



NOTICE OF MEETING

LICENSING SUB-COMMITTEE

MONDAY, 6 JANUARY 2020 AT 10.00 AM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Democratic Services

Email: Democratic@Portsmouthcc.gov.uk

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Committee Members Councillors Claire Udy (Chair), Scott Payter-Harris (Vice Chair), Dave Ashmore, Tom Coles, Jason Fazackarley, John Ferrett, George Fielding, Hannah Hockaday, Leo Madden, Lee Mason, Gemma New, Steve Pitt, Benedict Swann, Linda Symes and Gerald Vernon-Jackson.

The panel today consists of: Councillors Scott Payter-Harris, John Ferrett and Leo Madden (The reserve member is to be confirmed.)

(NB This agenda should be retained for future reference with the minutes of this meeting).

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Licensing Sub Committee meetings are digitally recorded.

A G E N D A

- 1 Appointment of Chair**
- 2 Declarations of Members' Interests**
- 3 Licensing Act 2003 - Application for variation of a premises licence - ASDA Wallmart Superstore, Bridge Shopping Centre, Somers Road North, Portsmouth (Pages 3 - 72)**

The purpose of the Licensing Manager's report is for the committee to consider an application for the variation of a premises licence pursuant to section 35 of the Licensing Act 2003 ("the Act").

The matter has been referred to the committee for determination following receipt of relevant representations from other person's namely local residents.

The committee is requested to determine the variation application.

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

Agenda Item 3

REPORT TO: LICENSING SUB-COMMITTEE

6th JANUARY 2020

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: DEREK STONE

Licensing Act 2003 - Application for variation of a premises licence - ASDA Walmart Superstore, Bridge Shopping Centre, Somers Road North, Portsmouth

1. PURPOSE OF REPORT

The purpose of this report is for the committee to consider an application for the variation of a premises licence pursuant to section 35 of the Licensing Act 2003 ("the Act").

The matter has been referred to the committee for determination following receipt of relevant representations from other person's namely local residents. Further detail about the representations received is shown at paragraph 4 below.

2. THE APPLICATION AND PROPOSED VARIED OPERATING SCHEDULE

The variation application has been submitted on behalf of Asda Stores Limited and relates to premises known as ASDA Walmart Superstore and situated at Bridge Shopping Centre, Somers Road North, Portsmouth.

The proposed licensable activities and/or changes to the current authorisation are as follows:

24 hour off sales of alcohol and opening, together with Late Night Refreshment 23:00 to 05:00 seven days a week.

The applicant has detailed the steps intended to support and promote the licensing objectives. These can be found in the redacted application form together with agreed conditions and the current licence attached at **appendix A**.

The updated statutory guidance¹ gives general advice about the steps to promote the licensing objectives as follows:

Paragraph 8.42 "Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate; any risk posed to the local area by the applicants' proposed licensable activities; and any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks."

¹ Revised Statutory Guidance issued by the Home Office

Paragraph 8.43 "Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy."

Paragraph 8.44 "It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application."

Paragraph 8.47 "Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises."

Paragraph 8.50 "Where a premises licence holder wishes to amend the licence, the 2003 Act in most cases permits an application to vary to be made rather than requiring an application for a new premises licence. The process to be followed will depend on the nature of the variation and its potential impact on the licensing objectives. Applications to vary can be made electronically via GOV.UK or by means of the licensing authority's own electronic facility following the procedures set out in Chapter 8 above."

3. BACKGROUND INFORMATION

The provisions relating to the variation of a premises licence are contained within part 3 of the Licensing Act 2003 and associated statutory regulations.

Public notice has been given by way of press notice, a premises notice and local ward councillors have been notified of the application. There are no germane grounds for the committee to reject the application for non-compliance with the prescribed advertising requirements.

4. REPRESENTATIONS BY RESPONSIBLE AUTHORITIES AND OTHER PERSONS

There are no representations from any of the responsible authorities with the Police agreeing conditions with the applicant. Relevant representations have been received from a number of local residents predominantly concerning noise and the potential for anti-social behaviour. These representations are attached at **appendix B**

Attached at **appendix C** is a redacted email from Planning Officer Sumner Sharp regarding the current planning conditions for the premises.

5. POLICY AND STATUTORY CONSIDERATIONS

When determining the variation application, the committee must have regard to:

- Promotion of the licensing objectives which are;
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- The Licensing Act 2003;
- The adopted Statement of Licensing Policy;
- Judgements of the High Court, (your legal adviser will give you guidance should this become necessary);
- The current statutory guidance² issued by the Home Secretary in accordance with section 182 of the Act; and
- The representations, including supporting information, presented by all the parties.

Statement of Licensing Policy

The Statement of Licensing Policy lays down a general approach to the determination of licensing applications and any such application will be considered on its individual merits. Equally, any person permitted by the Act to make relevant representations to the Committee will have those representations considered on their individual merit.

The Committee should consider the fundamental principles set out in its policy, particularly paragraphs 4.7 and 4.8 which are reproduced below:

- 4.7** *Whether or not incidents can be regarded as being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.*
- 4.8** *Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of the overall approach to the management of the evening and night-time economy in town and city centres.*

The Committee should also have regard to paragraphs 7.1 to 7.5 in relation to such circumstances where it may be appropriate to consider the imposition of conditions on a premises licence.

² Revised statutory guidance issued by the Home Office

Statutory Guidance

The updated statutory guidance issued by the Home Secretary in accordance with section 182 of the Act refers to the consideration of applications for the grant or variation of premises licences in Chapter 9.

Members may wish to consider the following extracts from the statutory guidance when determining this application:

Paragraph 9.37 "As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits".

Paragraph 9.42 "Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be."

Paragraph 9.43 "The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve."

Paragraph 9.44 "Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination."

Paragraph 10.8 *"The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations."*

Paragraph 10.9 *"It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives."*

Paragraph 10.13 *"The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application."*

Paragraph 10.14 *"Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested."*

Members are reminded about the review provisions contained in chapter 11 of the guidance and, in particular:

Paragraph 11.1 *"The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate."*

Paragraph 11.2 *"At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives."*

Determination of an application

Where an application to vary a premises licence has been made in accordance with section 34 of the Act and where relevant representations have been made, the licensing authority must hold a hearing to consider them, unless the applicant, each person who has made representations and the licensing authority agree that a hearing is unnecessary.

