

# South Hams Licensing Sub-Committee



<b>Title:</b>	<b>Agenda</b>
<b>Date:</b>	<b>Monday, 27th June, 2016</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>Nash Room - Follaton House</b>
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b></p> <p style="text-align: center;"><b>Vice Chairman</b></p> <p><i>Members:</i>                      Holway                      May     Baldry</p>
<b>Substitutes:</b>	Named substitutes are not appointed
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
<b>Committee administrator:</b>	Member.Services@swdevon.gov.uk

**1. Appointment of Chairman**

**2. Division of Agenda**

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;

**3. Declarations of Interest**

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests; they may have in any items to be considered at this meeting;

**4. Application for new premises licence for Morrisons Petrol Filling Station, Totnes**

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# Agenda Item 4

Report to: **Licensing Sub-Committee**

Date: **27<sup>th</sup> June 2016**

Title: **Application for new premises licence for Morrisons Petrol Filling Station, Totnes**

Portfolio Area: **Customer First**

Wards Affected: **Totnes**

Relevant Scrutiny Committee:

Urgent Decision: **Y** Approval and clearance obtained: **Y**

Author: **Naomi Wopling** Role: **Specialist – Licensing**

Contact: **01803 861268 / naomi.wopling@swdevon.gov.uk**

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## **Recommendations:**

**That the Sub-Committee consider the application for a new Premises Licence and make determinations in respect of this application, namely to:**

- a) consider whether premises would be “excluded premises” as defined under Section 176 Licensing Act 2003 as: premises used primarily as a garage or which form part of premises which are primarily so used. (If so determined then (b) below may be omitted, if not ‘excluded premises’ to continue with (b) below).**
- b) i) grant the application as submitted, subject to any Mandatory Conditions required;**
- ii) modify the conditions of the licence;**
- iii) exclude any of the licensable activities to which the application relates;**
- iv) to refuse to specify a person in the licence as the premises supervisor;**
- v) reject the application,**

**in line with the licensing objectives contained within the Licensing Act 2003.**

## **1. Executive summary**

- 1.1 The purpose of the Licensing Sub-Committee meeting is to determine an application for a new Premises Licence at **Morrisons Petrol Filling Station, Totnes, TQ9 5JR** in accordance with Section 176 and Section 18 of the Licensing Act 2003.
- 1.2 The Licensing Authority received an application for a new Premises Licence for the above on 5 May 2016. A copy of the application is attached at **Appendix A**. The application is for the sale of alcohol for consumption off the premises to be available 24hrs a day, seven days a week and for the provision of late night refreshment Monday to Sunday from 23:00 to 05:00.
- 1.3 The premises is a shop at a petrol filling station. The shop is due to be extended, the plan of the premises is at **Appendix A**. If the premises licence is granted, alcohol would not be able to be sold until the extension works had been completed.
- 1.4 Eight representations were received during the consultation period (**Appendix B**), including from Totnes Town Council, two District Councillors and the local MP. The main areas for concern are in relation to the proposed 24 hour alcohol sales, particularly the availability of alcohol in the early hours of the morning. There are fears that access to alcohol at this time could lead to both a public nuisance and crime and disorder in the vicinity. Highlighted is the potential for persons who have been drinking at premises in the town to walk to the petrol station after closing time to purchase more alcohol. Also raised in the representations is the likelihood for a noise nuisance to be caused to people living in nearby residential properties and nuisance from bright lights throughout the night.
- 1.5 The premises is located on the A385 through Totnes and is on the main route for children walking to and from school. Several of those objecting to the application have concerns about the availability of alcohol at this location and how access to alcohol by children will be managed.
- 1.6 During the consultation period, the Police requested that additional conditions were included to address the licensing objectives. These include restrictions on where alcohol is displayed within the store. The changes have been agreed in writing by the Applicant and are listed at **Appendix C**
- 1.7 As the premises is on a main road and forms part of a petrol filling station, several objectors have raised concerns about an increase in drink driving should alcohol be available. Section 176 of the Act prohibits the sale of alcohol at 'excluded premises', these are defined as 'those premises used primarily as a garage or which form part of premises which are primarily so used.' The Applicant

has provided information on their projected customer footfall following the extension works. These indicate that the majority of customers will be visiting the premises for 'store items' rather than for fuel (**Appendix D**). Further information relating to the current composition of sales at the store has been requested, so that a comparison can be made and an understanding of how the projections have been reached.

- 1.8 We have not been able to mediate between parties and so a satisfactory conclusion has not been possible. The Licensing Sub-Committee will now need to consider this application

## **2. Background**

- 2.1 As relevant representations in respect of this application have been received, which have not been withdrawn and mediation has not been possible, the Licensing Sub-Committee acting on behalf of the Licensing Authority must make a determination on this application. When coming to a decision, the Licensing Sub-Committee must give consideration to the Council's Statement of Licensing Policy (the Policy) and Home Office guidance issued under Section 182 Licensing Act 2003 (revised March 2015).
- 2.2 Section 3.1 of the Policy states: The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives. (These objectives are the only matters to be taken into account in determining the application and any conditions attached must be appropriate to achieve the licensing objectives).
- 2.3 The four licensing objectives are:
- The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance;
  - The protection of children from harm.
- 2.4 Section 3.2 of the Policy states: A licence (or club premises certificate) will only be granted where the Licensing Authority is satisfied that these objectives have been met.
- 2.5 Section 3.3 of the Policy lists the kind of measures the Licensing Authority will be expecting to see taken into account to promote the objectives.
- 2.6 Section 4.1 of the Policy sets out additional legislation, strategies, policies and guidance to which the Licensing Authority will have regard.
- 2.7 The Guidance issued under Section 182 of the Licensing Act 2003 which was revised and re-published in March 2015 state: The Licensing Authority may not impose conditions unless its discretion

has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives (paragraph 10.8 of the guidance).

