

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT
FOLLATON HOUSE, TOTNES ON MONDAY 27 JUNE 2016**

Present: Cllrs Keith Baldry, Tom Holway and David May
Sue Nightingale, Solicitor
Darryl White, Senior Specialist – Democratic Services
Naomi Wopling, Specialist – Licensing

Also in attendance and participating:

Cllr John Green – local Ward Member
Mr James Kershaw – Senior Specialist – Environmental Health and Licensing
Legal representatives acting on behalf of Morrisons
Mr Jack Paterson – objecting resident (also representing Totnes and District
Traffic and Transport Forum)

LSC.01/16 **APPOINTMENT OF CHAIRMAN**

RESOLVED

That Cllr May be appointed Chairman for the duration of the meeting.

LSC.02/16 **DECLARATIONS OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting. These were recorded as follows:

Cllr D W May declared a personal interest in agenda item 4: 'Application for a New Premises Licence for Morrisons Petrol Filling Station, Totnes' (Minute LSC.03/16 below refers) by virtue of owning a garage and remained in the meeting and took part in the debate and vote thereon. For clarity, Cllr May informed those present that his garage was for repairs only and did not sell any fuel.

LSC.03/16 **TO DETERMINE AN APPLICATION FOR A NEW PREMISES LICENCE FOR MORRISONS PETROL FILLING STATION, TOTNES**

The Sub-Committee considered a report that sought to determine an application for a new Premises Licence at Morrisons Petrol Filling Station, Totnes TQ9 5JR.

The Licensing Specialist introduced the report and outlined the details of the application as stated in the application form at Appendix A of the presented agenda report. In particular, the Licensing Specialist advised that the application sought approval for the sale of alcohol for consumption off the premises to be available twenty-four hours a day, seven days a week and for the provision of late night refreshments Monday to Sunday from 23:00 to 05:00.

1. Address by the Applicant's representative

The representative outlined the rationale behind the application and, in so doing, made particular reference to:

- the reputation of Morrisons. Despite having over 11 million customer transactions each week, the representatives stressed that the organisation had never been prosecuted in accordance with any offence relating to the Licensing Act 2003. Furthermore, Morrisons had never seen a review into an existing licence being invoked by any local authority;
- the proposed operating hours. The Sub-Committee was informed that, at this stage, the organisation was proposing to operate from 6.00am to midnight. In addition, the application was only seeking provision to open '24/7' to prevent Morrisons from having to submit an additional application in the event that the organisation should wish to increase its operating hours;
- the planning application. It was noted that a planning application had also been submitted to the local authority that sought to almost double in size the filling station store. As a consequence, the organisation was projecting that customer footfall for convenient use would almost double whereas fuel sales would remain fairly constant;
- the store plans being well designed. In highlighting the proposed layout, the representatives confirmed that full CCTV provision would be in place. Whilst not a significant part of the business, alcohol sales were nonetheless important and assurances were given that spirits would only be available from behind the sales counter;
- members of staff. When questioned, the representatives confirmed that there would never be fewer than two members of staff on site during operating hours, with at least one of these being a personal licence holder. Furthermore, all staff members undertook a rigorous training programme and the organisation had adopted the 'Challenge 25' policy, the electronic refusal register and till prompts;
- the objections raised. To offset the objections and concerns raised, the representatives highlighted that:
 - o there had been no anti-social behaviour related complaints ever raised at this site;
 - o there was no evidence to suggest that by being able to drive to the site would lead to an increase in drink driving;
 - o a condition would be imposed whereby the sale of individual cans of alcohol would not be allowed;
 - o alcohol would be displayed in the full view of the tills;
 - o subject to inclusion of the additional conditions, the Police had raised no objections;
 - o the organisation had a policy whereby they did not display advertisements promoting the sale of cheap alcohol;
 - o in line with the 'Thwaites Case', there was no real evidence to justify refusal of the application;

At this point, the Sub-Committee was invited to ask questions of the representatives. In so doing, the following points were raised:

- (a) It was confirmed that members of staff received appropriate training in conflict resolution. In recognising the importance of duty of care to staff, panic buttons were installed under the counter and only a limited amount of cash was kept in the tills;
- (b) The Committee was also informed that hot food and drinks would not be consumed on the premises.

2. Address by the Objecting Resident

The objecting resident addressed the Sub-Committee and, in addition to the points made in his formal representations (as outlined in Appendix B of the presented agenda report), made specific reference to:-

- (i) the public safety concerns arising from a high footfall of pedestrians in the vicinity of a petrol filling station;
- (ii) it being inevitable that the proposals would lead to an increase in the volume of litter generated. In reply, the applicants' representatives gave assurances that staff were required to undertake frequent on-site litter pick-ups. Once beyond the premises, Members were advised that the level of responsibility on Morrisons diminished dramatically;
- (iii) the need and demand for a '24/7' operation in this area being questionable.

3. Address by Environmental Health (on behalf of the Licensing Authority)

The Senior Specialist – Environmental Health and Licensing advised that he had some concerns over whether the application truly supported the licensing objectives and he therefore welcomed the fact that it had been presented to the Sub-Committee for determination.

Confirmation was given to the Sub-Committee that no noise complaints had been received in relation to this application site and the nearest neighbouring properties were 45 metres away. Furthermore, most of the noise generated at this site related to the petrol pumps and car washing facilities and not the store.

(At 2.55pm, once all parties were satisfied that they had no further issues to raise or clarify, the Sub-Committee adjourned in the presence of Mrs Nightingale to consider the application. Following their deliberations, the meeting was then reconvened at 3.20pm).

4. The Decision

In announcing the Sub-Committee decision, the Chairman read out the following statement:

“We have considered the application for a new premises licence.

We have considered the Statement of Licensing Policy, the government guidance and our obligations that relate to the promotion of the licensing objectives.

We have read carefully the written representations from parties not present today and have read carefully representations received from parties present plus additional statements from persons here today. We have also considered the additional conditions proposed by the Police and accepted by the Applicant.

It is our decision to grant this application subject to the following changes being incorporated into the operating schedule. We have determined the changes to be APPROPRIATE to achieve the licensing objectives:

Supply of alcohol for consumption off the premises between 6.00am and midnight in accordance with paragraph 6.4 of the Council’s Licensing Policy and that this is appropriate to the amenity of the area, to prevent public nuisance. And that the licence is subject to all the conditions offered by the Applicant AND the conditions proposed by the Police at page 39 of the published agenda papers.

In addition to being APPROPRIATE, the Committee also believe the amendment(s) to be necessary.

Thank you all.”

Chairman