After having regard to the representations, the Committee may take such steps, if any, as it considers appropriate for the promotion of the licensing objectives which are:

- To modify the conditions of the licence
- To reject the whole or part of the application

And for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

In discharging its duty in accordance with the above, the Committee may vary a premises licence so that it has effect subject to different conditions in respect of:

- different parts of the premises concerned;
- different licensable activities.

Members are reminded of their obligation to give reasons for any decision(s) reached by further reference from the statutory guidance as follows:

Paragraph 13.10 "It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act."

A copy of the Statement of Licensing Policy, current statutory guidance and the Act has been supplied to each of the Members' Rooms and further copies will be available for reference at the hearing.

6. APPEALS

Schedule 5, part 1, of the Act sets out the appeal provisions in relation to the determination of an application to vary a premises licence.

Where the Licensing Authority rejects (in whole or in part) an application, the applicant may appeal against the decision to the Magistrates' Court.

Should the committee grant (in whole or in part) an application, the applicant may appeal against any decision to modify the conditions of the licence.

Where a person who made relevant representations in relation to the application contends that:

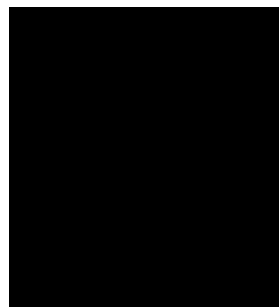
- a) that any variation made ought not to have been made, or
- b) that, on varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under section 4(a) of that section,

He may appeal against the decision.

7. APPENDICES

- A.** Copy of the redacted application for the variation of the premises licence together with operating schedule and current premises licence.
- B.** Copy of the redacted representations received.
- C.** Copy email re current planning permission for premises.

THE COMMITTEE IS REQUESTED TO DETERMINE THE VARIATION APPLICATION



For Licensing Manager
And on behalf of Head of Service

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Portsmouth
Application to vary a premises licence
Licensing Act 2003

For help contact
Licensing@portsmouthcc.gov.uk
 Telephone: 023 9283 4073

* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

MCJJB 84773.13511

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

ASDA STORES LIMITED

* Family name

ASDA STORES LIMITED

* E-mail

JANET_BRAITHWAITE@GOSSCHALKS.CO.UK

Main telephone number

01482 324252

Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- ☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

00464777

Business name

ASDA STORES LIMITED

If the applicant's business is registered, use its registered name.

VAT number

GB

[REDACTED]

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? ☐ Yes ☒ No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? ☐ Yes ☒ No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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APPLICATION DETAILS

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.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

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VARIATION

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

☒ Yes

☐ No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?

☐ Yes

☒ No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

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.

1. TO VARY THE HOURS FOR THE SALE BY RETAIL OF ALCOHOL TO 00.00 TO 24.00 HOURS MONDAY TO SUNDAY.
2. TO PERMIT LATE HOURS REFRESHMENT FROM 00.00 TO 05.00 HOURS MONDAY TO SUNDAY.
3. TO REMOVE CONDITIONS
4. TO ADD CONDITIONS.

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PROVISION OF PLAYS

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to
vary is successful?

☐ Yes

☒ No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to
vary is successful?

☐ Yes

☒ No

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PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes

☒ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes

☒ No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes

☒ No

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PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☐ Yes

☒ No

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes

☒ No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes

☒ No

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PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

☐ Indoors ☐ Outdoors ☒ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State 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.

Continued from previous page...

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

☐ On the premises ☒ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide 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 etc gambling machines etc.

NONE

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

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

01. ALCOHOL SHALL NOT BE SOLD IN AN OPEN CONTAINER OR CONSUMED IN THE LICENSED PREMISES.
02. IN ACCORDANCE WITH PARAGRAPHS 6 (8) AND 18(5) OF SCHEDULE 8 OF THE LICENSING ACT 2003 THE LICENCE HOLDER SHALL HAVE REGARD TO THE STATUTORY PROVISIONS CONTAINED WITHIN THE CHILDREN AND YOUNG PERSONS ACT 1933 (AS AMENDED).

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

SEE ATTACHED SCHEDULE

b) The prevention of crime and disorder

SEE ATTACHED SCHEDULE

c) Public safety

SEE ATTACHED SCHEDULE

d) The prevention of public nuisance

SEE ATTACHED SCHEDULE

e) The protection of children from harm

Continued from previous page...

SEE ATTACHED SCHEUDLE

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NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

DECLARATION

1

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the

Continued from previous page...

* licensing act 2003, to make a false statement in or in connection with this application.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

[Add another signatory](#)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/portsmouth/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed ☐

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

Appendix A

ASDA

11 THE BRIDGE SHOPPING CENTRE

SOMERS ROAD NORTH PORTSMOUTH PO11SL

CONDITIONS TO BE ADDED

1. The CCTV system must be fully operational whilst the venue is open to the public. The recording equipment shall be stored and operated in a secure environment with limited access. The system shall be regularly maintained and serviced. The system clock shall be checked regularly for accuracy taking account of GMT and BST. Digital systems shall have sufficient storage capacity for 31 days good quality pictures. The images produced will be date and time stamped.
2. At all times that the premises is open for trade a person shall be on site that is able to work the CCTV system and provide a copy of any footage to the Police or officers of the Licensing Authority on request.
3. CCTV shall cover the full licensable area excluding toilets and including the entrance to the premises.
4. All staff involved in the sale of alcohol must receive comprehensive training in relation to the sale of alcohol. No member of staff shall be permitted to sell alcohol until such time as they have successfully completed this training. Training shall cover:

Sale of alcohol to persons under 18

Challenge 25 and acceptable forms of identification

Signs of Drunkenness

Refusal register and when/how to use

The Licensing Objectives

This training shall be documented and records kept on the premises. Police and the Licensing Authority shall have access to an individual's training records upon request.

