

REPORT TO LICENSING PANEL SUB COMMITTEE

CONSIDERATION OF AN APPLICATION OF A NEW PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003

LICENSING PANEL SUB COMMITTEE: Cllr Brar, Cllr Baskerville, Cllr Martin.

OFFICER REPORTING: Craig Hawkings

A) The Application – (Appendix A)

Applicant: Euro Garages Limited

Premises: Asda express PFS, Braywick, 11 Windsor Road, Maidenhead, SL6 1UZ

A map of the area surrounding the premises is at **(Appendix B)**.

The application is to: Licence a Petrol filling station with integrated convenience store 24 hrs.

A summary of the application is as follows;

The application is for the following licensable activities:

- Late night refreshment (Both) Monday to Sunday 23:00 – 05:00
- Supply of alcohol (OFF the premises) Monday to Sunday 00:00 – 24:00
- Hours premises are open to the public Monday to Sunday 00:00 – 24:00

Designated Premises Supervisor (DPS): Neil Robert Eccles

The application was advertised in accordance with the statutory regulations.

Last day of Representations: 2 November 2023

B) Relevant Representations Received

Where, as here, relevant representations have been made, the licensing authority must hold a hearing to consider them, unless agreed by the parties. The Licensing and Public Space Protection Order Sub-Committee can take steps as are appropriate for the promotion of the Licensing Objectives as relevant.

To be “relevant”, the representation has to relate to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives which are set out in the Licensing Act 2003.

The four licensing objectives are;

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

In this case the representations received from the responsible authorities are as follows;

a. Environmental Health:	None
b. RBFRS:	None
c. Planning Officer:	None
d. Thames Valley Police	Agreed Conditions
e. Public Health:	None
f. Trading Standards:	Agreed Conditions
g. RBWM Licensing:	None

Agreed Conditions – (Appendix C)

Representations received from other persons are as follows.

- 1 Representation of objection received from other persons.

A redacted copy of the representation is at **(Appendix D)**

C) RBWM Licensing Policy

The RBWM Licensing Policy Statement 21 - 26

The sections of the RBWM Licensing Policy relevant to this application are.

1.22 Framework Hours as in the Licensing Policy, having considered the evidence of alcohol related crime, disorder and anti-social behaviour, the number of late-night premises and, in particular, the social, practical and regulatory impacts on the morning after the night before, the licensing authority has adopted a Framework Hours Policy. This Framework Hours Policy will apply to new and variation applications. The framework hours are:

The Framework Hours are:

Premises Type	Commencement Hour for Licensable Activities No earlier than:	Terminal Hour for Licensable Activities No later than:
• Off licence	• 09.00	• 23.00
• Restaurant	• 09.00	• 01.00
• Pub/bar/night club	• 10.00	• 02.00
• Takeaway	• n/a	• 02.00

(As can be seen, the licensed hours applied for in this application do not fall within RBWM framework hours for a premises.)

Framework Hours are intended to guide applicants on the Licensing Authority's expectations when preparing their Operating Schedule. However, if no relevant representations had been received, the application would have been granted by the Licensing Authority under delegated powers.

6.9 Wider Community Interest

The Licensing Authority considers that its licensing functions are exercised in the public interest, furthermore that the Licensing Authority is under a duty to take any steps with a view to the promotion of the licensing objectives in the interests of the wider community and not just those of the individual licence holder.