2.8 The following responsible authorities are statutory consultees under the Licensing Act 2003:

- Devon and Cornwall Police
- Devon and Somerset Fire and Rescue Service
- Devon Safeguarding Children's Board
- Devon County Council Trading Standards
- Devon Drug and Alcohol Action Team, NHS Devon
- South Hams District Council Planning Department
- South Hams District Council Environmental Health (Health & Safety)
- South Hams District Council Environmental Health (Pollution Control)

Out of the above responsible authorities, representations were only received from the Police and amendments have been agreed with the Applicant.

2.9 In addition to the above responsible authorities, any person may make a representation in relation to a premises licence application.

2.10 Under Section 176 Licensing Act 2003 a premises licence does not authorise the sale of alcohol if sold or supplied at motorway service areas and from premises used primarily as a garage, or are part of premises used primarily as a garage. Premises are used as a garage if they are used for one or more of the following:

- the retailing of petrol;
- the retailing of derv;
- the sale of motor vehicles; and
- the maintenance of motor vehicles.

2.11 Section 5.23 of the Guidance states if a relevant representation is made, the licensing authority must decide whether or not the premises are used primarily as a garage. The licensing authority may ask the licence holder to provide further information to help establish what the primary use of the premises is.

### **3. Outcomes/outputs**

3.1 When determining an application for a premises licence, particularly when considering appropriate conditions and operating hours, the following sections of the Statement of Licensing Policy (the policy) and Section 182 Guidance (the guidance) are especially relevant:

3.2 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive

periods. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave (paragraph 2.18 of the guidance).

- 3.3 Section 6.1 & 6.2 of the policy states: The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. When the Authority's discretion is engaged, consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by Responsible Authorities or other persons on the basis of the licensing objectives. However, when dealing with licensing hours beyond midnight it is more likely that relevant representations will be made unless there are higher standards of control within operating schedules to promote the licensing objectives, especially for premises which are situated near residential areas or in areas where anti-social disorder takes place. There is no presumption within the legislation for longer opening hours.
- 3.4 Section 6.4 of the policy states: The terminal hours will normally be approved where the Applicant can show that the proposal would not adversely affect the licensing objectives unless, after hearing relevant representation the Licensing Authority believe it necessary, proportionate and reasonable to restrict the hours required. The Licensing Authority may set an earlier terminal hour where it considers this is appropriate to the nature of the activities and the amenity of the area.
- 3.5 Paragraph 10.14 of Guidance issued under Section 182 of the Licensing Act 2003 states: where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 3.6 Paragraph 10.15 of the Guidance then continues: Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours. Section 6.8 of the Policy gives the following as reasons for a restriction: This could be if an individual shop is known to be a focus of disorder and disturbance and relevant representations have been received. Another such reason may be a particularly early opening time, where there are reasons to believe that the availability of alcohol at that hour could impact adversely on the licensing objectives.
- 3.7 Section 10.1 of the Policy states: The Licensing Authority recognises the great variety of premises for which licences may be

sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited unless it is considered necessary to do so in order to protect them from harm.

- 3.8 Section 10.2 of the Policy states: When deciding whether or not to limit access to children the Licensing Authority will judge each application on its own individual merits. Examples which may give rise to concern and warrant restrictions in the operating schedule include premises: -
- ❑ where entertainment of an adult or sexual nature is provided
  - ❑ where there is a strong element of gambling taking place
  - ❑ with a known association with drug taking or dealing
  - ❑ where there have been convictions of the current management for serving alcohol to minors
  - ❑ with a reputation for allowing underage drinking
  - ❑ where the supply of alcohol for consumption on the premises is exclusive or primary purpose of the services provided at the premises.
- 3.9 The desired outcome is a determination of the application with reasons provided which relate to the four licensing objectives and when conditions are imposed, that these are appropriate to address the licensing objectives.

#### **4. Options available and consideration of risk**

- 4.1 The Licensing Authority may decide to impose additional conditions to address the four licensing objectives, or to amend or remove requested licensable activities. When coming to their decision the Licensing Sub-Committee must give consideration to the Section 182 Guidance and the Statement of Licensing Policy. Reasons must be given which relate to the licensing objectives for any decision made.
- 4.2 The Sub-Committee will need to consider the hours of operation proposed, the effectiveness of the operating schedule proposed by the applicant, the representations received, the location of the premises in relation to residential properties, the history of the management of the premises (if applicable), the evidence provided of any problems in the past, and the likely impact of any extension of hours and activities, public transport, taxi availability, the right the applicant has to operate a business and balancing the rights of residents to the quiet enjoyment and privacy of family life. The South Hams relies on tourism, with the population in the district doubling in the summer months with holidaymakers both from this country and international visitors who are, in the main, families with young children and retired people – the very segment of society who would perhaps be deterred by anti-social behaviour. These issues, and any other relevant ones, may be explored at the hearing in so far as it reflects the four licensing objectives.



- 4.3 A decision made by the Licensing Sub-Committee may be appealed by the applicant or any person who has made relevant representations. The right of appeal is to the Magistrates' Court by virtue of Section 181 and Schedule 5 of the Licensing Act 2003. The Magistrates' Court may dismiss the appeal, or substitute its own decision, or send back the case to the Licensing Authority with directions as to how the case is to be dealt with. The Magistrates' Court may make any costs order it thinks fit.
- 4.4 The Licensing Act 2003 contains a provision which enables a responsible authority or any other person to apply to this Licensing Authority for a review of the premises licence once granted. A hearing follows which enables the Sub-Committee to use the normal powers available, but also to suspend the licence for a period of up to three months or to withdraw it.

## **5. Proposed Way Forward**

- 5.1 That the Sub-Committee consider the application for a new Premises Licence and make a determination in respect of this application, namely to:
- a) consider whether premises would be "excluded premises" as defined under Section 176 Licensing Act 2003 as:  
premises used primarily as a garage or which form part of premises which are primarily so used. (If so determined then (b) below may be omitted, if not 'excluded premises' to continue with (b) below).
  - b)
    - i) grant the application as submitted, subject to any Mandatory Conditions required;
    - ii) modify the conditions of the licence;
    - iii) exclude any of the licensable activities to which the application relates;
    - iv) to refuse to specify a person in the licence as the premises supervisor;
    - v) reject the application,

in line with the licensing objectives (Section 4) contained within the Licensing Act 2003.

