

CARLISLE CITY COUNCIL

Report to:- THE CHAIRMAN AND MEMBERS OF THE LICENSING SUB
COMMITTEE

Date of Meeting:- Tuesday 20th October 2009

Agenda Item No:-

AI

Public	Operational	Delegated Yes	
Responsible Authority Representations	Representations	Included	Attending
Cumbria Constabulary	Yes	Yes	Yes
Cumbria Fire Service	No	No	No
Environmental Protection Services	No	No	No
Planning Services	No	No	No
Social Services	No	No	No
Trading Standards	No	No	No
Health & Safety Executive	No	No	No
Interested Party Representations			
None	No	No	No

Title:- HOME BARGAINS, UNITS 6&7 EARLS LANE, CARLISLE
APPLICATION FOR A PREMISES LICENCE

Report of:- HEAD OF LEGAL & DEMOCRATIC SERVICES

Report reference:- LDS 84 /09

Summary:-

Home Bargains is a general store located in Earls Lane, Carlisle (**Appendix 2**). The applicant is applying for a new Premises Licence to allow the 'off sale' of alcohol from the premises only in accordance with the Application.

Representations have been received from Cumbria Constabulary.

Recommendation:-

Members to reach a decision from the options outlined after hearing the evidence.

J A Messenger, Licensing Manager

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:- The Application, written comments from Responsible Authority, copies of which are attached to this report.

To the Chairman and Members of the Licensing Sub Committee on Tuesday 20th October 2009

**A. THE APPLICATION
(Appendix 1)**

Applicant:

T. J. Morris Limited t/a Home Bargains, Axis Business Park, Portal Way, Gillmoss, Liverpool, L11 0JA.

Premises:

Home Bargains, Unit 6 & 7, Earls Lane, Carlisle, CA3 8DG.

New application

1. The premises will trade as a general goods, food stuffs and household products store. The store is a single storey high street unit with staff and storage area to the rear of the premises and a sales area of about 10247 sq. ft. Liquor is intended to be displayed within the retail unit and will be for 'off sales' only.

2. Relevant licensable activities:

- Sale by retail of alcohol will be for 'off' the premises only (Para. M Appendix 1)

3. Hours of licensable activities:

Supply of Alcohol

- Sunday to Saturday 08.00hrs – 2200hrs
Applicant will fully comply with Sunday trading hours

Hours premises open to the public

- Sunday to Saturday 0800hrs – 2200hrs

4. Designated Premises Supervisor: Steven Maddox (Personal Licence holder from Fylde Borough Council)

5. Supply of alcohol is for consumption off the premises only.

6. Additional steps to promote licensing objectives (Para. Q Appendix 1))

GENERAL

The subject premises will apply a standard of operation which will ensure compliance with all four licensing objectives based upon factors more particularly outlined below.

CRIME AND DISORDER

The style of operation at these premises is designed to minimise crime and disorder. This will be achieved by the use of CCTV with the retention of images for a minimum period of 28 days for prosecution purposes. The premises seek to benefit solely from the sale of alcohol for consumption off the premises. These premises will operate a 'Challenge 21' policy in order to ensure that liquor is sold only to persons of lawful age (being that, should the person not look the age of 21 then he/she would need to prove that they are in fact of lawful age 18 or over). These issues also overlap on the section dealing with the protection of children from harm. All staff undergo training concerning knowledge of Licensing Laws together with the social impact upon the sale of alcohol.

PUBLIC SAFETY

The premises will comply with current legal requirements for Fire Safety and Health and Safety including periodic risk assessments

THE PREVENTION OF PUBLIC NUISANCE

These premises are proposed to be registered for the consumption of liquor off the premises only. In addition to there being no consumption on the premises, there is no form of entertainment on the premises. There are no outdoor areas utilised for the benefit of members of the public and the nature of the operation does not require the employment of door supervisors or use of dedicated cab firms. The premises operate within the required litter/refuse regulations adopted by the Local Council. The management policy at the premises is to welcome communication with any local persons in relation to any issues which arise concerning the operation of these premises in relation to the prevention of public nuisance or indeed any of the other licensing objectives.

THE PROTECTION OF CHILDREN FROM HARM

It is proposed that these premises will benefit from a Premises Licence for consumption off the premises only. In order to ensure compliance with the legislation, the Company will operate a 'Challenge 21' policy as a minimum whereby any person not looking the age of 21 must prove that they are in fact over the lawful age of 18 for the purpose of sale of alcohol. Acceptable forms of identification concerning the issue of age are a Ten Year Passport, photo card Driving Licence or an approved PASS logo proof of age card. All staff are obligated to familiarise themselves with these requirements. The Company will operate a due diligence policy, incorporating the minimum Challenge 21 policy above; also incorporating full training for all staff, the operation of a refusal book

and refresher training on a regular basis. The store will operate a fully recordable CCTV system which is overtly operable. There will be prominent signage located throughout the store confirming the legal minimum age for the purchase of alcohol and other age restricted products and the company policy.

