

REPORT

**Meeting/
Decision
Maker(s)** Licensing Sub-Committee

Date: 5th September 2017

Report by: Dawn Frankland
Senior Licensing Officer
☎ 643 6902

**Contact
Officer(s):** Dawn Frankland
Senior Licensing Officer
☎ 643 6902

**Title of
Report:** Licensing Act 2003 -
Morrisons Daily Petrol Filling
Station, Killingworth, NE12 6YT

Ward(s): Camperdown

1.0 Summary / Purpose of Report

1.1 Licensing Sub-Committee

The Licensing Act 2003 provides that, where representations have been received from a Responsible Authority or Other Person in respect of an application for a licence, a variation of a licence or a review of a licence, a hearing must be held to consider them. Sub-Committees have been established in accordance with provisions of the Act for the purpose of hearing such applications.

1.2 The Sub-Committee is asked to consider and determine the application from Wm Morrison Supermarkets PLC for a New Premise Licence in relation to Morrisons Daily Petrol Filling Station, Killingworth, NE12 6YT

1.3 The applicant has been invited to attend the meeting to put forward their case in support of the application. All persons making relevant representations have also been invited to attend.

1.4 Representations from Responsible Authorities and Other Persons

The application has been forwarded to the Chief Officer of Police, Fire Authority, Local Planning Authority, Environmental Health Authority, Health and Safety Enforcement Agency, Licensing Authority, Director of Public Health, Weights and Measures Authority, Home Office Immigration Enforcement and the Local Safeguarding Children Board with a view to any of these Responsible Authorities inspecting the premises if deemed appropriate by them and to enable them to comment on the application. The application has been advertised at the premises, in a local newspaper and also on the Council Website as prescribed. Representations have been made by local residents. These are attached at **Appendix 5**.

1.5 Authority to make decisions

In relation to an Application for the grant of a Premises Licence or Club Premise Certificate the Licensing Sub-Committee can, under the Licensing Act 2003:

- grant a Licence subject to conditions consistent with the operating schedule and necessary for the promotion of the licensing objectives in addition to the mandatory conditions
- exclude from the scope of the Licence any of the licensable activities to which the Application relates,
- or reject the Application

Once the Sub-Committee has reached a decision, the decision and reasons for the decision must be given in accordance with the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.

2.0 Background

This report relates to an application for a New Premise Licence in respect of Morrisons Daily Petrol Filling Station, Killingworth, NE12 6YT

2.1 The Application for the Licence is attached at **Appendix 1**, a plan of the premises is attached at **Appendix 2** and a map of the area is attached at **Appendix 3**.

2.2 The Application for the Grant of a Premises Licence under Section 17 of The Licensing Act 2003

The Application for Grant of the Premises Licence is made pursuant to Section 17 of the Licensing Act 2003 and the relevant Section of the Act dealing with the determination of such an Application is contained in Section 18 of the Act.

The application for a premise licence is as follows:

1. **Supply of Alcohol** (off the premises) and remain open to the public as follows
 - Every Day – 00.00 – 00.00

2. **Late Night Refreshment** (indoors and outdoors) as follows:

- Every Day – 23.00 – 05.00

If the licence is granted this will be subject to Mandatory Conditions which are attached at **Appendix 4** of the report.

3.0 Promotion of Licensing Objectives

The applicant has included the following additional steps in the operating schedule which they intend to take in order to promote the licensing objectives.

Please see **Appendix 1**.

4.0 The Representations

Relevant representations have been made as follows and are attached at **Appendix 5**:

- The Chief Officer of Police has made no representations.
- Tyne and Wear Fire and Rescue Service have made no representations.
- The Health and Safety Officer of North Tyneside Council has made no representations.
- The Local Planning Authority has made no representations.
- The Environmental Health Officer of North Tyneside Council has made no representations.
- The Local Safeguarding Children's Board for North Tyneside have made no representations.
- The Weights and Measures Authority for North Tyneside have made no representations.
- The Licensing Authority has made no representations.
- The Director of Public Health has made no representations.
- Home Office Immigration Enforcement has made no representations.
- Other persons have made representations

5.0 The Parties

The Parties to the hearing will be:

1. The Applicant - Wm Morrison Supermarket PLC – represented by Gosschalks
2. Other persons

6.0 For consideration

The areas for consideration by the Licensing Sub-Committee are:

- Application for the Grant of a Premises Licence in relation to Morrisons Daily Petrol Filling Station, Killingworth, NE12 6YT

7.0 The North Tyneside Council Statement of Licensing Policy

The Sub-Committee's attention is drawn to the relevant part of the Policy - Section 10 Licensing Objectives.

8.0 The Revised Guidance issued under Section 182 Licensing Act 2003

The Sub-Committee's attention is drawn to the relevant parts of the Guidance issued under S182 Licensing Act 2003 - Chapter 2 Licensing Objectives.

9.0 For Decision

The Sub-Committee is asked to determine the application in whatever way it sees fit.

10.0 Associated Papers

Appendix 1 – The application for the Grant of a Premises Licence
Appendix 2 – Plan of the Premises
Appendix 3 – Map
Appendix 4 – Mandatory Conditions
Appendix 5 – Relevant representations

11.0 Background Information

The following background papers have been used in the compilation of this Report and are available for inspection at the offices of the authors of the Report:

North Tyneside Council Statement of Licensing Policy
The Licensing Act 2003 and Regulations
Amended Guidance issued under Section 182 of the Licensing Act 2003 from the Home Office
Delegation Scheme – Licensing Committee 7 February 2005