

**Meeting** Licensing Committee  
**Portfolio Area** Environment & Performance  
**Date** 14 June 2024

**APPLICATION FOR THE GRANT OF PREMISES LICENCE – ASDA EXPRESS,  
BROADWATER CRESCENT, STEVENAGE SG2 8EH.**

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**1 PURPOSE**

- 1.1 To determine an application for the Grant of a Premises Licence for Asda Express, PFS Broadwater, Broadwater Crescent, Stevenage, Herts, SG2 8EH. Police and Planning have made representations against this application.
- 1.2 In reaching its decision, the Committee must have regard to its obligation to promote the four licensing objectives:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm

Matters which do not relate to the four licensing objectives must be disregarded.

## **2 RECOMMENDATIONS**

- 2.1 That the Committee reviews the evidence presented by the responsible authorities and applicant (and/or representatives) and determines what action should be taken in respect of this application for a premises licence.

## **3 SUMMARY OF APPLICATION**

- 3.1 Euro Garages Ltd have applied for the grant of a Premises Licence at Asda Express, Broadwater, Stevenage, SG2 8EH. The premises is part of a Petrol Station which has a forecourt and a mini market style shop. The application proposes the following:
- 3.2 The premises to open 24 hours a day for the sale of alcohol for consumption off the premises and the provision of late-night refreshments between the hours of 2300hrs-0500hrs. (Late night refreshment is the selling of hot drinks and or food).
- 3.3 The sale of late-night refreshments, as per the application, which is stated as being for hot drinks only.
- 3.4 The applicant proposes that all spirits will be displayed behind the payment counter and available to the staff member only for selection in order to make a purchase. It is intended that beers and wines will be available for selection from the retail/customer area.
- 3.5 The shop will close to customers between the hours of 22:00hrs until 06:00hrs. Payment for fuel, alcohol and other goods will be made through the night payment window during these hours.
- 3.6 This application was accepted by the Council as valid and duly made on 23<sup>rd</sup> April 2024. **A copy of the application is attached - Appendix A.**

## **4 BACKGROUND INFORMATION**

- 4.1 The petrol station is situated at the north of Broadwater Crescent directly at the busy four- junction roundabout on A607 Broadhall Way, Stevenage. This is in close proximity to Stevenage Football Club, The Roaring Meg and Roebuck Retail Parks.
- 4.2 Directly next to the premises is Our Mutual Friend PH and the closing times as per their premises licence are Monday to Thursday 1000 to 0030hrs and Friday to Sunday 1000 to 0230hrs. Currently it is closing at 23:00hrs. The surrounding area is otherwise mainly residential.
- 4.3 The Council's licensing database indicates that the premises previously known as 'The Broadwater Service Station' did once hold a premises licence until approx. 2015 authorising the sale of alcohol; Mondays – Saturday between 0800hrs and 2300hrs and Sundays 1000hrs -2230hrs. The opening hours were 24 hours The licence was surrendered on 02.09.2015.

4.4 The premises have been operating for 24 hours a day as a petrol station with a small minimarket style shop. They were unaware that the planning conditions restricted them from doing so.

4.5 **A location map is attached - Appendix B.**

## **5 RESPONSIBLE AUTHORITIES**

5.1 Representations were made by two Responsible Authorities, Hertfordshire Police and The Planning department.

5.2 The Planning Department submitted an objection on 10.05.2024, under the licensing objective of prevention of public nuisance in respect of the proposed opening hours. Permission was granted for the redevelopment of the petrol station in 1996 and a condition added restricting the opening hours of the retail shop to 0700hrs – 23:30hrs in order to protect the amenities of the neighbouring residential dwellings. This condition also stipulates that these hours shall not be amended without the submission of a planning application to the local planning authority. To date no application has been received therefore the planning department object to this application.

**A copy of the Planning Representations and Objection is attached - Appendix C**

5.3 On 28.05.2024 The Planning officer responded directly to the applicants' legal representations during the mediation process on 28.05.24, reiterating that the retail operating hours would need to either be between 0700hrs and 2330hrs or to submit a planning application to vary this condition prior to commencing operations. Any application would take approx. 8 weeks to process with consultation letters being sent to nearby residents so it is not known if any representations might arise. No acceptance of hours or application to vary, has been received by Planning and the representation still stands at the time of publishing this report.

**A copy of the Planning Mediation E mail is attached – Appendix D**

5.4 The Planning and licensing regimes involve consideration of different (albeit related) matters. The licensing Committee is not bound by decisions made by a planning committee, and vice versa. However, licensing committees and officers should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs. Although the applicant has indicated an intention to submit a planning application to vary the permitted hours, no application has been submitted as at the date of preparing this report.