B. RELEVANT REPRESENTATIONS

Responsible authorities:

Cumbria Constabulary make representations (**Appendix 3**) on the grounds that by selling alcohol from 0800hrs it would frustrate the crime and disorder objective. In the past there have been numerous incidents of anti social behaviour and assaults linked to alcohol purchased early in the day in the vicinity of where these premises are to be located. The problems have been discussed between the applicant and the police and no agreement was forthcoming. The police will produce statistics of recorded incidents to the Sub Committee .

Interested parties:

There are no representations from persons living in the vicinity.

Consultation

Both parties have discussed the application by telephone without agreement.

C. LOCAL LICENSING POLICY CONSIDERATIONS

The Licensing Act 2003 requires the Council to publish a Statement of Licensing Policy that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

Members should have regard to all relevant information and it is considered that the following sections of the policy, (though not exclusively) have a bearing upon the application:

Introduction

1.2 Carlisle City Council is a licensing authority (the Authority) for the purposes of the Act. The Authority must carry out its licensing functions 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

1.10. In determining its policy, the Authority considered the provisions of the Act and had particular regard to:

- the licensing objectives;
- the guidance issued by the Secretary of State under section 182 of the Act;
- the representations made following consultation;
- its duties and obligations under other legislation, including:

Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention right. The Authority will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
 - Article 8 that everyone has the right to respect for his home and private life;
- and
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions, including, for example, the possession of a licence.

1.19. The Act limits the representations which can be made about licence applications and who can make such representations. Essentially, representations must relate to one or more of the licensing objectives and must be made by a person living or working in the vicinity of the premises or an organisation which represents such persons. Anyone considering making an objection is invited to discuss their objection with licensing officers prior to submitting their representation.

n.b. The term "vicinity" is used within the Licensing Act 2003 on a number of occasions and, in particular, with reference to those "interested parties" who may lodge objections to applications for premises licences and who may make representations concerning existing premises licences. Section 13(3) defines an "interested party" as being "a person living in the vicinity, a body representing persons living in the vicinity, a person involved in a business in the vicinity or a body representing those persons".

The Act does not define the term "vicinity", therefore where the question arises, it is the responsibility of that particular Licensing sub committee considering the application, to determine in each case which person or body is considered to be living in the "vicinity".

Fundamental Principles

2.1 The policy will promote the four licensing objectives contained in the Act, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. These are the only matters that

will be taken into account in determining applications and any conditions imposed must be necessary to achieve these.

- 2.2 Nothing in the Statement of Licensing Policy will undermine the rights of any person to apply under the Act for a variety of permissions and have their application considered on its individual merits as well as against the relevant policy and statutory framework. It does not override the right of any person to make representations on any application or to seek a review of a licence or certificate where they are permitted to do so under the Act.
- 2.3 All licensing applications will be determined on their individual merits following consideration of the proposals in the application and any relevant representations. In general, licences will be granted on the terms applied for, but licences will not normally be granted in terms which conflict with any of the policies in this document, unless an applicant is able to demonstrate that the exceptional circumstances of their application justify a departure from the policy. The Authority will not depart from the policy if any of the licensing objectives will be undermined by a proposal in the application.
- 2.4 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act. The licensing function cannot be used for the general control of anti social behaviour once consumers are beyond the direct control of the individual, club or business holding the licence, certificate or other authorisation concerned. However the Authority expects holders of a licence, certificate or permission, to make every effort to minimise the impact of their activities and anti social behaviour by their patrons within the immediate vicinity of their premises.

4.2 General Policy

4.2.1. Consideration of the impact of licensable activities

4.2.2. In the event of relevant representations when considering an application for a licence, the authority may take into account the following factors in assessing its likely impact on the licensing objectives in addition to other relevant matters:

- the nature of activities proposed;
- the number of customers likely to attend the premises and the type of customers expected;
- the location of the premises;
- the proposed hours of operation;
- the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;
- the physical and accessible nature of the premises;

- the level of likely car parking demand in relation to the use of the premises in comparison with the existing situation and the likely effect on the movement of priority traffic;
- the cumulative impact of licensed premises in an area;
- the scope for mitigating any impact;
- how often the activity is to occur.