## 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The Licensing Act 2003 gives Licensing Authorities the responsibility for determining applications submitted under this provision. This is a statutory obligation.</p> <p>As there have been relevant representations in respect of this application which have not been resolved, this hearing must be held. Relevant representations are about the likely effect of the grant of the application on the promotion of the licensing objectives, by responsible authorities or any other person. The Licensing Sub-Committee must disregard any information or evidence not relevant to the licensing objectives.</p> <p>The Licensing Sub-Committee must consider this application in accordance with Section 4 of the Licensing Act 2003, which requires that licensing functions must be carried out with a view to promoting the four licensing objectives. The Licensing Authority must also have regard to its own licensing policy and the Secretary of State's guidance, but may depart from both if it has good reason to do so. Those reasons should be stated.</p> <p>The Act requires (Section 18) that in dealing with a new premises licence application, the committee takes any of the following steps which are appropriate for the promotion of the licensing objectives:</p> <ul style="list-style-type: none"> <li>(a) to grant the licence subject to:- <ul style="list-style-type: none"> <li>i) the conditions mentioned in section 18 (2)(a) [ie as applied for] modified to such as extent as the authority considers necessary for the promotion of the licensing objectives, and</li> <li>ii) any conditions which must under section 19, 20 or 21 be included in the licence;</li> </ul> </li> <li>(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;</li> <li>(c) to reject the application</li> </ul> <p>The Sub-Committee must give its reasons for its decision to take any of these steps. Similarly, if</p>

		<p>the application is rejected, the Sub-Committee must give its reasons.</p> <p>The applicant or any person who has made relevant representations has the right to appeal a decision made by the Licensing Sub-Committee to the Magistrates' Court by virtue of Section 181 and Schedule 5 of Licensing Act 2003.</p> <p>On appeal, the Magistrates' Court may:</p> <ul style="list-style-type: none"> <li>a) dismiss the appeal;</li> <li>b) substitute for the decision appeal against another decision which could have been made by the Licensing authority;</li> <li>c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.</li> </ul>
Financial	N	There are no direct financial implications to the Council from this Report. However, should a decision be challenged this could result in the Council facing an appeal to the Magistrates Court with the risk of costs being awarded against the Council.
Risk	Y	<p>The Licensing Authority must follow strict legislation in accordance with the Licensing Act 2003 and adhere to the statutory instruments contained with the Act.</p> <p>All decisions must be taken in consideration of the four licensing objectives (section 2.3). These objectives are in place to give protection to the public from the potential negative impacts caused by licensed premises.</p> <p>Decisions may be appealed (see financial and legal/governance sections above).</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity		Compliance with the Human Rights Act 1998 – Article 6: right to a fair trial.
Safeguarding		All decisions must take into consideration the 'protection of children from harm' licensing objective.
Community Safety, Crime and Disorder		Section 17 Crime and Disorder Act 1998 applies. Decisions made must relate to the four licensing objectives as detailed in section 2.3 of this report.
Health, Safety and Wellbeing		All decisions must take into consideration the four licensing objectives, including 'public safety' and 'protection of children from harm'.
Other implications		

## **Supporting Information**

### **Appendices:**

Appendix A – premises licence application and plan

Appendix B – representations

Appendix C – amendments agreed between the Police and the Applicant

Appendix D – information relating to primary use

### **Background Papers:**

[under provisions of the Local Government Act 1972]

The Licensing Act 2003

Guidance issued under Section 182 of the Licensing Act 2003

South Hams District Council's Statement of Licensing Policy

Responses to Notices of Hearing

Agreement from Applicant to Police amendments

Consent to be DPS form

<b>Process checklist</b>	<b>Completed</b>
Portfolio Holder briefed	<b>Yes/No</b>
SLT Rep briefed	<b>Yes/No</b>
Relevant Exec Director sign off (draft)	<b>Yes/No</b>
Data protection issues considered	<b>Yes/No</b>
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	<b>Yes/No</b>

## Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

MCJ/VHT/109500.7059

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

Wm Morrison Supermarkets PLC

\* Family name

Wm Morrison Supermarkets PLC

\* E-mail

victoria\_turner@gosschalks.co.uk

Main telephone number

01482 324252

Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader  
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

\* Is the applicant's business registered in the UK with Companies House?

☒ Yes ☐ No

\* Registration number

00358949

\* Business name

Wm Morrison Supermarkets PLC

If the applicant's business is registered, use its registered name.

\* VAT number

GB 343475355

Put "none" if the applicant is not registered for VAT.

\* Legal status

Private Limited Company

**Continued from previous page...**

\* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

☐ A private individual acting as an agent

**Agent Business**

\* Is your business registered in the UK with Companies House? ☐ Yes ☒ No

\* Is your business registered outside the UK? ☐ Yes ☒ No

\* Business name

If your business is registered, use its registered name.

\* VAT number

Put "none" if you are not registered for VAT.

\* Legal status

**Continued from previous page...**

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 19**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address    ☐ OS map reference    ☐ Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

## Section 3 of 19

### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company
- ☐ A partnership
- ☐ An unincorporated association
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales
- ☐ Other (for example a statutory corporation)

### Confirm The Following

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

## Section 4 of 19

### NON INDIVIDUAL APPLICANTS

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

#### Non Individual Applicant's Name

Name

#### Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)



**Continued from previous page...**

**Address**

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

**Contact Details**

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Add another applicant

**Section 5 of 19**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of 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.