5. Any persons appearing to those engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol will be required to produce satisfactory photographic identification as proof of age. Acceptable ID shall be as per the latest Home Office guidance.
6. Challenge 25 signage shall be positioned prominently at each point of sale and in areas where alcohol is stored for selection.
7. A refusals register in paper or digital format shall be kept and maintained at the premises. The register shall be made available for inspection upon request by an authorised officer of the Police or Local Authority.
8. No beers, lagers or ciders over 6.5% ABV shall be sold by retail in plastic or metal containers excluding products designated as craft or artisan products.

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Premises Licence Number
16/04308/LAPRMV



Portsmouth
CITY COUNCIL

PREMISES LICENCE

Licensing Act 2003

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description	
Address: ASDA Wallmart Superstore Bridge Shopping Centre Somers Road North Portsmouth PO1 1SL	Map Ref (E) : 465015 Map Ref (N): 100287 UPRN: 001775073990
Telephone 9284 1800	

Where the licence is time limited the dates
This licence is NOT time limited

Licensable activities authorised by the licence
► Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities
► Sale by retail of alcohol Sunday 10:00 until 22:30 Monday to Saturday 07:00 until 23:00

The opening hours of the premises
Not applicable

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence	
Name: Asda Stores Limited Address: Asda House Great Wilson Street Leeds LS1 5AD	Telephone: [REDACTED] Email:

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

Name: Mr Dean Glasspool

Address:

Telephone:

Email:

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

Personal Licence No:

Issuing Authority: Southampton City Council

Granted by Portsmouth City Council, as licensing authority pursuant to the Licensing Act 2003 as amended and regulations made thereunder

Date Licence granted: 17 October 2005

Date last amended: 10 December 2016

Type: Variation



Signed on behalf of the Head of Service
(Authorised Officer)

Portsmouth City Council is committed to complying with the Freedom of Information Act 2000 (FOIA) which applies to all recorded information that it holds or is held on its behalf. Information that is provided to or held by the City Council will be processed and disclosed strictly in accordance with the FOIA, the Data Protection Act 1998 or other appropriate legislation.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information go to www.portsmouth.gov.uk and search for 'National Fraud Initiative'.

Annex 1 – Mandatory Conditions

01 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/her personal licence is suspended.

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

03 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either:

- (a) a holographic mark, or
- (b) an ultraviolet feature.

04 (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

- (2) For the purposes of the condition set out in paragraph 1
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

where -

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

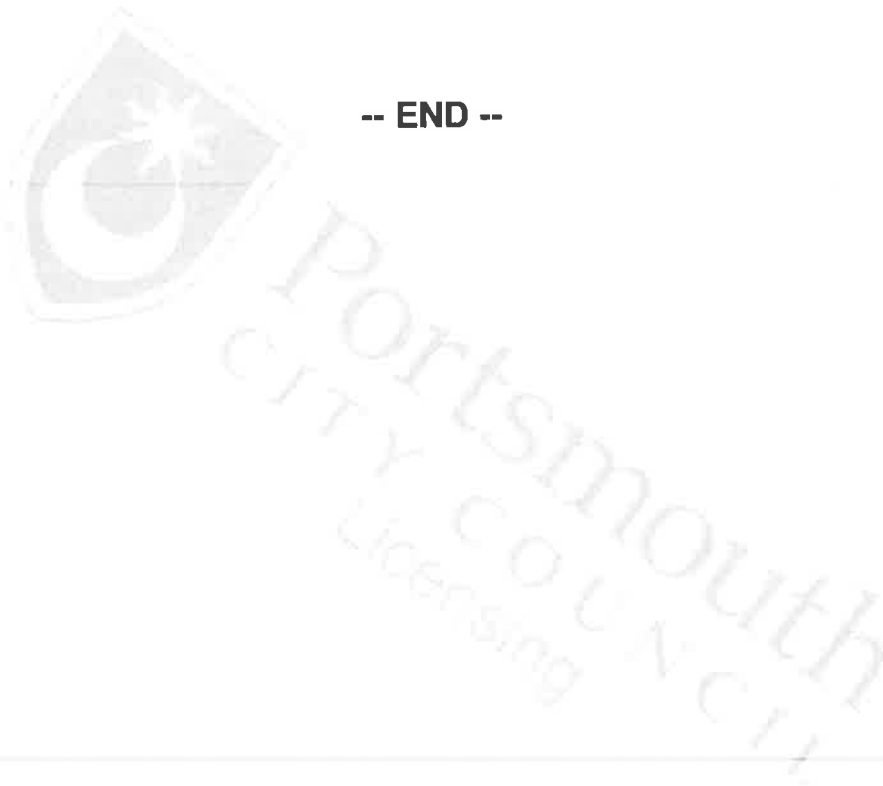
-- END --

Annex 2 – Conditions consistent with the operating schedule

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

02 In accordance with paragraphs 6(8) and 18 (5) of Schedule 8 of the Licensing Act 2003, the licence holder shall have regard to the statutory provisions contained within the Children and Young Persons Act 1933 (as amended).

