

SOUTH HAMS LICENSING SUB- COMMITTEE



Minutes of a meeting of the South Hams Licensing Sub-Committee held on Monday, 7th December, 2015 at 3.00 pm at the Cary Room - Follaton House

Present: **Councillors:**

Chairman: Cllr May
Vice Chairman

Cllr Brown
Cllr Holway

In attendance:

Councillors:

Officers:
Solicitor
Specialist – Licensing

Also in Attendance and Participating
Ms C Johnson – Solicitor representing Morrisons
Ms K Nicholls – Licensing Manager: Morrisons

7. **Appointment of Chairman**
LSC.7/15

RESOLVED

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

8. **Declarations of Interest**
LSC.8/15

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting but none were made.

9. **Application to Vary the Premises Licence of Morrisons, Totnes**
LSC.9/15

The Sub-Committee considered a report that sought to determine an application for the variation to the Premises Licence at Morrisons, Coronation Road, Totnes TQ9 5DF, in accordance with Section 35 of the Licensing Act 2003.

The Licensing Specialist introduced the report and outlined the application. In particular, the attention of the Sub-Committee was drawn to the application seeking to extend the hours during which alcohol could be consumed from 6.00am to midnight. In addition, the Specialist highlighted that three letters of representation had been received from the local town council, a district councillor and the local MP respectively. The main areas of concern were in relation to: potential crime and disorder and public nuisance caused by alcohol being available from 6.00am.

1. Address by the Applicant's Representatives

The Applicant's representatives advised that this application reflected the nationwide wish of Morrisons to have greater flexibility in their hours of trading and to tidy up their licenses. As a consequence, the organisation had submitted similar applications to 320 other local authorities across the country.

In support of the application, the representatives made particular reference to:-

- the prevention of Crime and Disorder licensing objective. To comply with this objective, it was noted that staff received regular training on the proof of age 'Challenge 25' scheme; CCTV would be provided on the premises; and all checkout operators would be operating a refusals log;
- the excellent reputation of the organisation as a good neighbour. To support this point, it was noted that, despite having more than 500 stores, the company had never had a review invoked. This further suggested that the organisation's adopted policies and procedures were working in order to promote the licensing objectives;
- the store operating successfully in Totnes. The Sub-Committee acknowledged that no letters of objection had been received from neighbouring residents. Furthermore, no objections had been raised from any of the statutory consultees (e.g. the Police and Environmental Health);
- the letters of objection received. The representatives countered each of the points raised in the objection letters submitted on this application. In particular, the representatives stated that the question of licence need was irrelevant and the comments specifically relating to the application leading to an increase in public disturbances and street drinking were subjective and not supported by any evidence.

In summary, the representatives stated that there were no legitimate licensing reasons to refuse this application and highlighted the 'Thwaites' case that had concluded that a local

authority could not take into account personal or subjective views without any evidence.

The Sub-Committee was then invited to ask questions of the applicant's representatives, during which the following points were raised:-

- (a) In response to a Member citing instances when the 'Challenge 25' policy was not instigated when it should have been, the representatives expressed their shock and disappointment and committed to following this matter up outside of the meeting;
- (b) The representatives informed that it was highly unlikely that the organisation would take advantage of the proposed extended hours throughout the year. However, if approved, the organisation would have the flexibility to extend its operating hours during busy periods if it so wished;
- (c) In respect of home deliveries, Members were advised that the 'Challenge 25' policy was adopted. In the event of a customer not being able to demonstrate compliance with this policy, a delivery would not be left at their property;
- (d) It was noted as being company policy for Morrisons that certain alcoholic drinks (e.g. white ciders) were not sold in their premises.

(At 3.30pm, the Sub-Committee adjourned in the presence of Mrs Nightingale to consider the application and reconvened at 3.45pm).

2. The Decision

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

"We have considered the application to vary the 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.

It is our decision to grant this application, subject to the following conditions being incorporated:-

- 1. Appropriate training of staff;
- 2. Adoption of the 'Challenge 25' Policy;
- 3. CCTV being provided on the premises and kept in good working order;
- 4. Operation of a Refusals Log; and
- 5. Use of till prompts.

The Committee believe these conditions to be appropriate and necessary to achieve the licensing objectives.

Thank you all."

10. **Application to Vary the Premises Licence of Morrisons, Kingsbridge**

LSC.10/15

The Sub-Committee considered a report that sought to determine an application for the variation to the Premises Licence at Morrisons, Redford Meadow, Cookworthy Road, Kingsbridge TQ7 1TP, in accordance with Section 35 of the Licensing Act 2003.

The Licensing Specialist introduced the report and outlined the application. As with the previous application (Minute LSC.9/15 above refers), the Sub-Committee's attention was drawn to this application also seeking to extend the hours during which alcohol could be consumed from 6.00am to midnight. In addition, the Specialist highlighted that one letter of representation had been received from a local neighbour. The main area of concern in this letter of representation related to potential issues of public nuisance.

1. Address by the Applicant's Representatives

The Applicant's representatives proceeded to reiterate a number of points that they had raised during consideration of the equivalent application at Totnes.

Specifically on the letter of objection received, the representatives questioned the lack of evidence to support a number of the points raised. In accepting that alcohol consumption was unhealthy, the representatives stressed that it was a legitimate and legal activity.

Finally, the representatives informed that the application was only seeking to extend the license by one hour and therefore urged the Sub-Committee to grant the application. The representatives stressed that they wanted all of their premises licences to be as consistent as possible in terms of licensed hours and conditions for ease of operation and staff training.

The Sub-Committee was then invited to ask questions of the applicant's representatives. A Member raised the point whether, for consistency, if the Sub-Committee was minded to grant the licence, then the conditions which had been applied to the previous decision (Minute LSC.09/15 above refers) were again applicable to address the licensing objectives. In response, the applicant's representatives confirmed that these conditions would be acceptable to them should that decision be made.

(At 4.00pm, the Sub-Committee adjourned in the presence of Mrs Nightingale to consider the application and reconvened at 4.10pm).

2. The Decision

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

“We have considered the application to vary the 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.

It is our decision to grant this application, subject to the following conditions being incorporated:-

1. Appropriate training of staff;
2. Adoption of the 'Challenge 25' Policy;
3. CCTV being provided on the premises and kept in good working order;
4. Operation of a Refusals Log; and
5. Use of till prompts.

The Committee believe these conditions to be appropriate and necessary to achieve the licensing objectives.

Thank you all.”

The Meeting concluded at 4.20pm

Signed by:

Chairman