Convenience Store / Petrol Filling Station

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

<i>Continued from previous page...</i>
<b>Section 6 of 19</b>
<b>PROVISION OF PLAYS</b>
Will you be providing plays?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 7 of 19</b>
<b>PROVISION OF FILMS</b>
Will you be providing films?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 8 of 19</b>
<b>PROVISION OF INDOOR SPORTING EVENTS</b>
Will you be providing indoor sporting events?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 9 of 19</b>
<b>PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS</b>
Will you be providing boxing or wrestling entertainments?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 10 of 19</b>
<b>PROVISION OF LIVE MUSIC</b>
Will you be providing live music?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 11 of 19</b>
<b>PROVISION OF RECORDED MUSIC</b>
Will you be providing recorded music?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 12 of 19</b>
<b>PROVISION OF PERFORMANCES OF DANCE</b>
Will you be providing performances of dance?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 13 of 19</b>
<b>PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE</b>
Will you be providing anything similar to live music, recorded music or performances of dance?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 14 of 19</b>
<b>LATE NIGHT REFRESHMENT</b>
Will you be providing late night refreshment?

Continued from previous page...

☒ Yes

☐ No

### Standard Days And Timings

#### MONDAY

Start

End

Start

End

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.

#### TUESDAY

Start

End

Start

End

#### WEDNESDAY

Start

End

Start

End

#### THURSDAY

Start

End

Start

End

#### FRIDAY

Start

End

Start

End

#### SATURDAY

Start

End

Start

End

#### SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

☐ Indoors

☐ Outdoors

☒ Both

Where taking place in a building or other  
structure tick as appropriate. Indoors may  
include a tent.

State 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.

State any seasonal variations

**Continued from previous page...**

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 15 of 19**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

☒ Yes ☐ No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

**Continued from previous page...**

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

☐ On the premises ☒ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Continued from previous page...**

Personal Licence number  
(if known)

LEEDS/PERL/07940/15

Issuing licensing authority  
(if known)

Leeds City Council

### PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

### Section 16 of 19

#### ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

None.

### Section 17 of 19

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

###### MONDAY

Start

End

Start

End

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.

###### TUESDAY

Start

End

Start

End

###### WEDNESDAY

Start

End

Start

End

**Continued from previous page...**

**THURSDAY**

Start  End

Start  End

**FRIDAY**

Start  End

Start  End

**SATURDAY**

Start  End

Start  End

**SUNDAY**

Start  End

Start  End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 18 of 19**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

All staff engaged in the sale of alcohol will be trained in accordance with the premises licence holder's training procedures.

b) The prevention of crime and disorder

All staff engaged in the sale of alcohol will receive suitable training (including refresher training) in relation to the proof of

**Continued from previous page...**

age "Challenge 25" scheme to be applied on the premises. The following forms of identification are acceptable: photo driving licence, passport, proof of age standards scheme (PASS) card, Military ID and any other locally or nationally approved form of identification.

CCTV shall be provided on the premises and shall be kept in good working order.

All checkout operators will operate a refusal log.

**c) Public safety**

The premises licence holder undertakes ongoing risk assessments in order to comply with Health & Safety Legislation.

**d) The prevention of public nuisance**

The premises are responsibly managed and supervised. No additional measures are believed necessary.

**e) The protection of children from harm**

All staff engaged in the sale of alcohol will receive suitable training (including refresher training) in relation to the proof of age "Challenge 25" scheme to be applied on the premises. The following forms of identification are acceptable: photo driving licence, passport, proof of age standards scheme (PASS) card, Military ID and any other locally or nationally approved form of identification.

Till prompts are in use at the store.

**Section 19 of 19**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time



**Continued from previous page...**

Capacity 5000-9999 £1,000.00  
Capacity 10000 -14999 £2,000.00  
Capacity 15000-19999 £4,000.00  
Capacity 20000-29999 £8,000.00  
Capacity 30000-39000 £16,000.00  
Capacity 40000-49999 £24,000.00  
Capacity 50000-59999 £32,000.00  
Capacity 60000-69999 £40,000.00  
Capacity 70000-79999 £48,000.00  
Capacity 80000-89999 £56,000.00  
Capacity 90000 and over £64,000.00

\* Fee amount (£)

450.00

**DECLARATION**

\* I/we understand 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.

The information provided will be held securely by this Council in accordance with current Data Protection legislation. We must protect the public funds that we handle, so we may use the information provided to prevent and detect fraud. We may also share this information with other organisations that handle public funds. Information provided may also be used to check the accuracy of records held elsewhere in the council. See [www.southhams.gov.uk](http://www.southhams.gov.uk) for further information.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

