

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT
FOLLATON HOUSE, TOTNES ON TUESDAY 7 FEBRUARY 2012**

Present: Cllrs Baverstock, Carson and Gilbert
G Munson, Business Support Manager
T Johnson, Solicitor
D White, Democratic Services Manager
N Wopling, Licensing Officer

Members also in attendance and participating:
Cllrs Barber, Holway, Pannell and Smerdon

Also in attendance and participating:
Leo Charalambides (Ely Place Chambers), Corrigan Lockett (Lockett & Co.) and Claire Kelly (Designated Premises Supervisor)

LSC.25/11 APPOINTMENT OF CHAIRMAN

RESOLVED

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

LSC.26/11 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, but there was none made.

**LSC.27/11 TO RECONSIDER AN APPLICATION FOR A NEW PREMISES LICENCE –
SHELL CAREW, A38 SOUTH BRENT, SOUTH BRENT TQ10 9ER**

1. Business Support Manager's Report

As a reminder, the Business Support Manager advised those present that the Sub-Committee had deferred a decision on this application at its meeting on 7 December 2011 (Minute LSC.17/11 refers).

The deferral was sought in light of the Sub-Committee requesting further information on:

1. Gross profit to Shell versus the gross profit to the franchise on all sales.
2. Further clarification between convenience store sales and garage sales.

3. Total number of fuel only customers (i.e. customers who only buy fuel) compared to total number of convenience store only customers (i.e. customers who only buy items from the convenience store).
4. What proportion of profits on convenience store sales go to Shell compared to the franchise.

Before presenting this information, the Applicants' Barrister advised those in attendance that he wished to seek a further adjournment for the following reasons:-

Firstly, it was noted that in response to road safety concerns, planning permission had recently been granted to enable improvements to be made to the access to the premises. These works would include the creation of a new splay road, with the site being closed for four weeks during March. During this closure, the internal layout of the convenience store would be changed, with proposals to include a seating area. Whilst not having the plans readily available, the Barrister felt that the primary use of the site could be affected through these proposals.

Secondly, the Barrister confirmed that some of the sensitive financial and commercial information which had been requested was still awaited. As a consequence, it was considered that a further adjournment would enable Shell more time to consider how it would present this information.

Thirdly, an adjournment to sometime during April/May would enable the outcome of two relevant appeals at the Magistrates Court to be known. Whilst these decisions would not be binding upon the Sub-Committee, it was felt that these could provide guidance to Members before they reached a decision on this application.

The Chairman then announced the decision of the Sub-Committee.

2. The Decision

The Chairman proceeded to announce that the Sub-Committee accepted the reasons for deferral, but emphasised the importance of all interested parties being in receipt of the relevant information sufficiently in advance of the re-convened meeting.

Upon announcing the decision, it was agreed that the meeting should be reconvened to further consider this application at **2.00pm on Thursday, 3 May 2012.**

Chairman