



Borough of Telford and Wrekin

Licensing Sub-Committee

Tuesday 5 December 2023

Licensing Act 2003 New Application Asda Express

Cabinet Member:	Cllr Richard Overton - Deputy Leader and Cabinet Member: Homes & Enforcement
Lead Director:	Dean Sargeant - Director: Neighbourhood & Enforcement Services
Service Area:	Neighbourhood & Enforcement Services
Report Author:	Helen Owen - Licensing Technical Officer
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Wards Affected:	Hadley & Leegomery
Key Decision:	Not Key Decision
Forward Plan:	Not Applicable
Report considered by:	Licensing Sub-Committee - 5 December 2023

1.0 Recommendations for decision/noting:

1.1 The committee is asked to consider the application for a new premises licence.

2.0 Purpose of Report

1.1 The purpose of the report is to outline the law and evidence to be considered by the Licensing Sub-Committee in relation to an application for a new premises licence.

3.0 Background

3.1 The premises does not currently have a premises licence. An application for a new premises licence was received on 13th October 2023.

4.0 Summary of main proposals

- 4.1 An application was received from the applicant, Euro Garages Limited on 13th October 2023 for a new premises licence in respect of premises Asda Express, Hadley Park East, Hadley, Telford, TF1 6QJ. The copy of the application is attached at **Appendix A**.
- 4.2 The premises location is Hadley & Leegomery Ward and a location plan is attached at **Appendix B**.
- 4.3 A plan of the inside of the premises is located at **Appendix C**.
- 4.4 The application has been properly served on all Responsible Authorities. The Applicant and the Council has complied with the legislative process and displayed the appropriate notice at the premises, in the local press and on the website as required.
- 4.5 Any Responsible Authority and/or Other Person may make representations about the application
- 4.6 Relevant Representations, as defined by the 2003 Act, have been received from a local resident, and from Jonathan Phelps, Anti-Social Behaviour Officer Telford & Wrekin Council. These representations can be found at **Appendices D and E** respectively.
- 4.7 The Police sent a response on 17 October 2023 confirming they did not wish to make a representation. **Appendix F**.
- 4.8 Night-time Economy on behalf of Environmental Health and Trading Standards sent a response on 31 October 2023 confirming they did not wish to make a representation. **Appendix G**.
- 4.9 Health Protection sent a response on 16 October 2023 making comments on the application but confirming that this was not a representation. **Appendix H**.
- 4.10 The applicant and those who have made representations have all been invited to attend the hearing.
- 4.11 **Proposed licensable activities as stated in the application:**
- The applicant wishes to apply for the following:
- Provision of late night refreshment between the hours of 2300 and 0500 daily.
 - Sale of alcohol between the hours of 0000 and 2400 daily for consumption off the premises.
 - Hours the premises are open to the public 0000 – 2400 daily.
 - To include in Annex 2 the conditions in boxes a to e of Section 18 of the application

5.0 Alternative Options

5.1 The legal options open to the Committee are set out at section 9.

6.0 Key Risks

6.1 There is always the risk of challenge and right to appeal. However, such appeal and challenge is mitigated through robust process and compliance with necessary legislation.

7.0 Council Priorities

7.1 This report supports the following council priorities:

- Every child, young person and adult lives well in their community
- All neighbourhoods are a great place to live
- Everyone benefits from a thriving economy
- A community-focussed innovative council providing efficient, effective and quality services

8.0 Financial Implications

8.1 Compliance with statutory duties as part of the licensing function is delivered within existing budgets.

9.0 Legal and HR Implications

9.1 Section 17 of the Licensing Act 2003 allows the holder of a premises licence to apply for variation of that licence.

9.2 The Licensing Sub-Committee when determining a new application for a premises licence, pursuant to Section 18 of the Licensing Act 2003, has power to take any of the following steps (if any) as it considers appropriate for the promotion of the “licensing objectives.”

1. to grant the licence subject to—

(i) conditions modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and

(ii) any mandatory condition which must be included in the licence;

2. to exclude from the scope of the licence any of the licensable activities to which the application relates;

3. to refuse to specify a person in the licence as the premises supervisor;

4. to reject the application.

The conditions of the licence are modified if any of them are altered, omitted or any new condition is added.

9.3 The Committee is obliged to determine this application with a view to promoting the licensing objectives as defined by the Licensing Act 2003, which are:

- The prevention of crime & disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

9.4 Any action taken by the Licensing Sub Committee will be an appropriate and proportionate response. In addition, regards shall be had to guidance issued by Secretary of State under Section 182 of the Licensing Act 2003 and The Statement of Licensing Policy for Borough of Telford and Wrekin.

9.5 The Committee is also asked to note that any conditions added to the licence should be fair, transparent, consistent, enforceable, proportionate and targeted, in accordance with the 2003 Act and the Local Better Regulation Office principles of better regulation.

The proposals contained in this report can be delivered using existing resources.

10.0 Ward Implications

10.1 This report has an impact on both residents and the business making the application. The purpose of a licence is to moderate behaviour to ensure that residents have quiet enjoyment of the homes and to allow the business to operate with legal parameters.

11.0 Health, Social and Economic Implications

11.1 Licensing of certain premises and activities is important to ensure that businesses comply with licence conditions, guidance and standards set out in legislation or by government bodies.

11.2 The contents of this report is not considered to have a direct impact on the Armed Forces Duty, specific socio-economic groups or town and parish councils.

12.0 Equality and Diversity Implications

12.1 Having had regard to the council's obligations it is considered that there are no human rights or equalities implications associated with the content of this report.

13.0 Climate Change and Environmental Implications

13.1 Having had regard to the council's obligations it is considered that there are no climate change or environmental implications associated with the content of this report.

14.0 Background Papers

- 1 Licensing Act 2003
- 2 Guidance issued by Secretary of State under Section 182 of the Licensing Act 2003
- 3 The Statement of Licensing Policy for Borough of Telford & Wrekin

15.0 Appendices

- A Application
- B Location Plan
- C Internal Plan
- D Local Resident Representation
- E Anti-Social Behaviour Representation
- F Police comments
- G Night-Time Economy Comments
- H Health Protection Comments

16.0 Report Sign Off

Signed off by	Date sent	Date signed off	Initials
Legal	20/11/23	21/11/23	SH