-- END --



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

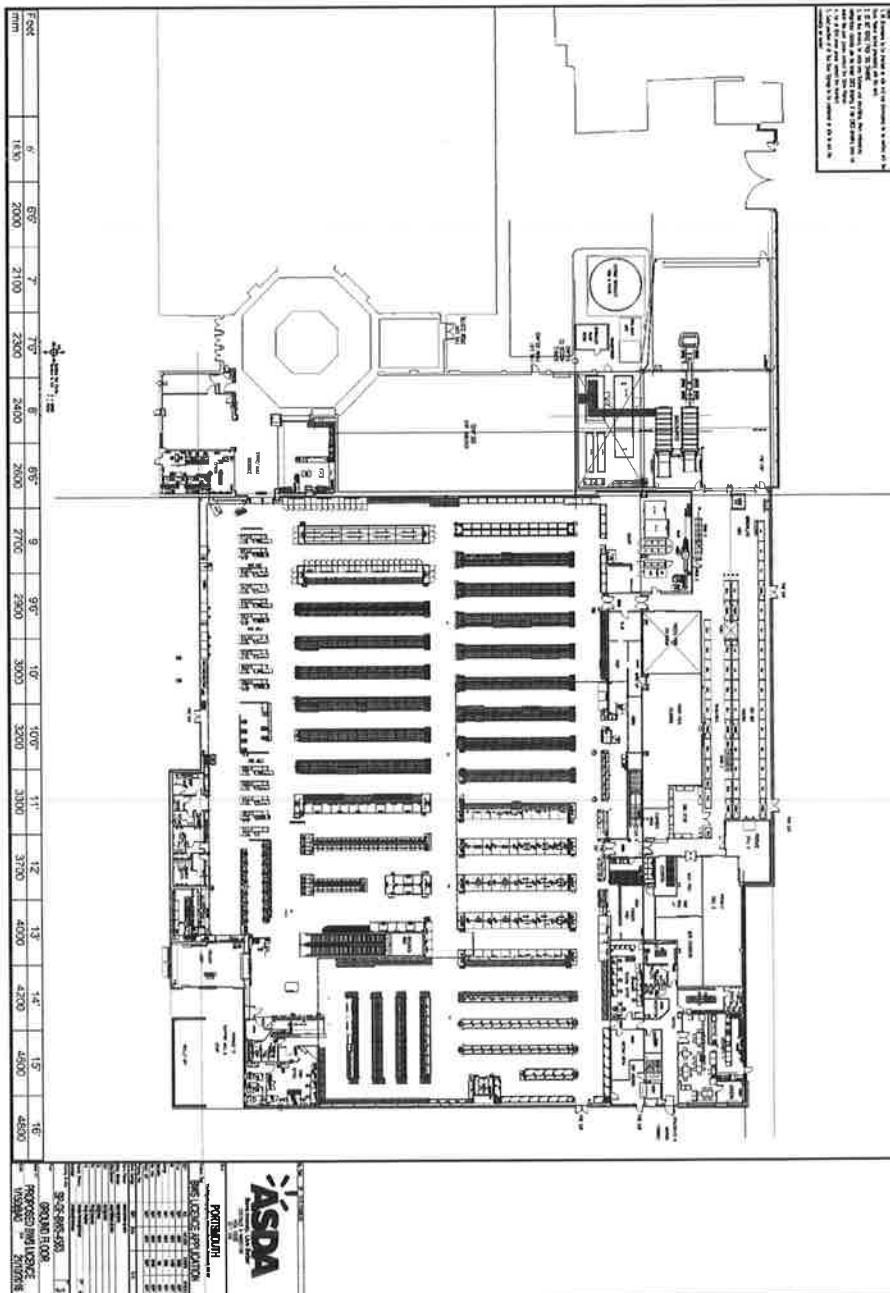
-- END --



Annex 4 – Premises and location plan

Premises Plan(s)

These will either be shown below or attached as a separate part of the premises licence authorisation.



Location Plan: Bridge Shopping Centre Somers Road North



REPRODUCED FROM THE ORDNANCE SURVEY MAPPING WITH PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE © CROWN COPYRIGHT. UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS. LICENCE AGREEMENT NUMBER LA100019671- PORTSMOUTH CITY COUNCIL

Appendix B

Stone, Derek

From: Licensing Shared Email
Sent: 21 October 2019 13:42
To: Tim Barrow
Subject: RE: 19/03898/LAPREM

Dear Mr Barrow

The hours of opening and closing do not have to go on the public notice. If the application is granted 24 hours for the sale of alcohol the premises will also open 24 hours. If the application is refused then the hours will stay as existing.

Regards.

Debbie Robson
Senior Licensing Officer
Directorate of Culture, Leisure and Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL



www.portsmouth.gov.uk

From: Tim Barrow [REDACTED]
Sent: 21 October 2019 13:25
To: Licensing Shared Email
Subject: Ref: 19/03898/LAPREM

Dear Sir or Madam

I have a query regarding the current application made by ASDA, Bridge Shopping Centre, in Fratton to vary their premises licence, Ref: 19/03898/LAPREM. The public notices which are on display state that the application is to vary the times at which alcohol can be sold, and late night refreshment.

In Section 15 of 18: Hours Premises Are Open To The Public, the application states 00:00 to 24 hours Monday to Sunday. These times do not correspond with the current opening times, so are these times going to be when ASDA propose to stay open for general retail shopping, or do they refer solely to times when ASDA proposes to sell alcohol and late night refreshment? If these are to be new store opening times this has not been made clear on the public notices, only information concerning licensing variation and late night refreshment.

Also, Sunday trading laws state that large retail premises cannot open for more than 6 consecutive hours between 10am and 6pm.

Yours sincerely

Timothy Barrow.

E mail: [REDACTED]

Appendix B

Stone, Derek

From: Tim Barrow [REDACTED]
Sent: 05 November 2019 16:00
To: Robson, Debra
Subject: Re: 19/03898/LAPREM

Dear Debbie

My postal address is:

28 Garnier Street
Portsmouth
PO1 1PD.

Regards

Tim Barrow

On Tuesday, 5 November 2019, 10:13:58 GMT, Robson, Debra [REDACTED] wrote:

Dear Timothy

In order for me to accept your representation as valid can I have your full postal address.

Thanks.

Debbie Robson

Senior Licensing Officer

Directorate of Culture, Leisure and Regulatory Services

Portsmouth City Council

Civic Offices

Guildhall Square

Portsmouth

PO1 2AL

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

www.portsmouth.gov.uk

From: Tim Barrow [REDACTED]
Sent: 02 November 2019 05:04
To: Licensing Shared Email
Subject: Ref: 19/03898/LAPREM

Dear Ms Robson

I am objecting to the application for ASDA to have 24 hour opening in connection with their current application to vary their Late Night Refreshment, and Supply of Alcohol. As a resident of Garnier Street my main concerns are noise at night time, and that having a 24 hour supermarket is not appropriate in a residential area.

Also, in Section 13 of 18 the application includes Sunday opening from 0000 to 2400 which goes against Sunday trading legislation.

Yours sincerely

Timothy Barrow

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Appendix B

Written representation (ZC) removed by request (on 13 July 2020).

Appendix B

Stone, Derek

From: Mark [REDACTED]
Sent: 05 November 2019 10:31
To: Robson, Debra
Subject: RE: Fratton Asda licensing.