4.2.3. In considering any application where premises are already licensed, or have in the past been licensed for any of the licensable activities (under this or previous legislation), the Authority will take into account any evidence from a responsible authority or interested party of demonstrable adverse impact from the activity in the past. If adverse impact has been caused, consider whether appropriate measures have been proposed or put into effect by the applicant to mitigate that adverse impact. The authority will also consider any changes of circumstances, or evidence that the premises have been well run since the past problems occurred.

4.3. Prevention of Crime and Disorder

4.3.1 General Policy

The Authority's starting point is to seek a reduction in crime and disorder throughout the District, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998.

Licences may be granted if applicants can demonstrate that a positive reduction in crime and disorder will result, or that it will not increase, as a result of the application being granted.

4.3.2. In the event of Police representations, the Authority will generally not grant a licence where it is likely that the premises will be used for unlawful purposes, or where it is considered that the use of the premises is likely to cause an increase in crime and disorder in the area. Where necessary and/or appropriate, and in relation to the type of premises and licensable activity being carried out, applicants are expected to consider the impact of their proposals on crime and disorder, both within and in the vicinity of the premises and to propose practical steps in their operating schedule to prevent crime and disorder. Such steps could include:

- use of CCTV inside and outside the premises;
- use of metal detection or other search equipment or procedures;
- crime and disorder risk assessment in relation to the proposed activities;
- measures to prevent the use or supply of illegal drugs;
- ensuring that all staff are appropriately trained;
- determine the safe occupancy capacity for the premises by carrying out a fire safety assessment;
- employment of sufficient security staff controlling admission and patrolling the interior and exterior of the premises (such staff will be required to be licensed by the Security Industry Authority). The Authority recognises that there is a greater need for security staff in some premises than in others. For example there will be a greater need for security staff in a town centre nightclub than in a village pub;

- participation in Pub Watch or other relevant schemes;
- agreed protocols with police and other organisations and a commitment to cooperate and provide evidence to the police if required;
- ensuring that measures are in place to disperse customers over an extended period and to ensure customers leave the venue in an orderly fashion and without bottles or glasses.

It is recognised that some premises will require minimum measures to promote the licensing objectives.

4.3.4. Carlisle and Eden Crime and Disorder Reduction Partnership

Where appropriate, applicants will be expected to have regard to the information published by the Carlisle and Eden Crime and Disorder Reduction Partnership and consider the impact of their proposals on the issues identified as being of particular concern in the area for example:

- violent crime;
- fear of crime;
- road safety;
- anti-social behaviour.

Applicants will be expected to propose steps to reduce the risks of such crimes increasing as a result of the licensable activities proposed.

4.5 Prevention of Public Nuisance

4.5.1 General policy on Licensing Hours

4.5.2. The Authority recognises that fixed and artificially early closing times can lead to peaks of disorder and disturbance on the streets when large numbers of people leave licensed premises at the same time. Longer licensing hours, particularly relating to the sale of alcohol, may therefore be a factor in reducing disorder at late night food outlets, taxi ranks and other sources of transport in areas where there have already been incidents of disorder and disturbance.

4.5.3. The Authority will not seek to introduce any form of 'zoning' in relation to licensing hours. Zoning is defined as the setting of fixed trading hours within a designated area. All residents living in the vicinity of licensed premises have equal rights to make representations concerning applications for, and reviews of, premises licences, including hours of trading and to have those representations given equal weight regardless of where they live.

4.5.5. In general, the Authority will deal with the issue of licensing hours on the individual merits of each application. However, in the event of relevant representations, when issuing a licence stricter conditions are likely to be imposed with regard to noise control in the case of premises that are situated in predominantly residential and other noise sensitive locations.

4.5.7. The Authority will assess the potential impact of the premises against the characteristics of the area in which they are situated. For example, in the event of representation being made there would be close scrutiny of applications for a closing time of later than 11pm in respect of premises situated in quiet residential or other noise sensitive locations with low background noise. Greater flexibility on closing times would be considered where for example, applicants could demonstrate that:

- there is a high level of accessibility to public transport services;
- there is an appropriate amount of car parking, readily accessible to the premises, and in places where vehicle movement will not cause demonstrable adverse impact to local residents;
- the operating schedule indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance;
- the licensable activities would not be likely to cause adverse impact especially on local residents, or that, if there is a potential to cause adverse impact, appropriate measures are to be put in place to prevent or minimise that impact.

4.5.9. In the event of representations, the Authority will not normally grant a premises licence in terms which are, in its opinion, likely to result in increased noise disturbance to people living or working in the vicinity.

4.5.10. In particular, the Authority will give careful consideration to an application for a licence, for premises situated in a predominantly residential or other noise sensitive location where the proposed hours of operation would be likely to result in unreasonable noise disturbance between the hours of 11pm and 7am.