Gosschalks

\* Capacity

Solicitors on behalf of the Applicant

\* Date

05 / 05 / 2016  
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

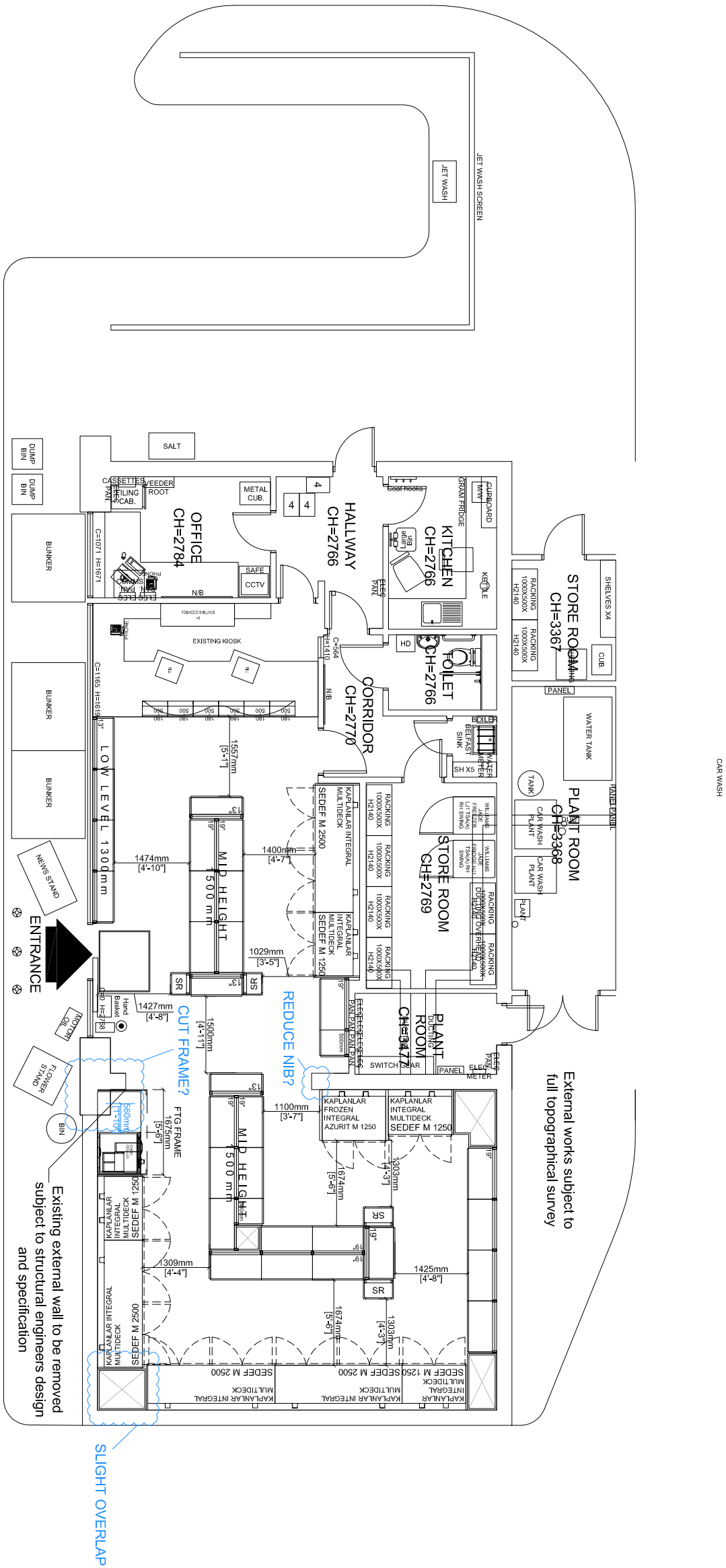
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/south-hams/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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**

OFFICE USE ONLY

Applicant reference number	MCJ/VHT/109500.7059
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>



1339 Totnes	
Store address	
1339/A/SK1/BWSL/001	
SALES FLOOR	
RETAIL SALES AREA	
Scale: 1:100	1,028 Sq. Ft.
A3	

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1

## Naomi Wopling

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**From:** Laurence Green <[REDACTED]>  
**Sent:** 09 May 2016 20:17  
**To:** SW-Licensing  
**Cc:** 'Liz Waterson'  
**Subject:** Morrisons Service Station.

**Categories:** Claire R

Ms. Wopling, I am writing to you to express opposition to the granting of a licence for the sale of alcohol at Morrisons Service Station in Station Road, Totnes. If alcohol is available beyond the normal licensing hours it could cause a problem with some motorists, homeless people and under-age drinkers who are often still in the town in the early hours of Friday and Saturday mornings. Putting profit above responsibility is a bad choice.

Cllr. Laurence Green,

Ashprington Parish Council, Totnes Street Pastor,

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Naomi Wopling

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**From:** Lydia Stocks <[REDACTED]>  
**Sent:** 10 May 2016 14:59  
**To:** SW-Licensing  
**Subject:** New premises licence application

**Categories:** Claire R

I am writing concerning the following application from Wm Morrison Supermarkets PLC for Morrisons Petrol Filling Station, Station Road, Totnes, TQ9 5JR. The application is for the sale of alcohol for consumption off the premises and the provision of late night refreshment 24hrs a day, every day.

I object to the licence being granted for several reasons. I can see no reason why any one should need to be able to purchase alcohol 24 hours a day/ 7 days a week. This sends out the completely wrong message to youngsters and those vulnerable to excessive drinking that this is something to be encouraged. It can only lead to an increase in drunkenness and the situation of the premises, right next to a main road, could be a potential factor in the death of an inebriated person.

It could also lead to undesirable behaviour on Borough Park, an area where families go for recreation.

Mrs L Stocks

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## Comments on Morrisons Petrol Station Application

Thursday, 12 May 2016

Having considered the application by WM Morrison Supermarkets PLC. for a new premises licence for the Totnes Petrol Station, I have concerns over whether this application truly supports the licensing objectives. As far as I can tell the applicant is seeking to offer alcohol for sale from the premises, with sales occurring 24 hours a day, and also for the provision of hot food on every day during the licensable hours of 23:00 – 05:00.

When considering the application I have considered the application against the four licensing objectives i.e.:

The prevention of crime and disorder

Public Safety

The prevention of public nuisance

The protection of children from harm

The premises is located on adjacent to the A385, and in close proximity to residential properties on Priory Drive. The Environmental Health department has not received noise complaints from neighbouring residents as yet, however it is not believed that the Petrol Station is currently operating 24 hours a day.

The shop is very well used in the morning and afternoon by children walking to and from nearby schools as a place to purchase snacks and drinks. This is the first point of my concerns, the site plan provided does not show where the alcohol will be presented for sale, and therefore it is impossible to see how during the busiest periods the shop staff will ensure that alcohol thefts do not occur, especially by children. This being contrary to the licensing aims of the prevention of crime and disorder and the protection of children from harm.

In relation to the prevention of public nuisance, I am concerned over the impact that users may have on the nearby residential properties by way of noise with car doors slamming, lights on the forecourt etc. or by the noise from pedestrians visiting the site on the way to the train station after visiting other licensed premises seeking either more alcohol to take with them or hot food. There does not appear to have been much consideration of how this will be controlled.

In relation to the prevention of crime and disorder, I do have concerns over the safety of the Point of Sale operators, and whether they will become a target for violence especially as they may be put into situations where they refuse to provide alcohol during the evening when there may be less passing trade.