The following will be taken into account by the licensing authority and responsible authorities where an application is made for a premises licence within close proximity to residential properties, and which may have an effect on the promotion of the licensing objectives:

- The nature of the activities
- The character of the surrounding area

- Measures for limitation of noise emissions from the premises. These may include as appropriate; noise limitation devices, sound insulation, whether windows are to be opened, the insulation of acoustic lobbies and double glazing.
- Measures to deal with queuing, where necessary
- Use of outdoor areas
- Measures to deal with dispersal of customers from the premises as necessary, including the employment of door supervisors, use of dedicated Hackney Carriage / Private Hire firms, notices in the premises requesting customers to respect neighbours.
- Winding down periods, particularly in public houses and nightclubs etc.
(*Note – not all of these will be relevant to this particular application)

7. Promoting the Prevention of Crime and Disorder

Where appropriate, the licensing authority and responsible authorities may propose conditions relating to the following issues in relation to the Prevention of Crime and Disorder objective:

- Measure to prevent bottles being carried from premises.
- Use of drinks' promotions
- Measure to prevent binge drinking.
- Participation in the Pub Watch Scheme
- Use of door supervisors
- Training staff in crime prevention measures
- Search procedures
- Use of close circuit television
- Lighting
- Where premises are new, designing out crime.
- Quality of surveillance of premise

8. Promoting Public Safety

Where appropriate, the licensing authority and responsible authorities may propose conditions relating to the following issues in relation to the Public Safety objective:

- The use of shatterproof glasses
- The promotion of sensible drinking
- Measures taken to prevent drug spiking
- Drugs policies
- Safe capacities

9. Promoting the Prevention of Public Nuisance

Where appropriate, the licensing authority and responsible authorities may propose conditions relating to the following issues in relation to the Prevention of Public Nuisance objective:

- The disposal of waste, particularly glass
- The use and maintenance of plant, including air extraction and ventilation systems.
- Litter in the vicinity of the premises
- Noise from deliveries / collections to and from the premises
- Measures to control behaviour and queues.
- Whether door supervisors are able to stay at the entrance to encourage quiet departure
- The provision of Hackney Carriage / Private Hire services at the premises
- Signs on doors and on tables encouraging consideration to the neighbours.

10. Promoting the Prevention of Children from Harm

The Royal Borough recognises that the protection of children from harm. includes the protection of children from moral, psychological and physical. harm. This includes not only protecting children from the harms directly. associated with alcohol consumption but also wider harms such as exposure. to strong language and sexual expletives (for example, in the context of certain films and adult entertainment).

The licensing authority will consider the need to protect children from sexual. exploitation when undertaking licensing functions. Applicants are therefore. expected to provide a robust Operating Schedule outlining how they will. address the Prevention of Children from Harm objective.

The licensing authority encourages licence holders and operators of licenced. premises:

- To ensure that they are fully aware of the signs of child sexual exploitation.
- and to understand that the sexual exploitation of a child is sexual abuse
- and a criminal offence
- Proof of Age Cards
- To raise awareness of their staff about child sexual exploitation and
- provide intelligence to the appropriate authorities about concerns and
- about perpetrators who may be operating in their areas.

All applicants need to demonstrate how children and young people will be safeguarded if attending the licenced premises, or how it will be ensured that they do not gain access to the premises if not appropriate.

The licensing authority and other responsible authorities may propose conditions or restrictions in relation to the Protection of Children from Harm objective. These may include;

- Limitations on the hours when children may be present
- Age limitations below 18
- Limitations or exclusions when certain activities are taking place
- Requirements for accompanying adults
- Full exclusion of people under 18 from the premises when any licensable activities are taking place
- The provision of a full range of non-alcoholic drinks

Where necessary and appropriate, a requirement for the production of proof of age cards before any sale of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm.

D) Revised Guidance issued under section 182 of the Licensing Act 2003

The full document is found at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

The sections of the Guidance relevant to this application are;

Licensing objectives and aims

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

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

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

Crime and disorder

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

Public nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Protection of Children from harm

2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly to alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered.

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- Restrictions on the hours when children may be present;
- Restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- Restrictions on the parts of the premises to which children may have access;

- Requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

Hearings

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives
- the representations (including supporting information) presented by all the parties
- this Guidance
- its own statement of licensing policy

E) Conclusion / Summary

The Licensing Panel Sub Committee is obliged to determine this application with a view to promoting the four licensing objectives which are:

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

In making its decision, the Sub Committee is also obliged to have regard to national guidance and the Council's own Licensing Policy. Of course, the Committee must have regard to all of the representations made and the evidence that it hears.