Good Morning Debbie,

Address as requested

13 Garnier Street
Fratton
Portsmouth
PO1 1PD

Kind regards
Mark Curtis

Sent from [Mail](#) for Windows 10

From: [Robson, Debra](#)
Sent: 05 November 2019 10:29
To: [mcurtis](#) [REDACTED]
Subject: RE: Fratton Asda licensing.

Dear Mark

In order for me to accept your representation as valid can I have your full postal address.

Thanks.

Debbie Robson
Senior Licensing Officer
Directorate of Culture, Leisure and Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

[REDACTED]
[REDACTED]
www.portsmouth.gov.uk

From: Licensing Shared Email
Sent: 04 November 2019 08:43
To: Robson, Debra
Subject: FW: Fratton Asda licensing.
Importance: High

From: Mark Curtis [REDACTED]
Sent: 02 November 2019 12:36
To: Licensing Shared Email
Cc: Corkery, Cal (Cllr)
Subject: Fratton Asda licensing.

Dear Sir/Madam,

I would like to raise objections to Asda Fratton having a 24 hour alcohol license. Whilst I have minor reservations about Asda becoming a 24 hour store I strongly believe that an increase in hours of alcohol availability will have a negative impact on the neighbourhood.

If Asda is to be granted increased opening hours the pedestrian gate at the Southern end of Garnier Street should be closed at 10pm with CCTV coverage. I would also ask that parking for non permitted vehicles should be 20 minutes maximum. Asda carpark has ample spaces and local residents (who pay to park) should not have to search surrounding streets when they return home.

Yours sincerely
Mark Curtis
Garnier Street.

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Appendix C



Mrs Vera Davies.
23 Garnier st
PO11PD.

21 /10/29.

LICENSING APPLICATION/1903898/LAPRM.

As a resident of Garnier st I wish to object to the application of Asda for 24 hours
We will once again bear the brunt of the mayhem that the availability of alcohol brings, there is no need for a 24 hour availability of alcohol, frampton is a low income /working class/ benefits area, I doubt whether the financial climate would support this , and again I wish to ask what would be the purpose of the gate that the residents fought and paid so hard for to eliminate the constant footfall and noise we were inundated with and the damage to our cars and the mess which was a major problem, that I assume would never be shut if the store is open,

It serves a major purpose and since its installing had alleviated a lot of the problems mentioned are we again to be put second to profits!! I along with Mrs. Stone feel they should concentrate on filling the empty shops in the center .

PLEASE REJECT THIS ,We would like our rights to a peaceful life protected and this should take priority over profits.



MRS VERA DAVIES
MR. HARRY DAVIES



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Appendix B

Stone, Derek

From: Robson, Debra
Sent: 31 October 2019 10:24
To: Robson, Debra
Subject: FW: Objection to Resubmitted 24 hour licensing at ASDA

From: Robson, Debra
Sent: 31 October 2019 08:30
To: Robson, Debra [REDACTED]
Subject: FW: Objection to Resubmitted 24 hour licensing at ASDA

From: Robson, Debra
Sent: 25 October 2019 15:06
To: Robson, Debra
Subject: FW: Objection to Resubmitted 24 hour licensing at ASDA

From: joy fryatt [REDACTED]
Sent: 25 October 2019 14:11
To: Licensing Shared Email
Subject: Objection to Resubmitted 24 hour licensing at ASDA

We live in Garnier Street which backs onto ASDA and do not want to have to put up with the noise from traffic, coming and going. Also we **do not** want the gate at the end of our road to remain open again after 11pm. It was put their to stop people going and coming and making a lot of noise in our road singing and shouting in the early hours of the morning and damaging property and cars.

My husband and I are Senior Citizens ([REDACTED]) [REDACTED]
[REDACTED]

Yours sincerely,

Derek and Joy Fryatt
48 Garnier Street,
Fratton.
[REDACTED]

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Appendix B

Stone, Derek

From: Licensing Shared Email
Sent: 05 November 2019 15:20
To: Robson, Debra
Subject: FW: ASDA, FRATTON PO1 1PD - APPLICATION FOR 24 HOUR OPENING

Importance: High

From: Vicky Godley [REDACTED]
Sent: 05 November 2019 14:48
To: Licensing Shared Email
Cc: force.licensing@hampshire.pnn.police.uk
Subject: ASDA, FRATTON PO1 1PD - APPLICATION FOR 24 HOUR OPENING

I am a resident of Garnier Street, PO1 1PD and wish to register my opposition to the application for 24 hour opening from Asda store in Fratton, PO1 1PD.

The noise levels from alarms, trolleys, deliveries, maintenance and customers parking in Garnier Street and Asda car park, along with anti-social behaviour are already a problem from approximately 6am to 12am. 24 hour opening will exacerbate these problems causing further distress to the residents. The local community should not be subjected to all day and all night disturbance and stress. The sale of alcohol will further increase anti-social, violent behaviour, along with security issues for the residents in Garnier Street and the surrounding area if this license is granted.

A steel gate was installed 10 years ago (leading to Asda car park) at the west end of Garnier Street because of serious anti-social and violent, criminal behaviour due to customers walking through Garnier Street to a 24 hour shop selling alcohol in Fratton Road and the possibility of the gates remaining open constantly is of great concern to the community in Garnier Street.

I appreciate that 24 hour opening for stores out of town centres may be appropriate but certainly not within a highly populated residential area.

I objected, along with many other concerned residents, to Asda's application on 24.10.18 and was astounded to find that, even though their application had apparently 'failed', Asda was opening during the Christmas 2018 period for 24 hours! I subsequently complained to Asda Head Office but received no response. Asda may wish to concentrate on profit over people, which will have a detrimental effect on the citizens of Fratton, but I feel that they have a responsibility to protect residents from the potential increase in anti-social behaviour and other alcohol related crime.

the residents have the full support, against this license being granted, of our PCC councillor for Charles Dickens ward, Cal Corkery and I request that you take into consideration my/our concerns for the well-being of the community and refuse the application from Asda for 24 hour opening.

Yours sincerely

Victoria Godley
26 Garnier Street
Fratton
Portsmouth PO1 1PD





51 Garnier St
Fratton
Portsmouth PO1 1PD

I am writing to object to Asda, Frattons, application to extend their alcohol license to 24 hours.