At this time I feel that this application should be presented to the Licensing Sub-committee to ensure that they are satisfied that the grant of the application will not undermine the licensing objectives.

James Kershaw

Senior Specialist Environmental Health and Licensing

Commenting on behalf of the Licensing Authority.

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# LICENSING REPRESENTATION FORM

RECEIVED  
18 MAY 2016

## Section 1: Licence Application Details

☒ I wish to object to the following application      ☐ I wish to support the following application

NAME OF APPLICANT (if known):

WM. MORRISON SUPERMARKETS PLC FOR MORRISON'S PETROL FILLING

PREMISES NAME AND ADDRESS:

~~STATION~~ MORRISON'S PETROL FILLING STATION

STATION ROAD

TOTNES POSTCODE: TQ9 5JR

## Section 2: Your Details

[If you are acting as a representative, please go to Section 3]

TITLE    Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other (please state) \_\_\_\_\_

SURNAME \_\_\_\_\_ FORENAMES \_\_\_\_\_

ADDRESS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ POST CODE \_\_\_\_\_

[You must provide your full residential address (or business address if your objection relates to the impact of the licence upon your business premises)]

## SECTION 3: Representative Details

[If you represent residents or businesses, please complete the details below]



NAME OF REPRESENTATIVE/ORGANISATION

TOTNES & DISTRICT TRAFFIC AND TRANSPORT FORUM (TDTF)

ADDRESS OF REPRESENTATIVE/ORGANISATION

10 SEKONDI,

STATION ROAD

TOTNES, DEVON

POST CODE TQ9 5HW

I AM (tick as appropriate):

- ☐ Representative of residents association ☐ Representative of trade/business association
- ☐ Ward Councillor ☒ Other (please specify)
- ☐ MP CO-CHAIR OF TDTF.

#### Section 4: Reason(s) for Representation

Under the Licensing Act 2003, for a representation to be relevant it must set out the likely effect of granting the application on the promotion of the four licensing objectives. Any representations that are considered to be frivolous or vexatious will not be accepted.

It is important that you set out any personal experiences as these will be considered as relevant.

Please fill in the reason(s) for your representation in the space provided below under each of the Licensing Objectives (where relevant). You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation. Please attach any supporting documents/further pages as necessary, numbering all additional pages. Try to be as specific as possible and give examples, where possible.

Licensing Objective	Reason for Representation
Prevention of Crime & Disorder	TDTF FEELS THAT A PETROL FILLING STATION IS NOT THE RIGHT PLACE TO SELL ALCOHOL. THE DANGER IS TO ENCOURAGE DRINK DRIVING. FOR THIS REASON THE APPLICATION SHOULD BE REFUSED.
Prevention of Public Nuisance	TDTF FEELS THAT THE SALE OF ALCOHOL AT A FILLING STATION COULD LEAD TO PUBLIC NUISANCE AND FOR THIS REASON THE APPLICATION SHOULD BE REFUSED.

Protection of Children from Harm	
Public Safety	DRINK DRIVING IS A MAJOR CONTRIBUTOR TO ROAD ACCIDENTS AND ANYTHING THAT ENCOURAGES IT SHOULD BE STOPPED. A DRINK LICENCE AT A FILLING STATION IS A DANGER TO PUBLIC SAFETY.

I, John Paterson CO-CHAIR TOTTE, hereby declare that all information I have submitted is true and correct

SIGNED:  DATED: 17/5/2016

Please send the completed form to the local authority area in which the premises concerned is situated:

Licensing Department  
West Devon Borough Council  
Kilworthy Park  
Tavistock  
Devon  
PL19 0BZ

Licensing Department  
South Hams District Council  
Follaton House  
Plymouth Road  
Totnes  
Devon  
TQ9 5NE

Tel: 01822 813 600  
Fax: 01822 813 600  
Email: [licensing@westdevon.gov.uk](mailto:licensing@westdevon.gov.uk)

Tel: 01803 861 234  
Fax: 01803 861 294  
Email: [licensing@southhams.gov.uk](mailto:licensing@southhams.gov.uk)

**IMPORTANT NOTE:** This form must be returned within the statutory period which is generally either 10 working days or 28 consecutive days from the date the Public Notice was displayed on the premises. Please contact your relevant Licensing Team for confirmation of this date.

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# LICENSING REPRESENTATION FORM

RECEIVED  
18 MAY 2016

## Section 1: Licence Application Details

☒ I wish to object to the following application ☐ I wish to support the following application

NAME OF APPLICANT (if known):

WM. MORRISON SUPERMARKETS PLC

PREMISES NAME AND ADDRESS:

MORRISON'S PETROL FILLING STATION

STATION ROAD

TOTNES POSTCODE: TQ9 5JR

## Section 2: Your Details

[If you are acting as a representative, please go to Section 3]

TITLE Mr ☒ Mrs ☐ Miss ☐ Ms ☐ Other (please state) \_\_\_\_\_

SURNAME PATERSON FORENAMES JOHN

ADDRESS SEWONDI

STATION ROAD

TOTNES POST CODE TQ9 5HW

[You must provide your full residential address (or business address if your objection relates to the impact of the licence upon your business premises)]

## SECTION 3: Representative Details

[If you represent residents or businesses, please complete the details below]

NAME OF REPRESENTATIVE/ORGANISATION

ADDRESS OF REPRESENTATIVE/ORGANISATION

POST CODE

I AM (tick as appropriate):

- ☐ Representative of residents association ☐ Representative of trade/business association  
☐ Ward Councillor ☐ Other (please specify)  
☐ MP

#### Section 4: Reason(s) for Representation

Under the Licensing Act 2003, for a representation to be relevant it must set out the likely effect of granting the application on the promotion of the four licensing objectives. Any representations that are considered to be frivolous or vexatious will not be accepted.


It is important that you set out any personal experiences as these will be considered as relevant.

Please fill in the reason(s) for your representation in the space provided below under each of the Licensing Objectives (where relevant). You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation. Please attach any supporting documents/further pages as necessary, numbering all additional pages. Try to be as specific as possible and give examples, where possible.