4.5.11. The Authority expects the applicant to assess the likely sources of noise disturbance that could arise due to the proposed use consider the existing noise context of the area and propose practical steps to prevent noise disturbance or minimise its effects.

4.5.12. Potential sources of noise include:

- sound leakage from the licensed premises (from entertainment provided, customers on the premises, mechanical equipment etc);
- customers and staff arriving and leaving the premises (including car doors slamming);
- excessive noise from outside entertainment.

4.5.13. Practical steps could include:

- keeping doors and windows closed whilst entertainment is provided;
- installing soundproofing measures to the premises (specialist double glazing, acoustic hoods over extractor fan outlets etc);

- reducing sound levels inside the premises (inclusion of a sound limitation device in the sound system);
- ensuring that queues are directed to form leading away from residential premises;
- ensuring that sufficient door security staff manage queuing and leaving customers to minimise noise;
- erecting prominent notices at exits requesting customers to leave quietly;
- reducing the volume of music entertainment towards the end of the evening;
- giving free lollipops to customers leaving the premises;
- ensuring that sufficient transport is nearby to enable customers leaving the premises to disperse quickly;
- banning from the premises customers known to cause noise disturbance regularly on leaving the premises;
- ensuring that customers are encouraged to leave the premises (including any car park or forecourt) swiftly;
- ensuring the volume of outdoor entertainment does not cause noise disturbance;
- providing police supervision at closing times.

4.5.14. The Authority may impose conditions to ensure that appropriate steps are taken to minimise noise disturbance.

4.5.15. Live music, dancing and theatre

4.5.16. The Authority recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the economy and community, particularly for children and young people.

4.5.17. When considering applications for such events and the imposition of conditions on licences or certificates, the Authority will carefully balance the cultural needs with the necessity of promoting the licensing objectives.

4.5.18. Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.

4.8. Consideration of applications and the imposition of conditions

4.8.1. On granting a licence, the Authority may only impose conditions that are:

- required by law, and/or
- necessary for the promotion of the licensing objectives and
- proportionate

4.8.2. If no relevant representations are received, a licence will be granted on the terms sought, subject only to such conditions as are consistent with the operating schedule and which comply with the above paragraph and any relevant statutory conditions.

4.8.3. In deciding what conditions to impose, the Authority shall have regard to the operating schedule, together with the provisions of this policy statement, the law,

government guidance and any relevant representations made. Where there is any ambiguity or uncertainty in the meaning of any part of the application, the application shall be interpreted in such a way as shall best promote the licensing objectives.

4.8.4. Where relevant representations are received, the Authority will consider those representations together with any representations of the applicant, having regard to the provisions of this policy, the law and government guidance. Where relevant representations have been made, the Authority will not normally grant a licence in terms which conflict with this policy statement. In particular it may:

- reject the application – if to do so is necessary to promote the licensing objectives and none of the following actions is reasonably practicable;
- grant the licence but exclude from its scope one or more of the licensable activities applied for in order to ensure that the licence complies with this policy and promotes the licensing objectives;
- grant the licence but modify such of the conditions imposed as is necessary to ensure compliance with this policy and to promote the licensing objectives;
- grant the licence but refuse to specify a particular person in the licence as the designated premises supervisor if to name that person would undermine the promotion of the licensing objectives;
- approve different parts of the premises for different activities.

4.8.5 The Authority will not impose conditions that duplicate other areas of regulation. For example, conditions will not be imposed which simply duplicate planning conditions or conditions attached to a fire certificate.

4.8.6. However, there may be occasions when conditions will be imposed which the Authority considers necessary for the promotion of the licensing objectives and which overlap with other areas of regulation, when for example the conditions on the fire certificate or planning permission do not adequately deal with those matters.

4.8.7. In general, any conditions imposed will be drawn from a pool of conditions.

4.8.8. Provided the licensing objectives are not undermined and the proposal does not conflict with the other statements in this policy, licences will be granted so that premises will be able to open to provide licensable activities between such times as the applicant sets out in his application.

4.8.9. When deciding what conditions to impose, the Authority will have regard to the particular requirements of people with disabilities and will, so far as possible, seek to ensure that none of the conditions imposed on licences will have the effect of excluding such persons access to licensed premises.

D. NATIONAL GUIDANCE (Section 182 Licensing Act 2003)

Members should have regard to all relevant information and it is considered that the following guidance, (though not exclusively) have a bearing upon the application:

National guidance regarding control of areas outside the premises is as follows:

Statements of policies should make clear that licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act, and that the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations.

Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. 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. But statements of licensing policy should make it clear that 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 public living, working or engaged in normal activity in the area concerned. A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and antisocial 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 a holistic approach to the management of the evening and night-time economy in town and city centres.

National guidance regarding licensing hours is as follows:

With regard to licensing hours, the statement of policy should generally emphasise the consideration which will be given to the individual merits of an application. The Government strongly recommends that statements of policy should recognise that longer licensing hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance. The Government also wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists without compromising the ability to resource local services associated with the night-time economy. Providing consumers with greater choice and flexibility is an important consideration.

National guidance regarding non-duplication of other regimes is as follows:

[Policy should indicate]

that planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee. Similarly, the granting by the licensing committee of any variation of a licence which

involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.

E. OBSERVATIONS

Pursuant to the Licensing Act 2003, the Committee is obliged to determine this application with a view to promoting the 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 Committee is also obliged to have regard to Guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

The Committee must also have regard to the representations made and the evidence given before them.

F. OPTIONS

The Committee may take such of the following steps as it considers necessary for the promotion of the licensing objectives:

As a guide members may:

1. Grant the application as requested.
2. Modify the conditions of the licence, by altering or omitting or adding to them.
3. Reject the whole or part of the application.

When considering their decision, members should refer to paragraph 4.8.4 of the Council's statement of Licensing Policy with regard to the options they should consider.

The Committee is reminded that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

Prepared by F Watson
Licensing Officer

App. 1

Insert name and address of relevant licensing authority and its reference number (optional)

Licensing Manager
 Legal & Democratic Services
 Carlisle City Council
 Civic Centre
 Carlisle
 CA3 8QG

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.

XWe T. J. Morris Limited t/a Home Bargains
 (Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and **X**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 Home Bargains Units 6 & 7 Earls Lane	
Post town Carlisle	Post code CA3 8DG

Telephone number at premises (if any)

Non-domestic rateable value of premises £

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick Yes

- a) an individual or individuals* please complete section (A)
- b) a person other than an individual*
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)

- f) a health service body 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 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:

Please tick Yes

- 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 Mrs Miss Ms Other title (for example, Rev)

Surname

First names

Please tick Yes

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please tick Yes

I am 18 years old or over

Current postal
address
if different from
premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address
(optional)

(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 T. J. Morris Limited t/a Home Bargains
Address Axis Business Park Portal Way Gillmoss Liverpool L11 0JA
Registered number (where applicable) 1505036
Description of applicant (for example partnership, company, unincorporated association etc) Limited Company
Telephone number (if any) 0151 530 2920
E-mail address (optional)

Part 3 - Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
A	S	A	P				

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

Day		Month		Year			
N	/	A					

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

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

These premises will trade as a general goods, food stuffs and household products store. This store is a single storey high street unit with staff and storage areas to the rear of the premises and a sales area of approximately 10247 sq. ft. Liquor is intended to be displayed within the retail area in such positions where it can be supervised by a combination of staff supervision and/or CCTV. The CCTV system will form part of the due diligence system which will be operable at the store (images will be kept for a minimum of 28 days). The due diligence system will also incorporate the operation of a refusals book together with general staff training providing guidance upon both the legal and social impact of the same. The parent Company also provide continual external support to this due diligence operation. The licensable activities will take place between the hours as specified on page 11 of this application form and the Designated Premises Supervisor is likewise specified on page 11. This is an overview of the type of premises, its general situation and layout and includes information relevant to the Licensing objectives. However the Licensing objectives are more particularly described within this application.

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

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick Yes

Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for performing plays (please read guidance note 4)		
Thur						
Fri			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 5)			
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur						
Fri			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 5)			
Sat						
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			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 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	
Day	Start	Finish	Indoors	
Mon			Outdoors	
Tue			Both	
Wed			Please give further details here (please read guidance note 3)	
Thur			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
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 5)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed			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 5)		
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue			State any seasonal variations for playing recorded music (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing		
			Will the facilities for making music be indoors or outdoors or both - please tick ✓ (please read guidance note 2)		Indoors
			Outdoors		
			Both		
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick ✓ (see guidance note 2)		Indoors	
					Outdoors	
			Both			
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing			
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)		Indoors	
Day	Start	Finish		Outdoors		
Mon				Both		
Tue				<u>Please give further details here</u> (please read guidance note 3)		
Wed						
Thur			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)			
Fri						
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of late night entertainment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sun						