This is a residential area which has suffered in the past from having a shop which served alcohol 24 hours a day. I do understand that Asda will have security but I fail to see why they feel the need to sell alcohol all night.

If this license is granted I hope that the gate, leading through to Garnier Street, continues to be locked before 11pm! at least this will keep any noise or problems in our residential street late at night to a minimum,

[REDACTED]
(MRS L.E. HARRIS)

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Appendix B

54 Garnier St,
Fratton
Po11pd.

Licensing application/1903898/LAPRM.

To Whom it may concern.

As a resident of Garnier st, I wish to present **my objection** to the application for a 24 hour trading license.

It would have an impact on my home and the environment and would be very unpleasant to again bear the brunt of **antisocial behavior**, as we have been in the past.

Please **respect our rights** to a peaceful enjoyment of our homes and environment.

And reject this application.



FATEMA ISLAM



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Appendix B

Stone, Derek

From: Robson, Debra
Sent: 21 November 2019 09:43
To: jamie [REDACTED]
Subject: RE: asda 42 hour alcohol sales

Dear Jamie

In order for me to accept your representation as valid can I have full postal address.

Thanks.

Debbie Robson
Senior Licensing Officer
Directorate of Culture, Leisure and Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL



www.portsmouth.gov.uk

From: Licensing Shared Email [REDACTED]
Sent: 21 November 2019 08:04
To: Robson, Debra [REDACTED]
Subject: FW: asda 42 hour alcohol sales
Importance: High

From: jamie mcdonagh [REDACTED]
Sent: 20 November 2019 19:50
To: Licensing Shared Email
Subject: asda 42 hour alcohol sales

Dear p.c.c I am a resident of garnier street and I strongly object to asda wanting to open 24 /7 to sell alcohol this will mean an increase in anti social behaviour if pcc are committed to reducing a s b activity then do not allow this to happen ,it has no benefit to the local community

Sent from [Mail](#) for Windows 10

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Appendix B

Stone, Derek

From: Robson, Debra
Sent: 08 November 2019 12:52
To: Robson, Debra
Subject: FW: Asda Fratton extended opening hours

Importance: High

-----Original Message-----

From: sharon miller [REDACTED]
Sent: 06 November 2019 09:03
To: Licensing Shared Email
Subject: Asda Fratton extended opening hours

Good morning ,

As a Garnier street resident of over 30 years .

I am contacting you to express my extreme concern at the re submission of the planning application by Asda in Fratton road to grant them 24 hour opening .

This is a RESIDENTIAL area and my concern is that after many many months of our campaigning to get the one stop shop alcohol license restricted , and having the public telephone box finally removed which was being used as a drug dealers phone box AND then finally getting a gate in situ from Garnier street to Asda car park . All of that work to finally get some peace at night will be undone if this license is granted .

There is absolutely no requirement for a 24 hour supermarket in what is largely an area rife with anti social behaviour , this will just go to create more unlawful activity .

It will become a meeting place for drug dealers at night , Garnier street will once again become a rat run (a regular occurrence was having the wing mirrors kicked off of our cars) , it will be used as a parking area for shoppers who cannot be bothered to use the car park (believe me it happens all the time) thus keeping residents awake , and , sorely testing the patience of Garnier street residents who are charged £30.00 per year for the privilege of not being able to park in our own street !

We do not need this !

Please forward this email as an objection to this license .

Yours faithfully
Mrs Sharon Miller
3 Garnier St
Po1 1pd

Sent from my iPad

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Appendix B

Stone, Derek

From: Robson, Debra
Sent: 31 October 2019 10:24
To: Robson, Debra
Subject: FW: Opposing of Asda 24-hour license

From: Susan Spencer [REDACTED]
Sent: 28 October 2019 12:39
To: Robson, Debra
Subject: RE: Opposing of Asda 24-hour license

Ms S Spencer 62 Garnier St Fratton Portsmouth PO1 1PD

On 28 Oct 2019 10:26, "Robson, Debra" [REDACTED] wrote:

Dear Ms Spencer

I am in receipt of your representation in order for me to accept this as valid can you email me your full postal address.

Thanks.

Debbie Robson

Senior Licensing Officer

Directorate of Culture, Leisure and Regulatory Services

Portsmouth City Council

Civic Offices

Guildhall Square

Portsmouth

PO1 2AL

T: 023 9283 4607

[REDACTED]

[REDACTED]

E: [REDACTED]

www.portsmouth.gov.uk

From: Susan Spencer [REDACTED]
Sent: 23 October 2019 16:22
To: Licensing Shared Email
Subject: Opposing of Asda 24-hour license

I strongly oppose the planning application for the fratton Asda opening 24hours.

We are residents of Garnier Street and my back wall is asdas wall. The only respite we get at present is when the shop cannot open on Easter sunday. On every other day we have to listen to car doors slamming, children screaming, car alarms going off and the sound of the trolleys.

As this is a residential area this would be unfair for the residents in the immediate proximity.

Kind regards

A Concerned resident

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Planning application/1903898/LAPRM
LICENSING



Mrs. Marian Stone.
21 Garnier st
Fratton
po11pd.

20/10/2019.



To whom it may concern.

I am a resident of Garnier st, this runs adjacent to Asda Superstore.

I wish to strongly object to the new resubmitted ^{licensing} planning application. Or new and longer opening hours primarily to sell alcohol.