Licensing Objective	Reason for Representation
Prevention of Crime & Disorder	TO GIVE A LICENCE FOR SALE OF ALCOHOL AT A PETROL FILLING STATION IS TANTAMOUNT TO INVITING DRIVERS TO DRINK WHILE IN CHARGE OF A VEHICLE. IT IS FULLY IN THE EXTREME TO RISK THIS. THERE ARE ALREADY TWO SUPER-MARKETS IN TOWN OPEN UNTIL 11PM PLUS ONE OTHER OPEN UNTIL 10PM, WHERE ALCOHOL CAN BE PURCHASED.
Prevention of Public Nuisance	THIS APPLICATION, IF GRANTED, WOULD GIVE AN OPPORTUNITY TO PEOPLE WHO HAVE BEEN DRINKING IN TOWN PUBS TO BUY EVEN MORE ALCOHOL AND POSSIBLY CONSUME IT ON THE STREET ESPECIALLY ON THE CORNER OF STATION ROAD / PRIMARY DRIVE WHERE THERE IS A CONVENIENT WALL CORNER BY MORRISONS TO SIT ON. THIS COULD LEAD TO LATE NIGHT PUBLIC NUISANCE.

<b>Protection of Children from Harm</b>	DRIVERS WHO DRINK ENDANGER PASSENGERS YOUNG AND OLD AND OTHERS. THERE IS ALSO A RISK OF DOMESTIC VIOLENCE WHEN HOME
<b>Public Safety</b>	DRINKERS LEAVING PUBS WOULD HAVE AN OPPORTUNITY TO BUY MORE ALCOHOL FOR IMMEDIATE CONSUMPTION WITH POSSIBLE PUBLIC SAFETY ISSUES - DRINK DRIVING, VIOLENCE AND DOMESTIC ABUSE

I JOHN PATERSON hereby declare that all information I have submitted is true and correct

SIGNED:  DATED: 17/1/2016

Please send the completed form to the local authority area in which the premises concerned is situated:

Licensing Department  
 West Devon Borough Council  
 Kilworthy Park  
 Tavistock  
 Devon  
 PL19 0BZ

Licensing Department  
 South Hams District Council  
 Follaton House  
 Plymouth Road  
 Totnes  
 Devon  
 TQ9 5NE

Tel: 01822 813 600  
 Fax: 01822 813 600  
 Email: [licensing@westdevon.gov.uk](mailto:licensing@westdevon.gov.uk)

Tel: 01803 861 234  
 Fax: 01803 861 294  
 Email: [licensing@southhams.gov.uk](mailto:licensing@southhams.gov.uk)

**IMPORTANT NOTE:** This form must be returned within the statutory period which is generally either 10 working days or 28 consecutive days from the date the Public Notice was displayed on the premises. Please contact your relevant Licensing Team for confirmation of this date.

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Dr. Sarah Wollaston M.P.

House of Commons  
London  
SW1A 0AA  
Email: [sarah.wollaston.mp@parliament.uk](mailto:sarah.wollaston.mp@parliament.uk)

SW/ns  
31<sup>st</sup> May 2016

Naomi Wopling,  
Licensing Officer  
South Hams District Council  
Follaton House  
Plymouth Road  
Totnes TQ9 5NE

Letter by email: [Naomi.wopling@swdevon.gov.uk](mailto:Naomi.wopling@swdevon.gov.uk)

Dear Ms Wopling,

I have been informed that Morrisons Petrol Filling Station, Station Road, Totnes, TQ9 5JR have submitted a new premises application for the sale of alcohol for consumption off the premises and the provision of late night refreshment 24 hours a day, 7 days a week.

I do have major concerns about this application because it will become a central point, not only for purchasing alcohol, but for people congregating if the premises are offering these facilities non-stop.

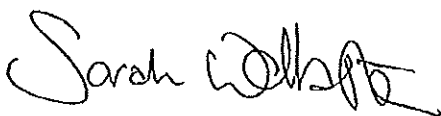
I feel that creating a precedent of 24 hour licensing hours would be detrimental and could lead to a public nuisance and crime and disorder.

The route past Morrison's Petrol Station is taken by school children going to and from KEV ICCs and is the nearest, and only shop for refreshment, on this main road. If planning permission is given for larger premises, this will only serve to attract more school children from entering a retail outlet where the sale of alcohol 24 hours a day is seen as acceptable standard behaviour.

I do hope my points are taken into account when considering this application.

Please can you confirm that my objections have been registered by replying to my constituency office at Station Road, Totnes, TQ9 5HW.

Kind regards



Dr Sarah Wollaston MP  
Parliamentary Office:  
Tel : 0207 219 4064  
Fax: 0207 219 5019

Constituency Office:  
Tel : 01803 868 378

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**Naomi Wopling**

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**From:** Totnes Town Council - Office <office@totnestowncouncil.gov.uk>  
**Sent:** 02 June 2016 10:33  
**To:** SW-Licensing  
**Cc:** rosieintotnes@gmail.com  
**Subject:** Morrisons Petrol Station Application

Good morning,

**Ref. Morrisons Petrol Station - New Premises Licence Application**

Thank you for the opportunity to comment on the application for an extended sale of alcohol licence at Morrison's Petrol Station, Station Road, and Totnes.

I am writing as a Town Councillor and Chair of Planning to request that this Licence is refused for the following reasons:-

- The number of drink drive fatalities has remained constant since 2010; the number of serious drink drive accidents has fallen slightly. While fatalities remain high this is no time for complacency and it beggars belief how selling alcohol on a garage forecourt to either a driver or a passenger, can be considered responsible.
- People can buy alcohol from small outlets up to 10p.m. In Totnes but there is a difference, at present Morrison's garage closes at 11p.m. the staff in the small retail outlet tend to know their customers they have the time and experience to make valid judgements about who they serve with alcohol. Petrol station staff even if trained in the basics does not have the local knowledge.
- Local shops sell a wide range of food products that enable customers to make a complete meal Morrison's garage does not it sells mainly snacks you could not make a family meal from items purchased at the Petrol Station. One of the conditions of an alcohol licence in a Petrol station shop is that the shop must sell fresh food that can be made into a proper meal.