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption please tick ✓ (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	√
Mon	08.00	22.00	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	
Tue	08.00	22.00			
Wed	08.00	22.00			
Thur	08.00	22.00		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 5) Please note that the applicant will fully comply with Sunday trading hours.	
Fri	08.00	22.00			
Sat	08.00	22.00			
Sun	08.00	22.00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor	
Name	<u>Steven Maddox</u>
Address	<u>Bartle Road</u> <u>St. Annes</u> <u>Lancashire</u>
Postcode	<u>FY8 3JF</u>
Personal Licence number (if known)	<u>FYPA0089</u>
Issuing licensing authority (if known)	<u>Fylde Borough Council</u>

N

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 8)

These premises propose a Premises Licence for consumption of alcohol off the premises only. In order to ensure compliance with legislation. The Company will operate a 'Challenge 21' policy whereby any person not looking the age of 21 must prove that they are in fact over the lawful age of 18 for the purpose of sale of alcohol. Acceptable forms of identification concerning the issue of age are a Ten Year Passport, photocard Driving Licence or an approved PASS logo proof of age card. All staff are obligated to familiarise themselves with these requirements. The Company will operate a due diligence policy, incorporating the minimum Challenge 21 policies above; also incorporating full training for all staff, the operation of a refusals book and refresher training on a regular basis.

This store will operate a fully recordable CCTV system which is overtly operable. There will be prominent signage located throughout the store confirming the legal minimum age for the purchase of alcohol.

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	08.00	22.00	
Tue	08.00	22.00	
Wed	08.00	22.00	
Thur	08.00	22.00	
Fri	08.00	22.00	
Sat	08.00	22.00	
Sun	08.00	22.00	
Non standard timings. Where you intend to use 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 5)			
Please note that the applicant will fully comply with Sunday trading hours.			

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

a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9)

The subject premises will apply a standard of operation which will ensure compliance with all four licensing objectives. based upon factors more particularly outlined in Sections (b) to (e) below.

b) The prevention of crime and disorder

The style of operation at these premises is designed to minimise crime and disorder. This will be achieved by the use of CCTV with the retention of images for a minimum period of 28 days for prosecution purposes. The premises seek to benefit solely from the sale of alcohol for consumption off the premises. These premises will operate a 'Challenge 21' policy in order to ensure that liquor is sold only to persons of lawful age (being that, should a person not look the age of 21 then he/she would need to prove they are in fact of lawful age 18 or over). These issues also overlap on the section dealing with protection of children from harm. All staff undergo training concerning knowledge of Licensing Laws together with social impact upon the sale of alcohol.

c) Public safety

The premises will comply with current legal requirements for Fire Safety and Health and Safety including periodic risk assessments.

d) The prevention of public nuisance

These premises are proposed to be registered for the consumption of liquor off the premises only. In addition to there being no consumption on the premises, there is no form of entertainment on the premises. There are no outdoor areas utilised for the benefit of members of the public and the nature of the operation does not require the employment of door supervisors or use of dedicated cab firms. The premises operate within the required litter/refuse regulations adopted by the Local Council. The management policy at the premises is to welcome communication with any local persons in relation to any issues which arise concerning the operation of these premises in relation to the prevention of public nuisance or indeed any of the other licensing objectives.

e) The protection of children from harm

It is proposed that these premises will benefit from a Premises Licence for consumption off the premises only. In order to ensure compliance with the legislation, the Company will operate a 'Challenge 21' policy as a minimum whereby any person not looking the age of 21 must prove that they are in fact over the lawful age of 18 for the purpose of sale of alcohol. Acceptable forms of identification concerning the issue of age are a Ten Year Passport, photocard Driving Licence or an approved PASS logo proof of age card. All Staff are obligated to familiarise themselves with these requirements. The Company will operate a due diligence policy, incorporating the minimum Challenge 21 policy above; also incorporating full training for all staff, the operation of a refusal book and refresher training on a regular basis. The store will operate a fully recordable CCTV system which is overtly operable. There will be prominent signage located throughout the store confirming the legal minimum age for the purchase of alcohol and other age restricted products and the company policy.

