

## **Licensing Sub-Committee**

**5 September 2017**

Present: Councillors John Hunter, W Lott and J O'Shea

### **LSQ10/09/17 Appointment of Chair**

**Resolved** that Councillor W Lott be appointed Chair for this meeting.

### **LSQ11/09/17 Declarations of Interest and Dispensations**

There were no Declarations of Interest or Dispensations reported.

### **LSQ12/09/17 Application for the Grant of a New Premises Licence – Morrisons Daily Petrol Filling Station, 1 Citadel West, Killingworth, Newcastle upon Tyne, NE12 6YT (Camperdown Ward)**

The Sub-committee met to consider an application for the grant of a new Premises Licence in relation to Morrisons Daily Petrol Filling Station, 1 Citadel West, Killingworth, Newcastle upon Tyne, NE12 6YT. The applicant, Wm Morrisons Supermarkets Plc, sought permission to supply alcohol by way of off-sales each day of the week between 00.00 hours and 24.00 hours and to provide late night refreshment by way of both on and off sales each day between 23.00 hours and 05.00 hours. The premises would remain open to the public each day between 00.00 hours and 24.00 hours.

The Authority had received representations from 8 local residents.

Following introductions, the Sub-committee's legal advisor set out the procedure which would be followed during the course of the hearing. The Council's Licensing Officer then presented details of the application, the representations received and the options available to the Sub-committee.

Mr Swinburne, a local resident, advised the Sub-committee that there were currently anti social behaviour and litter problems in the area and these would be exacerbated if the new licence was granted. He also referred to the potential for residents to be disturbed by lorries from the A1 and the A19 visiting the premises overnight to obtain hot food and drink and to refuel.

He also explained that the planning permission for the Premises did not allow 24 hour operation. He also made reference to Section 176 of the Licensing Act and the presumption that a licence would not be granted for a petrol filling station.

Mrs Dalby, a local resident, advised the Sub-committee that her representation was supported by a number of other residents. She referred to the notices which had been displayed on the premises and the difficulties that residents had in actually seeing them. She also reiterated the comments about litter and noise from the current premises and her concerns that this would be increased should the licence be granted. Reference was also made to the groups of youngsters currently congregating outside of Morrisons' existing

premises and that having the garage open 24 hours a day would provide another venue for them to congregate as well as try to purchase alcohol.

Mrs Johnson, solicitor for the Applicant Company, explained that the Company had evidence that customers wanted a wider range of goods to be available for longer hours in their petrol stations. She explained that the Company operated 300 convenience stores and 160 licensed petrol stations and over the past 8 years there had not been one application for a review of any of their premises.

Mrs Johnson explained that no representations had been made by the police which meant that they did not have any concerns in relation to the licensing objectives. In addition no representations had been received from Environmental Health in relation to public nuisance and the Responsible Authorities with responsibility for the protection of children from harm had not made any representations in relation to the application.

All parties were given the opportunity of summing up their respective submissions.

The Sub-committee withdrew from the meeting to make its decision in private. The Sub-committee returned and the Chair announced its decision.

**Resolved** that the application for the grant of a new Premises Licence in relation to Morrisons Daily Petrol Filling Station, 1 Citadel West, Killingworth, Newcastle upon Tyne, NE12 6YT be granted subject to the following conditions:

1. The licence holder shall ensure that all staff engaged in the sale of alcohol at the Premises will receive training in accordance with the Licence Holder's training procedures in relation to the Licensing Act 2003 before engaging in the sale of alcohol.
2. The licence holder shall ensure that all staff will receive suitable training (including refresher training) in relation to the proof of age "Challenge 25" scheme to be applied at the Premises. The following forms of identification shall be acceptable: photographic driving licence, passport, proof of age standards scheme card (PASS), HM Forces Identification Card and any other locally or nationally approved form of identification.
3. An up to date comprehensive staff training record shall be kept at the Morrisons Supermarket at the Killingworth Centre, Citadel, Killingworth at all times and will be made available immediately on request to an authorised officer of the Licensing Authority or police representative.
4. A CCTV system will be installed at the Premises and maintained in proper working order at all times and the Licence Holder will ensure that:
  - The CCTV cameras are located at the Premises so as to provide coverage of entrances and exits, both internally and externally, and points of sale.
  - The CCTV system is able to capture clear images permitting identification of individuals.
  - The CCTV system will be in operation whenever licensable activities are taking place at the Premises except in the case of a break down of the system in which case the system will be repaired as soon as reasonably practicable. The Licence

Holder will notify the Licensing Authority and Northumbria Police of the break down of the system as soon as reasonably practicable.

- The CCTV system is able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 30 days.
  - The CCTV system is capable of constantly generating an accurate date and time.
  - The CCTV system is fitted with security functions to prevent recordings being tampered with e.g. password protection.
  - There will be members of staff present at the Premises during the operating hours trained to provide viewable copies of CCTV images as soon as possible following a request from representatives of Northumbria Police or the Licensing Authority made in accordance with the Data Protection Act 1988 (or any replacement legislation).
5. A Refusals Register (electronic or paper based) will be kept at the Morrisons Supermarket at the Killingworth Centre, Citadel, Killingworth at all times and will kept up to date, detailing all challenges made to customers as to their age and the reason for any refusal recorded in the register. The register will be made available for inspection immediately on the request of representatives of Northumbria Police or the Licensing Authority (including Trading Standards officers).

#### Reasons for Decision:

Having heard the oral representations, having taken into account the written representations, and having had regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, North Tyneside Council's Statement of Licensing Policy and the licensing objectives which underpin the Licensing Act 2003, the Sub-committee concluded that:-

- a) The Applicant is an experienced operator of this type of Premises and has policies and procedures in place to promote each of the 4 licensing objectives. There have been no applications to review any of the Applicant Company's licensed Premises over the past 8 years;
- b) The Premises will be a convenience store which also sells fuel and there is no evidence that the premises will not be well managed;
- c) The sale of alcohol is for consumption off the premises only;
- d) There have been no representations received from any of the Responsible Authorities in relation to any of the licensing objectives;
- e) The applicant will have to comply with the terms of its planning permission; and
- f) It is appropriate to attach those conditions set out above to promote the licensing objectives concerned with the prevention of crime and disorder and public nuisance.