The residents who live around and side by side to this store are a captive audience, we have no control over the amount of people /cars and footfall to this store already, we are already used as a car park for Asda customers who park in our road, it seems the consensus is that you will not get a ticket in this street and the residents parking is a nonsense and taken no notice of, the sign at the junction of Muirfield rd. gives the impression there is access to Asda which there isn't, it being a one way street but as they arrive in the street to find they cannot ,they simply park in our street and for ;longer than the permitted 2hours mostly. We also were active some years ago as a residents association to curtail the license for the Best one store who at that time was a 24hr shop and a magnet for antisocial behavior, our lives were disrupted every night by these problems which come from drunken activities and as a result of alcohol being available, we also campaigned to have the gate installed to stop the footfall and behavior issues, that has helped a great deal, so I would ask what will happen with that?, there was an agreement drawn up with Asda and the city council regarding when it was open and when it should be closed, will that still be honored.? Would Asda justify why they see the need for a 24 hour opening, Fratton is a **community of local working people** we are not partying 24 hours a day so why would we need to shop or purchase alcohol? So this would **benefit the few at the cost to the many** I doubt if the financial climate in Fratton would support this ,so it seems to be to attract a wider audience, which as soon as it is known, would,

It seems once again profit is again the **driving force for this application** and peoples right to a peaceful life to enjoy their homes is **once more a second place consideration**, this is not right it cannot be that **profits are more important** or **should supersede those rights**, let **Asda justify this** action and for **what real reason, if not for profit'**!! Perhaps they could more effort into filling the empty

shops that are in the bridge Centre instead, which is not a good look for a shopping Centre instead of trying to **garner more profit** this way, I have no doubts that the traffic and subsequent noise will increase in the street and in hours when most people are asleep or retiring for the night, we will again be inundated with people going up and down the road and all for the sake of buying alcohol!! Most normal people do not do food shopping in the middle of the night, so I feel this application should be rejected, it will be the only store apart from best one open during the night and so will attract customers whether on foot or car, it will become a magnet again for antisocial

Behavior, it is naive not to connect alcohol with antisocial behavior. We have been down this road before and I would say it is discriminatory in that it takes **no regard to our rights**, Asda are not known for caring about the people who live on their doorstep. And as I say we are a captive audience.

We do not wish to live in fear and be anxious about our environment as we proved **ALCOHOL = ANTISOCIAL BEHAVIOR**. Why should we again bear the brunt of the mayhem it creates, we all know our policemen are thin on the ground so it would be an increased pressure on the police who cannot attend as they are too short on staff now, so where does that leave us it is a real problem and certainly no confidence we will be able to access help should we need it

So on the grounds of residents objections which come not from fanciful imagination but from experience, **prevention is better than cure**, and with the supervisory staff in the store I have no doubt it will also be a target for youngsters to obtain alcohol, I have experience of this also, everyday there are issues, myself being the victim of one, Asda has a sloping shoulders response to **any and all** complaints, so as long as the money keeps on being spent that's all they care about, I've no confidence they will be able to **police the public** and their behavior **in and around our homes**, they will expect the non existing police to do that so we are between a rock and a hard place, seemingly not important.

Please give this objection the **due diligence** it deserves and perhaps think about how **you all would feel** if it was on your doorstep, we have lived this before it is extremely unfair and not nice to have your life impacted for profit.

I am also confident having lived in Garnier st for 38 years I know the climate and the impact this has on our environment and our homes, that as a result of the longer hours being granted, this will mean that the **Best one store in Fratton rd. who currently are only allowed to serve alcohol till 2am**(a recent change) would then apply for his 24hour license to be reinstated as competition would impact his business he currently is the only available shop in Fratton to buy

alcohol.so please **deny** this application on not only for prevention of **crime and antisocial behavior, but to take regard to our rights** to enjoy our homes and environment.



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Appendix B

Stone, Derek

From: Robson, Debra
Sent: 31 October 2019 10:23
To: Robson, Debra
Subject: FW: Objection

Importance: High

From: Andrew Swains [REDACTED]
Sent: 30 October 2019 18:07
To: Licensing Shared Email
Subject: Objection

Dear Debby

I am objecting to licensing 19/03898/LAPEREM Asda Bridge shopping Centre PO1 1SL

On the grounds that extending the hours of alcohol sales will

1. increase the related noise and nuisance
2. Upset the balance of a residential area

Regards

Andrew Swains
266 Somers road north
Portsmouth
PO1 1PL

Regards

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T. Morgan.
10 GARNIER ST,
Fratton
Portsmouth.
PO1-1PD.

24-11-2019.

To The Licensing Manager,

I would like to strongly object to the proposed Variations of License For Fratton ASDA Bridge Centre. to enable 24 hour shopping and the Increased Sale of Alcohol.

As a long standing Resident of Garnier St which "back's on to ASDA's I am Very Concerned For the Potential again for,

- 1) Anti-Social Behaviour
- 2) Noise Pollution in the Early-Hours
- 3) PARKING Issues. (Not all ASDA shoppers use ASDA CarPark) and Park in Garnier Street & other Roads Close-By.

I feel very strongly that there should not be a 24hr Opening Super-Market within a Residential Built up Area.

Garnier Street has a Long-History of ASB. Some years ago due to "Late-Sales of Alcohol"

And Garner Street Formed a Residents Association of which I was the chairperson.

As a Association we opposed another shop's application for a 24hr license to "Sell-Alcohol" & were successful in stopping this application with support from P.C.C. Community Safety Team & the Police.

I feel that if ASDAS Application was successful that it would open the Flood-Gates for other shops to apply again for a 24hr License.

I Therefore strongly oppose this application on the above Grounds & think again the shop is putting "Profit before People" & hope that these objections are taken seriously. In the past ASDA have been very fair in maintaining the Gate after "closing" which was put in place approx 9 years ago & reduced the A.S.B within Garner St & the Crime figures for the area.

Yours Sincerely. Mr. [REDACTED]

04/11/19

Garnier Street

Fratton

Portsmouth

Hampshire

PO11PD



Your reference: 18/01984NOC

Sent by Recorded Delivery Reference: N/A

Dear Sir/ Madam,

I am extremely unhappy with the licence application / variation by Asda, to open 24 hours a day, thus increasing shop hours. I am unaware if the application will also allow the sale of alcohol for consumption off the premises for these hours. I believe I can bring complaint for various reasons.

1. The prevention of public nuisance. The noise from people in the street is an issue, and I note it even though I suffer from deafness, even with my double glazed windows closed. In the summer many people wish to leave their windows open, but this is not possible with the noise and bad language from drunken idiots walking by and urinating in the street. Often I have to pick up discarded half empty cans, and bottles that have been left around. I do so to stop children who should not have access to alcohol from drinking it. I do not wish litter to increase, or to have to contact the council to up their cleaning regime, at their, and inevitably my expense via the Council tax! The resultant noise and traffic of people is would not be fair on locals who live in the area, as many purchasers will be from other areas in the city. We will have more drunken idiots in the street, with the lure of Asdas cheap food, probably racing their trolleys up and down the road. We don't need it, we don't want it, please respect our wishes.