5.5 Hertfordshire Police submitted an objection on 22.05.2024 relating to the licensing objectives Prevention of Crime and Disorder, Public Safety, and the Prevention of Public Nuisance. In summary the Police report that there have been a number of incidents at the premises where Police have been called, these include aggressive customers, anti-social behaviour and assault on staff. The premises has also been a target for shoplifting. The Police have been concerned about the staffing levels at the service station during the evening and overnight.

**A copy of the original Police representations and objection is attached -Appendix C**

5.5 Following the mediation process, the Police have withdrawn their representations with the applicant agreeing to voluntarily amend their application by reducing the time for the sale of alcohol from 24 hours Monday to Sunday to between 0600hrs and 2300hrs Monday to Sunday. The hours for late night refreshment are to remain as applied for 2300hrs – 0500hrs Monday to Sunday. Furthermore, the applicant has also agreed to add the following conditions:

- All sales between 2200hrs and 0600hrs will be made through the night hatch.
- Members of the public will not be permitted to enter the premises between 2200hrs and 0600hrs. for the avoidance of doubt this does not apply to officers of the emergency services.
- The provision of late-night refreshment will be limited to the sale of hot drinks only.
- Save for in exceptional circumstances, there will be at least 2 members of staff on site between the hours of 0600hrs and 22hrs.

**E Mail Correspondence between the applicant and Police, relating to the amendment to the application is attached at Appendix D**

## **6 INTERESTED PARTIES**

6.1 No other representations were received from other parties.

6.2 The Licensing Officer has liaised with the applicant to discuss all representations received.

6.3. Representations made by planning remain upheld upon the deadline of the publishing of this report.

6.4 A summary of the hours which have been applied for, the hours agreed with Police during mediation and the hours the applicant is willing to accept are outlined in the table below:

	<b>Times for the sale of alcohol</b>	<b>Opening times of the premises</b>	<b>Times for Late Night Refreshments</b>
<b>a) Hours applied for.</b>	Mon-Sun 00:00 – 23:59	Mon-Sun 00:00 - 23:59	Mon-Sun 23:00 – 05:00
<b>b) Hours proposed by police.</b>	Mon – Sun 06:00-23:00	Mon – Sun 00:00 – 23:59	Mon- Sun 23:00 – 05:00
<b>c) Hours applicant is willing to accept.</b>	Mon – Sun 06:00 – 23:00	Mon – Sun 00:00 – 23:59	Mon – Sun 23:00 – 05:00

## **7 IMPLICATIONS**

### **7.1 Financial Implications**

- 7.1. There are no financial or resource implications arising from the content of this report.

### **7.2 Legal Implications**

- 7.2.1 The Committee is advised that paragraphs 9.31- 10.10 of the Guidance under section 182 of the Act describe the powers of a Licensing Authority on the determination of an application.
- 7.2.2 The following options are available to the committee under section 18(4) of the Licensing Act 2003:
- (a) to grant the licence subject to conditions for the promotion of the licensing objectives and mandatory conditions;
  - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
  - (c) to refuse to specify a person in the licence as the premises supervisor;
  - (d) to reject the application.

### **7.3 Policy Implications**

#### **7.3.1 Stevenage Borough Council Statement of Licensing Policy 2020 – 2025**

The following sections of the licensing authority's statement of licensing policy apply to this application:

- 1.2 The Act requires the Licensing Authority to carry out its licensing function so as to promote the four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

#### **7.4 *Guidance issued under section 182 of the Licensing Act 2003***

7.4.1 The Committee is reminded of the Guidance issued under section 182 of the Licensing Act 2003. These particular sections are relevant to this application:

- Application for Premises Licences paragraphs
- Determining Applications paragraphs

#### **7.5 Equalities and Diversity Implications**

7.5.1 Any decision by the Committee is based on evidence before it at the meeting; there are no equalities and diversity implications.

#### **7.6 Crime and Disorder**

7.6.1 The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.

### **8 BACKGROUND DOCUMENTS**

**BD1 Licensing Act 2003**

**BD2 Stevenage Borough Council, Statement of Licensing Policy 2020-2025**

**BD3 Guidance issued under section 182 of the Licensing Act 2003**

### **9 APPENDICES**

- A A copy of the Premises application and plan
- B Location map
- C Representations from Police and Planning
- D Mediation correspondence between the applicant, Police and Planning
- E Email from the Planning Officer to the applicant