions :-

- (a) All members of staff will receive initial training in respect of Asda procedures including liquor licensing.
- (b) All checkout operators and their team trainers will have additional training in the sale of alcohol.
- (c) That a CCTV system shall be installed internally and be in operation at all times when the premises are open to the public. The tapes shall be properly stored and kept for a minimum of 31 days and made available on request to the Police and Authorities Officers of this Council.
- (d) Proof of age will be required from any person who appears to be under the age of 21 years. Where no proof is produced there will be no sale.
- (e) The store will have a till prompt system for age restricted products.

- (f) Clear legible signage to be displayed at each exit asking customers to leave quietly and respect local residents.
- (g) A Personal Licence holder to be on the premises at all times when alcohol is available for sale.
- (h) Security staff to be on the premises at all times when alcohol is available for sale.

These conditions will be in addition to the mandatory conditions in relation to the sale/supply of alcohol.

In making its decision the Committee took into consideration :-

- (a) The Secretary of State Guidance under Section 182 of the Licensing Act 2003 in relation to shop trading hours and could find no exception circumstances to not grant the sale of alcohol during normal trading hours.
- (b) The representations made, but the Committee did not get the opportunity to question the objectors in person for the 'points of clarification'. However, the Committee were of the view that many of the problems raised by residents were not directly attributable to Asda.
- (c) There were no police objections.