2. Public safety

I don't know if I'm getting older, but I seem to notice such things so much more now, than when I first moved in. I am not the only one unhappy with this application, and social issues in the area. I do not wish to feel uncomfortable in the street, or placed in a position where I feel it would be against my civic duty to walk on by and do nothing.

If Asda are allowed this, then other local businesses will follow suit. I don't see how the others could fairly be refused, if Asda are allowed any additional hours to sell.

I have lost a lot of faith with the council, as I was informed that a parking sign would be dealt with in the 2019 year, but has not, and it is unlikely that it will. This is disappointing as after countless letters and E-mails to the council, local councillors and politicians, absolutely nothing has changed. A change of signage was all that was asked for. Please do not allow or give them the permission for Asda to have their way, to the detriment of locals, most of whom have effectively just given up!

I don't leave my name, as I am untrustworthy of details placed on the internet by the council, but I assure you that I have lived in Garnier street for many years.

Yours Faithfully

Local resident of Garnier street

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Appendix B

Stone, Derek

From: Robson, Debra
Sent: 14 November 2019 10:46
To: Robson, Debra
Subject: FW: Asda 24 hour opening

From: Robson, Debra [REDACTED]
Sent: 08 November 2019 17:52
To: [REDACTED]
Subject: FW: Asda 24 hour opening

Dear Marion

You may not have seen my email but just to say that I do need your address in order for me to accept your representation.

However if you do not want to disclose your address I do have other representations so the application will be referred to a Hearing for the councillors to determine.

Thank you and regards.

Debbie Robson
Licensing

From: Robson, Debra
Sent: 05 November 2019 10:32
To: [mwilson](#) [REDACTED]
Subject: RE: Asda 24 hour opening

Dear Marion

In order for me to accept your representation as valid can I have your full postal address.

Thanks.

Debbie Robson
Senior Licensing Officer
Directorate of Culture, Leisure and Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

[REDACTED]

From: Licensing Shared Email
Sent: 04 November 2019 08:44
To: Robson, Debra
Subject: FW: Asda 24 hour opening
Importance: High

From: marion wilson [REDACTED]
Sent: 03 November 2019 18:00
To: Licensing Shared Email
Subject: Asda 24 hour opening

Hello

As a resident of Garnier Street I strongly object to the 24 hour opening times. I feel this will have an impact on all the residents either side of Asda, as in the noise from trollies, cars, car doors slamming and people shouting.

I'm not sure what the time limit on selling alcohol is but as the Garnier Street residents fought for, firstly Best One 24 hour shop to have their alcohol license cut to midnight and secondly a gate to be put up at the archway. The reason for this was because we had so much damage done to cars and property and beer bottles and beer cans either thrown into people's forecourts or left in the street.

I really strongly believe that this will bring back problems we fought long and hard to get rid of, and I'm sure all the other residents feel the same, including the those in Somers Road North.

So please show some consideration for everybody that lives here.

Thank you.

Marion Wilson.

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Appendix C

Stone, Derek

From: Robson, Debra
Sent: 15 October 2019 10:19
To: Sharpe, Summer
Subject: RE: Application to vary premises licence - Asda, Bridge Centre, Somers Road

Hi Summer

Thank you for your email. I am aware that there is no planning permission, they applied last year/early this year and they withdraw the application because of planning. I don't know why they are applying again.

Thank you.

Debbie

From: Sharpe, Summer
Sent: 14 October 2019 18:07
To: Robson, Debra
Subject: RE: Application to vary premises licence - Asda, Bridge Centre, Somers Road

Dear Debbie

Thanks for consulting planning regarding the above.

I would like to advise that currently there is a planning condition which restricts the operating hours of the commercial unit. Planning application referenced "08/00706/VOC" permitted the following "Vary Condition 8 of planning permission A*37315/AA to increase the opening hours to 7am to 11pm Monday to Saturday and 10am to 6pm on Sundays".

The wording of the restrictive condition reads:

The retail development shall be closed to and vacated by the public outside the hours of 7am to 11pm Monday to Saturday and 10am to 6pm on Sunday.

Please see further relevant planning history below;


- 08/01634/VOC
Application for variation of condition 9 of application reference A*37315/AA to allow delivery times between 6am and 10pm Monday to Saturday
- 18/01984/VOC
Application to vary condition 1 of planning permission 08/00706/VOC where the retail development shall be closed to and vacated by the public outside the hours of 7am to 11 pm Monday to Saturday and 10am to 6pm on Sunday, except for the period from 17th December to 24th December annually where 24 hour trading is permitted

Given the above, I would advise that planning permission would be required to vary the operating hours condition in order to facilitate 24 hour trading/ sale of alcohol.

Kind Regards

Summer Sharpe

Planning Officer
Planning & Economic Growth
Department of Regeneration
Civic Offices
Guildhall Square
Portsmouth PO1 2AV



From: Robson, Debra

Sent: 11 October 2019 10:10

To: alcohol@homeoffice.gsi.gov.uk; Anderson-Weaver, Robert; Ellam, Jason; Fire Officer (csprotection.admin@hantsfire.gov.uk); force.licensing@hampshire.pnn.police.uk; Greaves, Tracey; Humphreys, Nickii; Planning CHD Referrals (CPL); PSCP; Public Health Admin; Public Protection; Rackham, Pete; Robson, Debra; Stone, Derek; Trading Standards; Walker, Emma

Cc: Morgan, Stephen (Cllr); Udy, Claire (Cllr); Corkery, Cal (Cllr)

Subject: Application to vary premises licence - Asda, Bridge Centre, Somers Road

Good morning

Please find attached application to vary the premises licence for Asda. The variation is to permit the sale of alcohol Monday to Sunday for 24 hours.

Any representations by 7 November 2019.

Jason can you check the public notice uniform ref: 19/03898/LAPREM, thanks.

Regards.

Debbie Robson
Senior Licensing Officer
Directorate of Culture, Leisure and Regulatory Services
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

T: 023 9283 4607