Violent Crimes where the victim reports that the offender was under the influence of alcohol is 53% of violent incidents. Of those incidents most of the crimes are committed in or around places where alcohol is sold.

Kind regards

Cllr Rosie Adams  
Chair of Planning & Place  
c/o  
Laura Shearer  
Finance & Planning Officer  
Totnes Town Council  
Tel: 01803 862147  
<mailto:office@totnestowncouncil.gov.uk>  
[www.totnestowncouncil.gov.uk](http://www.totnestowncouncil.gov.uk)



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**Naomi Wopling**

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**From:** Cllr John Green  
**Sent:** 25 May 2016 10:51  
**To:** Naomi Wopling  
**Subject:** Re: New premises licence application - Morrisons Petrol Station, Totnes

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Naomi,

I am opposed to the sale of alcohol between midnight and 6am, as I believe that there would be a strong likelihood of increased public nuisance in the vicinity if it's sale was permitted during these times.

If the application to vary the license is granted I feel that conditions should be put in place:

- A personal license holder should be on the premises at all times
- There should be no advertising of cheap alcohol outside the premises
- A refusal register to be maintained
- Use of Challenge 25 should be required

Best regards,

John

Cllr John Green  
SHDC representative for Totnes



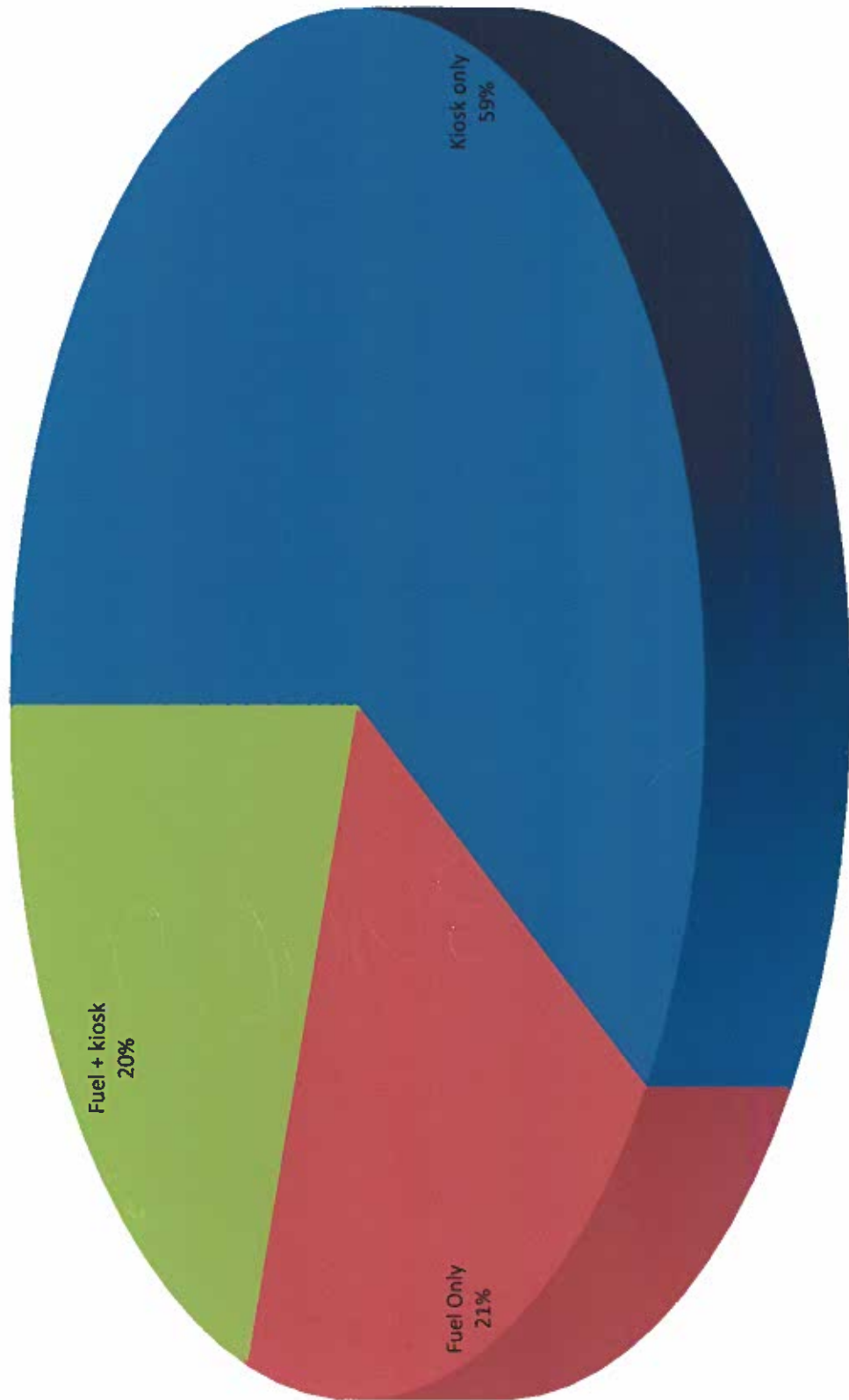
## **Morrisons Petrol Station, Totnes**

### **Amendments agreed with Police**

1. The CCTV system will maintain the quality of the recorded image and display, on any recording, the correct time and date of the recording.
2. The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity.
3. All spirits should be located behind the counter and should be sold by counter servers only.
4. Alcohol displayed within the premises shall be located so that staff can view these displays at all times.
5. No single cans of alcohol shall be sold from the premises.
6. There shall be no alcohol displayed within 2 metres of the store entrance save for spirits displayed behind the counter.

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## 1339 TOTNES CORONATION RD PFS



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