The Sub-Committee must, having regard to the application and to the relevant representations, take such step or steps as it considers appropriate for the promotion of the licensing objectives. The steps are:

- (a) Reject the application;
- (b) Refuse to specify a person in the licence as the premise's supervisor;
(*Note – not all of these will be relevant to this particular application)
- (c) Grant the application but modify the activities and/or the hours and/or the conditions of the licence;
- (d) Grant the application.

Where conditions are attached to a licence then reasons for those conditions must be given.

In making their decision the Sub-Committee is reminded that they have a duty to behave impartially and that their decision must be based on the evidence that has been presented to them.

In their written decision the Sub-Committee should;

- Refer to every relevant representation and the supporting evidence provided
- State the extent to which it has taken account of RBWM Policy and national Guidance
- When deciding in accordance with RBWM Policy and national guidance, explain why it has not considered a departure justified, if applicable
- When deciding contrary to RBWM Policy or national guidance, explain the basis and reason for the departure in all cases and the evidence that supported this decision
- When refusing an application in whole or in part, or modifying the activities and/or the hours and/or the conditions to a licence that is granted, state why it considered it appropriate to do so in order to promote one or more specified licencing objectives, and the evidence that supported this decision. Any such decision must be cogent and legally sound
- Use the legal adviser's help to draught its reasons and to assist in ensuring that the decision is legally robust, but the reasons must be the Sub-Committee's
- Ensure, as far as is reasonably possible, that their decision will be able to withstand scrutiny should any of the parties to this hearing appeal that decision the to the Magistrates Court

The Sub-Committee are reminded that any party to the hearing may appeal against the decision of the Sub-Committee to the Magistrates' Court within 21 days of the notification of the determination.

The Sub-Committee are asked to determine the application.

Financial implications: None directly but Members should be aware that any decision of the Sub-Committee may be appealed against in the Magistrates' Court and such an appeal may involve additional costs and possible costs against the Council.

Environmental/Sustainability Implications: Any authorisation under the Licensing Act 2003 may give rise to environmental implications both positive and negative depending upon the application and any measures proposed to take control adverse environmental factors.

Legal implications: As outlined in the report.

Equality Implications: None.

Risk Implications: None.

Community Safety Implications: As outlined in the report.

Background papers:

Licensing Act 2003

Licensing Act 2003 Section 182 Statutory Guidance

Royal Borough of Windsor and Maidenhead Council Licensing Policy

Enclosures/Appendices:

Appendix A – Application and plans

Appendix B – Map of the area

Appendix C – Agreed Conditions

Appendix D – Received representation

Contact details: Craig Hawkings - Licensing Team Leader

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Mobile: 07833047887

APPENDIX A

Application for a Premises Licence to be Granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

(1) Delete as applicable.
(2) Insert name(s) of applicant.

(1) ~~[I]~~ **[We]** (2)

EURO GARAGES LIMITED

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and (1) [I am][we are] making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description ASDA EXPRESS PFS BRAYWICK 11 WINDSOR ROAD			
Post town	MAIDENHEAD, BERKSHIRE	Postcode	SL6 1UZ
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 142,000	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- | | Please tick as appropriate |
|---|---|
| a) an individual or individuals* | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual* | |
| i. as a limited company/limited liability partnership | <input checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership (other than limited liability) | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> please complete section (B) |
| f) a health service body | <input type="checkbox"/> please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales | <input type="checkbox"/> please complete section (B) |
| ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> please complete section (B) |

h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)


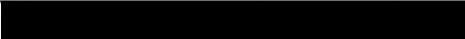
Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over		<input type="checkbox"/> Please tick yes
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over		<input type="checkbox"/> Please tick yes
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	EURO GARAGES LIMITED
Address	
Registered number (where applicable)	04246195
Description of applicant (for example, partnership, company, unincorporated association etc.)	COMPANY
Telephone number (if any)	
E-mail address (optional)	