Please tick Yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 - Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature DWF LLP

Date 18th August 2009

Capacity Solicitors for and on behalf of the Applicant

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). 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 13)

DWF LLP
5 St. Paul's Square
Old Hall Street

Post town Liverpool

Post code L3 9AE

Telephone number (if any) 0151 907 3000

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Notes for Guidance

1. 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.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day, e.g. Christmas Eve.
6. Please give 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.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give 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, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

(full name of prospective premises supervisor)
(home address of prospective premises supervisor)

I, Steven Maddox
of Bartle Road
St. Annes
Lancashire FY8 3JF

(purpose of application)

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for
A PREMISES LICENCE

(name of applicant)

by T. J. Morris Limited t/a Home Bargains

(number of existing licence, if any)

relating to a premises licence

(name and address of premises to which the application relates)

for HOME BARGAINS
UNITS 6 + 7 EARLS LANE
CARLISLE, CA3 8DS

(name of applicant)

and any premises licence to be granted or varied in respect of this application made by T. J. Morris Limited t/a Home Bargains

(name and address of premises to which application relates)

concerning the supply of alcohol at
HOME BARGAINS
UNITS 6 + 7 EARLS LANE
CARLISLE CA3 8DS

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

(insert personal licence number, if any)

Personal licence number FY PA 0089

(insert name and address and phone number of personal licence issuing authority, if any)

Personal licence issuing authority
FYLDE BOROUGH COUNCIL

Signed



Name



STEVEN MADDOX

(please print)

Dated

18.8.09



-  BLPU Polygons
-  BLPU Points

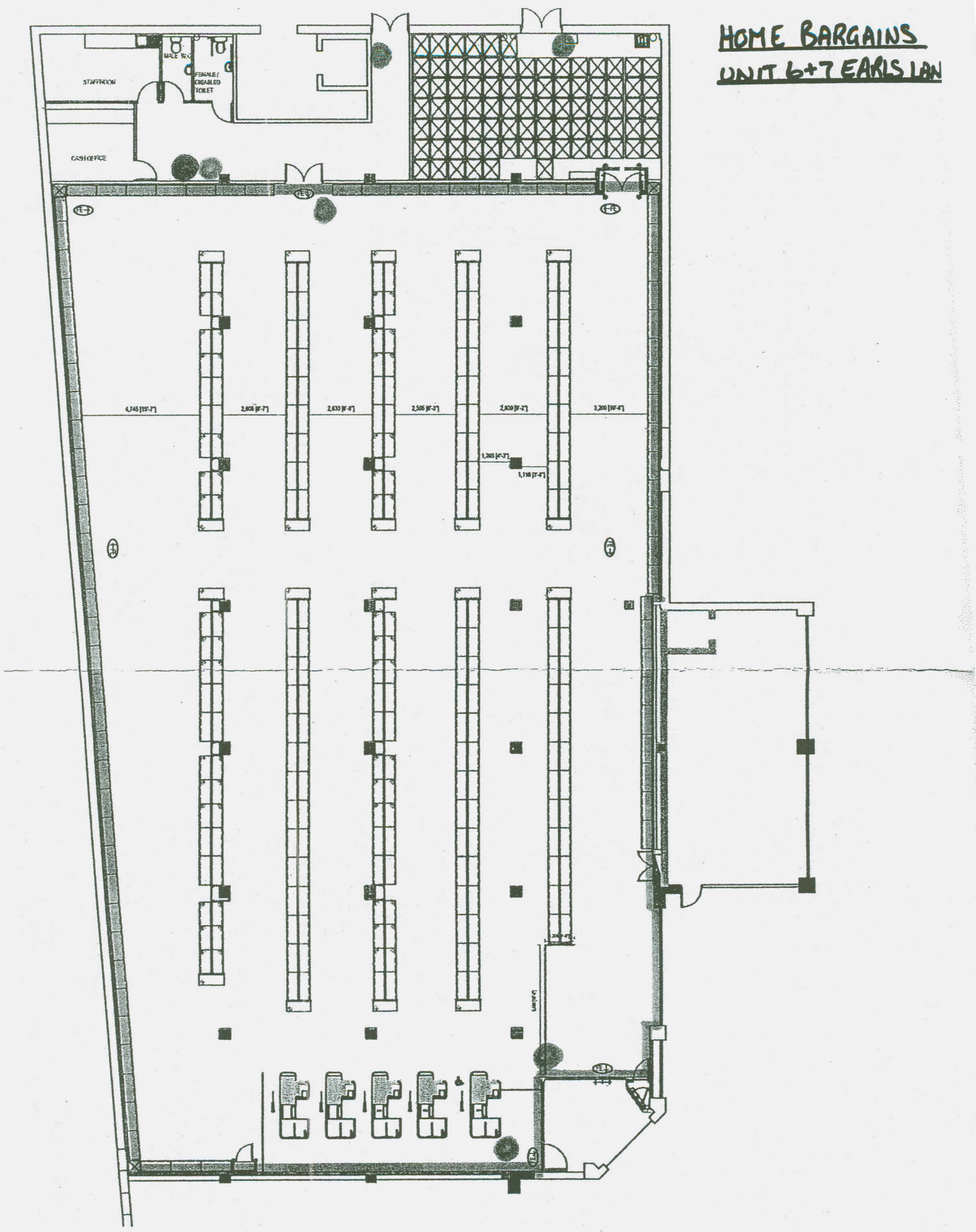
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CARLISLE Civic Centre
CITY COUNCIL Rickergate
 Carlisle
 CA3 8QG
www.carlisle.gov.uk



APP. 2 B.

