

# NUNEATON AND BEDWORTH BOROUGH COUNCIL RECORD OF HEARING

1. **APPLICANT**

Name	Establishment
Euro Garages Limited	Asda Express Stoneycroft Lutterworth Road Nuneaton

**APPLICANT'S REPRESENTATIVE**

Gosschalks (Solicitors) – Richard Taylor

Megan (Trainee Solicitor)  
Neil Eccles (Asda)

Hearing not recorded due to technical difficulties. Written submissions of Applicant provided to Interested Parties who agreed to proceed with the Hearing.

2. **RESPONSIBLE AUTHORITIES**

Name	Service
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None – no objections had been received from the responsible authorities.

3. **INTERESTED PARTIES**

Name	Address
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[REDACTED]

**INTERESTED PARTIES REPRESENTATIVE**

[REDACTED]

4. **COMMITTEE PANEL**

Cllrs J Coventry-Moreton, G Moreton and J Clarke

Chaired by: Cllr G Moreton

5. **HEARING CLERK**

Amy Pittam – Solicitor  
Planning & Regulation

NBBC Reps:  
Ricky Casserly  
Amrit Brar

6. **NATURE OF THE APPLICATION**

Application for a New Premises Licence under Section 17 of the Licensing Act 2003.

7. **Outline of Applicants Case**

Premises has been licensed before but not for 10 years. Application does not require a change in hours already open. Applying to permit sale of alcohol and hot drinks only at times premises is already open.

Applicant is Euro Garages Limited wholly owned by Asda.

Premises already trades as a convenience store during these times and seeking to add ability to add alcohol to what is already sold.

Applicant confirmed happy to accept condition that late night refreshment is for hot drinks only – not hot food. Hot drinks would be provided from a coffee machine. Alcohol and hot drinks would be provided to customers through the “hatch” and the doors would not be opened once business has already closed the doors.

Subway closes at 7pm Monday to Saturday and 6pm Sunday – would remain the same.

Steps Applicant will take to promote licensing objective:

CCTV in place

Staff training together with refresher training

Spirits/high value behind counter. No miniatures available.

Challenge 25 – till prompts in place

Independent test purchasing – to test own colleagues challenging, disciplinary action if premises should fail

Night hatch – continue to operate

No representations have been received from any of the responsible authorities and assert therefore that if there were any concerns regarding anti-social behaviour or public nuisance then there would have been. No evidence to support the concerns raised of “potential”.

Takeaway deliveries: only one there is Subway during the times that it is open. Do not have grocery deliveries.

8. **Summary of Questions to Applicant**

Cllr Clarke requested confirmation of how the good will be sold when the doors are closed.

A. Will serve them through the hatch like they do currently. The doors will not reopen once closed.

9. **Outline of Responsible Authorities’ Case**

N/A

10. **Summary of Questions to Responsible Authorities**

N/A

11. **Outline of Interested Parties’ Case**

Q. [REDACTED] commented that before Dominoes, there were huge concerns with Whitestone Supermarket. Dominoes have installed a camera on the lamppost and no longer issues. Concerned that once Dominoes closes, the free car park will enable people to buy alcohol and gather in the car park.

She was happy with the assertion that it would only be hot drinks. Concerned that there may be a request to do deliveries and this would increase traffic.

Concerned about the general public and not the capability of Asda.

A. Applicant confirmed that would be prepared to limit to hot drinks only. Applicant asserted that cannot condition deliveries but no intention of doing so. Cannot control where people take their goods.

Q. Page 21 states that sale will take place indoors and outdoors.

A. Hot drinks are sold indoors but taken outdoors/through the hatch (not to be consumed in the premises once doors are closed).

Q. Commented that worried less as now saying no hot food.

Q. There was an armed robbery when premises first became 24 hours around 10 years ago. It is a good neighbourhood and quiet at night so changes in noise level are extremely noticeable. Asda deliveries at 4:30am are causing a noise complaint. Younger people already visiting at night. How will Asda prevent public nuisance? The previous shrubbery was a good noise barrier. Would not give pubs 24 hours licence.

A. Removal of shrubbery is irrelevant to application. The additional steps are being taken and there is nothing changing apart from adding alcohol and hot drinks. Will take away the concern regarding 4:30am deliveries currently ongoing but asserts not relevant to current application. No responsible authorities have raised any concerns. No evidence presented to require hours to be restricted. Should there be any issues in the future then there is the option to review the licence.

Discussion surrounding displaying notices to ask public to be quiet. Interested parties agreed these would not be necessary.

12. **Summary of Questions to Interested Parties**

N/A

13. **Summing Up**

Applicant – Straightforward application, applicant had regard to the licensing objectives. Confirmed will accept condition to restrict sale to hot drinks only. No objections from responsible authorities. No evidence objectives not met. Should there be any issues then invites people to talk to Applicant and invoke review procedure.

Clarifications sought:

Subway is in main garage (eating area, table and 3 chairs).

Late night ref will be limited to the supply of hot drinks only (between 11pm and 5am).

Undertaking would consider to review Licence if any problems.

**Decision**

Application granted subject to a condition that late night refreshments will be

limited to the supply of hot drinks only.

**Reason**

In coming to its decision, the Sub-Committee had regard to the oral and written submissions received from the Applicant and the Interested Parties, the Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State and feels that there is not sufficient expectation to believe that if the application was approved, there would be a cumulative impact on the area resulting in unacceptable anti social behaviour or public nuisance which would undermine the crime and disorder and public nuisance objectives.

There was a void of representations from responsible authorities to support any resident concerns and considered that the evidence of the steps to be taken to comply with the objectives from Asda was adequate.

The sub-committee considered that the imposition of the condition to restrict sale to hot drinks only would overcome any potential concerns. Not able to add conditions regarding deliveries at this time as not part of the application made.

There is a robust enforcement procedure for licensing complaints and there will be an ongoing responsibility to support all licensing objectives with the option of calling for a licence review.