Part 3 - Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text" value="0"/> <input type="text" value="3"/>	<input type="text" value="1"/> <input type="text" value="1"/>	<input type="text" value="2"/> <input type="text" value="0"/> <input type="text" value="2"/> <input type="text" value="3"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

Please give a general description of the premises (please read guidance note 1)

CONVENIENCE STORE / PETROL FILLING STATION

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>
e) live music (if ticking yes, fill in box E)	<input type="checkbox"/>
f) recorded music (if ticking yes, fill in box F)	<input type="checkbox"/>
g) performances of dance (if ticking yes, fill in box G)	<input type="checkbox"/>
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	<input type="checkbox"/>

Provision of late night refreshment (if ticking yes, fill in box I)	<input checked="" type="checkbox"/>
Supply of alcohol (if ticking yes, fill in box J)	<input checked="" type="checkbox"/>

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both - please tick.</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
			State any seasonal variations for performing plays (please read guidance note 5)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both - please tick.</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 5)
Tue			
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)	
Tue				
Wed				
Thur				
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
			State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon			State any seasonal variations for the performance of dance (please read guidance note 5)		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
			Will this entertainment take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	23.00	05.00			
Tue	23.00	05.00			
Wed	23.00	05.00			
Thur	23.00	05.00			
Fri	23.00	05.00			
Sat	23.00	05.00			
Sun	23.00	05.00			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 6)		

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption - please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	00.00	24.00			
Tue	00.00	24.00			
Wed	00.00	24.00			
Thur	00.00	24.00			
Fri	00.00	24.00			
Sat	00.00	24.00			
Sun	00.00	24.00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	NEIL ROBERT ECCLES
Date of birth	[REDACTED]
Address	[REDACTED]
Postcode	[REDACTED]
Personal licence number (if known)	[REDACTED]
Issuing licensing authority (if known)	HALTON

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	00.00	24.00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue	00.00	24.00	
Wed	00.00	24.00	
Thur	00.00	24.00	
Fri	00.00	24.00	
Sat	00.00	24.00	
Sun	00.00	24.00	

M

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

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 10)

Staff shall be trained in the premises licence holder's procedures which include liquor licensing and all checkout operators shall have additional training in the sale of alcohol.
All spirits will be displayed behind the counter.
No miniature bottles of spirits of 20cl or below shall be sold from the premises.
Please note this does not apply to pre packaged gift packs which may contain a spirit miniature.

b) The prevention of crime and disorder

A CCTV system will be installed and maintained at the premises. Cameras will cover internal areas and the external area immediately in front of the store. The system will be capable of continuously recording and copies of such recordings shall be kept for a period of not less than 31 days and handed to the Police or authorised person upon production of a compliant 'Access Request'.
All spirits will be displayed behind the counter.

c) Public safety

The premise licence holder seeks to comply with the requirements of the health and safety legislation.

d) The prevention of public nuisance

e) The protection of children from harm

The store will have a till prompt system for alcohol products.
When prompted, staff will adopt a Challenge 25 proof of age scheme.
Only recognised forms of photographic identification such as Passport, Photo Driving Licence, 'Proof of Age' card, Military ID or any other form of identification agreed with the police will be accepted as proof of age. If the appropriate proof of age is not produced there will be no sale.
Notices are to be prominently displayed advising customers of the Challenge 25 policy.

