

SUB COMMITTEE
of the
LICENSING AND CONTROL COMMITTEE 'B'

MINUTES
of the
PROCEEDINGS
held on
Wednesday 10 July 2013

Sub Committee Membership: Councillors John Rogers (Chairman), Keith Bickers and Christine Brown.

Hearing to consider an application for variation of a premises licence for

Morrisons (M Local),
57 Chapel Road,
Worthing,
BN11 1HW

Applicant: WM Morrison Supermarkets Plc.

Present:	Simon Jones	Senior Licensing Officer
	Theresa Cuerva	Licensing Officer
	Caroline Perry	Solicitor
	Chris Cadman-Dando	Democratic Services Officer
	Clare Johnson	Solicitor for the applicant
	Kelly Nichols	Licensing Manager for WM Morrisons
	Mrs McDonough	Interested party

LCC/13-14/01 Welcome

The Chairman welcomed the attendants to the meeting.

LCC/13-14/02 Apologies and Reconstitution of Membership

Nil

LCC/13-14/03 Declarations of Interest

There were no declarations of interest made.

LCC/13-14/04 Procedure

The proceedings were as set out on the procedure note circulated to all those present.

LCC/13-14/05 Licensing Act 2003 – Application for a New Premises Licence

Before the Committee was a report by the Executive Head of Housing Health and Community Safety, copies of which had been circulated to all Members and a copy of which is attached to the signed copy of these minutes as item 4. The report asked the Sub Committee to consider and determine the application made on behalf of WM Morrison Supermarkets Plc for a new Premises Licence to authorise the sale of alcohol for consumption off the premise. The application has been the subject of formal representation by members of the public and it therefore falls to this sub-committee to determine.

The Senior Licensing Officer introduced the report to the Committee and confirmed with the applicant's representatives that his report was an accurate outline of the application.

The Chairman of the Committee reminded those present that the decision should be based upon licensing matters and that planning issues would not be considered by the Sub Committee.

Mrs McDonough addressed the meeting. Councillors were told that Mrs McDonough had gathered from conversations with the police that Worthing suffered from problems with street drinking. It was Mrs McDonough's contention that the granting of a licence would exacerbate the problem and that street drinkers would be drawn to the vicinity of the proposed premises. Mrs McDonough also raised issues not relevant to Licensing such as commercial tenancy mixes and planning related matters. Councillors and the applicant's representatives declined to question Mrs McDonough.

The applicant's solicitor addressed the Committee. The solicitor's presentation is summarised as follows:

- Morrison's retained hundreds of stores located in challenging areas around the Country, none of which had engendered representations to the relevant Local Authorities;
- Morrison's employed extensive training procedures which included six monthly refresher training and training sections focusing on refusals and proxy sales;
- The proposed premises would operate under a challenge 25 scheme. An independent company was employed to independently check that the challenge 25 scheme was being adhered to;
- The store would have sufficient CCTV provision as advised by Sussex Police.
- Only 15% of the shop space would be given up to alcohol and spirits would be solely displayed behind the counter;
- The shop would not service lager and ciders above 5.5% except for certain premium products priced at £1.95 or above;
- Unless in exceptional circumstances a personal licence holder would be present in the store at all times (the shop was to employ five personal licence holders);
- There had been no representations made by the responsible authorities;
- The solicitor questioned the weight to which Councillors should attribute to petitions objecting to the application particularly as one petition had been submitted without any addresses supplied;
- Morrison's recognised that it was exceptionally important to act as a 'good neighbour';
- It was proffered that Morrison's was primarily a convenience store and was not the type of shop likely to attract anti-social behaviour. However it was pointed that out that two 'off licences' in close proximity to the premises had not attracted problems despite existing to primarily sell alcohol;
- The solicitor identified individual letters of objection and contended that concerns raised were either related to planning issues or claimed that the premises would lead to an increase in anti-social behaviour. It was proffered that there had been no evidence to back these claims up.

The applicant's representatives were questioned by the Sub Committee on disabled access and the Sub Committee were assured that access for disabled people would be via a ramp in the south east corner as shown in the plan supplied to the Committee. They were also questioned the type of CCTV to be installed, feedback from the independent 'challenge 25' testing and the functionality of the till reminder system.

The applicant's representatives confirmed that Morrison's would consider joining 'shop watch' but membership would depend on various factors including how the shop watch system functioned and advice from the Police.

In summing up the solicitor for the applicant stated that any decision should be made on the basis of the law and whether or not the application would uphold the licensing objectives. It was contended that objections to the application had no basis in evidence. Members were told that concerns of residents were understood, however, Morrison's were a company of unimpeachable reputation and would work hard to promote the licensing objectives.

The meeting adjourned at 10:50am and reconvened at 11:00am

The meeting was told that in reaching its decision, the Licensing Sub Committee gave due regard to the Home Office guidance, the Council's own Licensing Policy and relevant licensing legislation. The Committee also gave regard to Human Rights legislation and the rules of natural justice. Due consideration was given to all representations made at the hearing and in writing. In discharging its functions the Sub Committee did so with a view to promoting the Licensing Objectives, the relevant objectives here were the Prevention of Crime and Disorder, Prevention of Public Nuisance and the Protection of Children from Harm.

Resolved: that the licence be granted in accordance with the application. The licence will include conditions that have been volunteered by the applicant on pages 18 and 19 of the report attached to the signed copy of these minutes.

Reasons for Decision: The Sub-Committee are satisfied that the licensing objectives will not be undermined by the grant of this licence. The Sub-Committee have taken note that there are no representations from the Police, Environmental Health or any other responsible authorities nor are there any specific complaints concerning the off-licences that are located near to the proposed site.

Additional Observations made by Members: None

Those present were told that the decision would be made available in writing within 5 days.

The licence holder and those who had made representations in connection with this application were reminded that they could appeal against the decision within 21 days by giving notice to the Magistrates Court

Interested parties were reminded that they may apply for a review of this licence 'after a reasonable interval' pursuant to section 51 of the Licensing Act

Any licence granted under the Licensing Act 2003 does not override any planning restrictions on the premises nor any restrictions that may be attached to the lease of these premises.

The applicant is reminded that it is a criminal offence under the Licensing Act 2003 to carry on licensable activities from any premises in breach of a premises licence

The proceedings finished at 11:02am