HOME BARGAINS UNIT 6+7 EARLS LANE



PROPOSED GROUND FLOOR PLAN

APP. 3

Frederick Watson

From: Higgin, Richard [richard.higgin@cumbria.pnn.police.uk]
Sent: 02 September 2009 13:47
To: Licensing
Subject: Home Bargains

With regards to the licence application for Home Bargains I wish to lodge an objection on the grounds that by selling alcohol from 0800 would frustrate the crime and disorder objective.

Richard Higgin
PS 321
Carlisle City Centre NPT
T: 01228 558321
M: 07890 747461
E: richard.higgin@cumbria.police.uk
W: www.cumbria.police.uk

Carlisle Police Station
Citadel Row
English Street
Carlisle.

Cumbria Constabulary - Safer Stronger Cumbria

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CUMBRIA CONSTABULARY

ASU Facsimile: 01228 558289
Telephone: 0845 33 00 247

Please ask for: PS 321 Richard Higgin
Station

My Reference:
Your Reference:

Area Commander
North Cumbria Area
Chief Superintendent Steve Johnson

Durranhill
Carlisle
Cumbria CA3 8SQ



5th October 2009

Dear Sir,

I am writing to outline Cumbria Constabularies reasons to object to the application by Home Bargains to sell alcohol from 0800 at their new premises in Carlisle.

I am fully aware that numerous other premises are licensed to sell alcohol from 0800 throughout Carlisle but the area where Home Bargains is situated has specific problems which are unique to that area which I will outline below.

The proposed site for the premises is at 6 and 7 Earls Lane Carlisle. Earls Lane is next to the main bus station in Carlisle City Centre.

In October 2008 a newsagent Lonsdale News started selling alcohol from 0800. Lonsdale News is also next to the bus station. As soon as they started selling from this time there was a tremendous increase in anti social behaviour in the area. The following is a list of incidents by date and time. Nearly all of these incidents came from complaints from the public.

3/10/08- 5 males and females drinking alcohol on the bus station. Alcohol seized.-10am

8/10/08-3 males drinking alcohol on the bus station.-10:06am

11/10/08- 1 female and 2 males drinking alcohol and begging for money on the bus station.
10:24am

13/10/08-7 males drinking alcohol at the bus station.-11am

13/10/08-5 males drinking alcohol at the bus station-11:54am

14/10/08-Alcohol seized from a male at the bus station.-08:57am

20/10/08- 8 males and females drinking alcohol at the bus station. Large amount of litter left behind.10:51am

21/10/08- 7 females and males drinking alcohol at the bus station. Verbally abusive towards public.
09:52am



Give respect Get respect

PLEASE NOTE ANY CORRESPONDENCE SHOULD BE ADDRESSED TO THE CRIMINAL
JUSTICE UNIT CARE OF THE ABOVE ADDRESS

22/10/08- 4 males and 2 females drinking alcohol at the bus station. 10:01am

22/10/08-1 male arrested for Drunk and disorderly on the bus station.13:23pm

As a result of this increase a meeting was held with Lonsdale News where an agreement was reached to only sell alcohol from 11am. Since the implementation of this agreement there has been a large decrease in incidents. The following is a list of incidents post meeting.

No other POLIS logs from 22/10/08 to the 31/12/08

2/02/09- 2 males drinking alcohol at the bus station.

12/03/09- 2 cans of alcohol seized from males at bus station.

31/03/09- Drunken male asleep on the ground outside the café at the bus station.

5/05/09- Group of 6 drinking alcohol at the bus station.

8/08/09- Male highly intoxicated with alcohol. Ambulance had to be called and male conveyed to Hospital.

16/09/09- 6 males drinking alcohol at the bus station.

17/09/09- males and females drinking alcohol at the bus station

As well as defeating the Crime and Disorder objective the sale of alcohol would also contravene the protection of children from harm as the area where the premises intends to open is a popular route used by children making their way to the nearby secondary schools.

I feel that if the licence were to be granted it would again lead to a large increase in Crime and Disorder.

Yours Sincerely,

Sgt Richard Higgin
(pp Insp Diane Bradbury)



Give respect Get respect

PLEASE NOTE ANY CORRESPONDENCE SHOULD BE ADDRESSED TO THE CRIMINAL
JUSTICE UNIT CARE OF THE ABOVE ADDRESS