Checklist:

Please tick to indicate agreement

• I have made or enclosed payment of the fee.	<input checked="" type="checkbox"/>
• I have enclosed the plan of the premises.	<input checked="" type="checkbox"/>
• I have sent copies of this application and the plan to responsible authorities and others where applicable.	<input checked="" type="checkbox"/>
• I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	<input checked="" type="checkbox"/>
• I understand that I must now advertise my application.	<input checked="" type="checkbox"/>
• I understand that if I do not comply with the above requirements my application will be rejected.	<input checked="" type="checkbox"/>
• [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	<input type="checkbox"/>

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.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under Section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Part 4 - Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12).
If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	[REDACTED]
Date	5TH OCTOBER 2023
Capacity	SOLICITORS FOR AND ON BEHALF OF THE APPLICANTS

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature		
Date		
Capacity		
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)		
[REDACTED]		
Post town		Postcode [REDACTED]
Telephone number (if any)	[REDACTED]	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)		
[REDACTED]		

APPENDIX B

APPENDIX C

New Premises Licence application – Asda Express Braywick, 11 Windsor Road, Maidenhead, SL6 1UZ

Thames Valley Police request the following conditions be placed on the premises licence alongside those already offered, to assist in the promotion of the four licensing objectives:

Digital CCTV monitoring system to be installed and maintained to Thames Valley Police standard. Recording to be kept securely for 31 days and made available to Thames Valley Police employees and Authorised Persons as defined by Sections 13 & 69 Licensing Act 2003 upon request.

DPS or nominated person to be trained on how to work the CCTV system to the standard where the nominated person can download any potential evidence required by Thames Valley Police employees and Authorised persons as defined by Sections 13 & 69 Licensing Act 2003.

Nominated person is responsible in supplying the necessary media (discs, data stick) containing any downloaded content.

If the applicant agrees to the above conditions, there will be no police objections.

Regards

Debie Pearmain
Police Licensing Officer

From: Rajinder Mann <Rajinder.Mann@RBWM.gov.uk>
Sent on: Monday, October 9, 2023 10:09:58 AM
To: Licensing <Licensing@RBWM.gov.uk>; Licensing Dept <Licensing.Dept@RBWM.gov.uk>
CC: Giuseppe Bruzzese <Giuseppe.Bruzzese@RBWM.gov.uk>
Subject: FW: Asda Express PFS Braywick Windsor Road Maidenhead GTE:00122000025521
Urgent: High

Attachments: CC - ASDA EXPRESS PFS BRAYWICK NEW LICENCE APPLN.pdf (89.06 KB), asda express pfs baywick dps consent.pdf (100.51 KB), asda express pfs braywick plan.pdf (314.45 KB)

Follow up:

Dear Licensing,
Hope you are well,

FW: Asda Express PFS Braywick Windsor Road Maidenhead GTE:00122000025521

The trader has listed the following under M e) The protection of children from harm;
The store will have a till prompt system for alcohol products.
When prompted, staff will adopt a Challenge 25 proof of age scheme.
Only recognised forms of photographic identification such as Passport, Photo Driving Licence, 'Proof of Age' card, Military ID or any other form of identification agreed with the police will be accepted as proof of age. If the appropriate proof of age is not produced there will be no sale.
Notices are to be prominently displayed advising customers of the Challenge 25 policy.

We are happy with some of the conditions put forward however we would like to put the following conditions forwards some of which are similar but contain additional information for example proxy sales, training, ID as agreed with the Licensing/Responsible Authority or Thames Valley Police, etc.

1. A Challenge policy such as 'Challenge 25'/'Think 25' policy to be adopted, where any person who looks under 25 years of age should be asked to prove their age when attempting to purchase age restricted products such as alcohol with appropriate signage of the adopted challenge 25 policy to be displayed around the venue. All staff authorised to sell alcohol should be trained in the Challenge 25 policy and this should be documented in the training records.
2. Acceptable ID should include photographic identification documents; including passport, photo-card, driving license or proof of age card bearing the PASS hologram or any identification such as military ID or recognised national photographic identity cards from

member countries of the European Union which are recognised or approved by either the Licensing/Responsible Authority or Thames Valley Police.

3. Staff should be aware of the possibility of Proxy sales which should be included in any training and all staff to be trained in under-age sales prevention.

4. A refusal book/log/electronic log should be kept at the premises to record all incidents of possible underage/proxy sales of alcohol (product/date/time/staff member/reason for refusal/possible description) and updated as and when required, and made available for inspection on request by either a Responsible Authority such as Licensing or Trading Standards or the Police.

5. If applicable, age verification checks for suitable ID should be carried out at the point of any delivery of age restricted products such as alcohol including where a waiting service is included as part of the business. If any delivery or on-line service is provided then the trader must also carry out age verification checks with suitable ID at the point of any delivery of age restricted products such as alcohol whether using their own contracted delivery carriers or any external contracted delivery carriers. The carrier whether internal or external must not leave any good/deliveries with a third party such as a neighbour or anyone under 18 years of age if there is alcohol as part of the order.

Further, it is the responsibility of the retailer to ensure that products are only sold to purchasers old enough to buy them. If there is any doubt the transaction should not proceed.

Hope the above is acceptable.

Kind regards,

www.rbwm.gov.uk



Rajinder Mann
Fair Trading Officer
Trading Standards & Licensing Team
Place Directorate
Royal Borough of Windsor & Maidenhead
Town Hall, St Ives Road, Maidenhead SL6
1RF

E-mail: Rajinder.Mann@RBWM.gov.uk

Website: www.rbwm.gov.uk



Follow us on Twitter: [@RBWM](https://twitter.com/RBWM)



Thank you for the email below. Janet has passed this to me as I have overall responsibility for all Asda/EG applications.

I am delighted to confirm that the conditions suggested by trading standards can be agreed subject to the addition of the words, "or the Home Office" to condition 2. That is to "future-proof" the licence and to accommodate possible changes in the future with the potential rollout of DPoA (Digital Proof of Age) next September/early 2025 in mind.

The conditions, I'm therefore able to agree read,

1. *A Challenge policy such as 'Challenge 25'/'Think 25' policy to be adopted, where any person who looks under 25 years of age should be asked to prove their age when attempting to purchase age restricted products such as alcohol with appropriate signage of the adopted challenge 25 policy to be displayed around the venue. All staff authorised to sell alcohol should be trained in the Challenge 25 policy and this should be documented in the training records.*
2. *Acceptable ID should include photographic identification documents; including passport, photo-card, driving license or proof of age card bearing the PASS hologram or any identification such as military ID or recognised national photographic identity cards from member countries of the European Union which are recognised or approved by either the Licensing/Responsible Authority, Thames Valley Police or the Home Office.*
3. *Staff should be aware of the possibility of Proxy sales which should be included in any training and all staff to be trained in under-age sales prevention.*
4. *A refusal book/log/electronic log should be kept at the premises to record all incidents of possible underage/proxy sales of alcohol (product/date/time/staff member/reason for refusal/possible description) and updated as and when required, and made available for inspection on request by either a Responsible Authority such as Licensing or Trading Standards or the Police.*
5. *If applicable, age verification checks for suitable ID should be carried out at the point of any delivery of age restricted products such as alcohol including where a waiting service is included as part of the business. If any delivery or on-line service is provided then the trader must also carry out age verification checks with suitable ID at the point of any delivery of age restricted products such as alcohol whether using their own contracted delivery carriers or any external contracted delivery carriers. The carrier whether internal or external must not leave any good/deliveries with a third party such as a neighbour or anyone under 18 years of age if there is alcohol as part of the order.*

Please confirm that is acceptable and whether you require anything further from me.

Kind regards

Richard

Richard Taylor | Partner | Head of Licensing Department
for and on behalf of Gosschalks LLP

APPENDIX D

According to the council web site the Licensing application Braywick Service Station for the garage shows the following detail.

Ward: Bray

Application Type: New premises license

Address: Euro Garages Braywick Service Station 11 Windsor Road Maidenhead SL6 1UZ

Premises: Convenience store/petrol station

Applicant: Euro Garages Limited

Summary of application:

Late Night Refreshment (indoor and outdoor)

Monday to Sunday from 23:00hrs to 05:00hrs

Sale of alcohol (OFF the premises only)

Monday to Sunday from 00:00hrs to 24:00 hrs

Last day for representations is Thursday 2 November 2023.

I understand from the council web site that the current licensing application for the Braywick Service station is being applied for by Euro Garages Ltd. The garage and shop are I believe now run by Asda Express PFS and the two food outlets within the building are operated by Greggs and Subway. Unless defined in any licence that is granted how are the council going to hold any or all of the firms accountable for any breaches of the law?

I believe that in the course of the licensing application the applicants are required to list how they will run their establishment to comply with the licensing requirements and reduce the effects of their premises on the neighbourhood i.e., the control of the sale of alcohol, including underage drinking and prevention of nuisances such as litter and unsocial behaviour. As I have not seen the full application, I do not know how detailed the applicant's measures are but as at least three firms could be operating under the terms of the licences I wonder if the application details which of the business or employee is responsible for any breaches of the licence as each could blame the other. I am also concerned as to how the licensed premises is defined.

My first example relates to the Alcohol off licence. If a customer purchases alcoholic drink in the garage shop (under the off licence) and then sits down in the eating area to drink it with food they have purchased in either of the food outlets who has a duty to prevent an offence being committed? It will be out of vision of the person on the shop/garage till who as probably sold the drink, but could be argued not to be the responsibility of the person selling food as they are, I believe, not employed by the same firm. In any event, during late evening the person on the till is supervising the pumps, the forecourt, and what they can see of the shop (limited because of the layout) - unless there are higher staffing levels than I am aware of. Is there a need for the applicant to define minimum staffing levels?

My next example relates to the garage forecourt and parking area which forms part of the garage site. If this area is defined as part of the licensed site (and I believe it should be) it will be illegal for the drink to be consumed 'on the premises' This is more likely to happen in the late evenings when once again staffing levels are probably too low for somebody to be available to deal with the issue. If the consumption of alcohol is allowed on the forecourt it could result in noisy behaviour on the forecourt to the detriment of neighbours. It makes a mockery of the off license and the idea that the drink will be consumed away from the premises, which in theory should reduce the any problems for residents living near the licensed premises. As I said in my earlier email there was a stage, when the garage previously had an off license, the garage had to put up notices reminding customers of the effects of their behaviour and at this time the garage did not supply food after 11pm.

Both these examples highlight the need for sufficient staff and detailed procedures.

I believe the licensee should specify in their application what is expected in respect of the clearing of litter from the forecourt before it blows on the road and if possible, an undertaking to clear litter along the footpath/roadway in front of the garage.

From what I can see there is no licensing requirement or action that can be imposed on the garage to prevent customers sitting in their parked cars, usually in contravention of the yellow lines, throwing out their uneaten food, wrapping papers, cups or containers on to the road rather than walk to the rubbish bins. I personally believe that the rubbish constitutes a public nuisance. Depositing litter is recognised as being a specific offence and is classed as antisocial behaviour. It also has an effect on the environment locally. Enforcement and collection of rubbish costs the local authority in monetary terms. Litter has been a problem for residents ever since the garage started selling food but when the garage previously had an off-licence license it caused more of a problem because it was associated with additional noise and litter late evenings. The problem is of litter is current and councillor Cross has advised me that she informally visited the garage in the last few weeks, following a complaint from a local resident, to ask the manager if they could do something about the litter situation.

My final observation relates to the layout of the layout of the 'shop' The till is situated at the opposite end of the building to the door and shelving units are tall resulting in the person on the till having limited vision of the store plus the distraction of serving customers at the till, supervising the forecourt and possibly monitoring the CCTV. Unless there is a requirement that Alcoholic drinks are kept near the till they could be easily be removed from the store without the knowledge of the person on the till. My concern in this case is underage drinking.

For these reasons and the reasons outlined in my earlier email on this subject I object to this application unless the applicants are prepared to take measures to reduce the impact of their venture.

Keith Ashby

