



LICENSING SUB-COMMITTEE

Tuesday 20 October 2020

Application for a new Premises Licence: Morrison's Filling Station, Felixstowe

APPLICATION DETAILS

Type:	New – Premises Licence
Name of Applicant(s):	WM Morrison Supermarkets PLC
Address of Applicant(s):	Hilmore House, Gain Lane, Bradford, BD3 7DL
Type of applicant (Premises Only)	Company
Name of Premises:	Morrisons Filling Station
Address of premises:	Grange Farm Avenue, Felixstowe, IP11 2XD
Description of Premises:	Convenience store and petrol filling station.

EXECUTIVE SUMMARY:

- This is an application for a new Premises Licence.
- The application seeks to permit the following licensable activities: Sale of alcohol for consumption off the premises.

Is the report Open or Exempt?	Open
Wards Affected:	Western Felixstowe
Cabinet Member:	Councillor Mary Rudd, Cabinet Member with responsibility for Community Health

Supporting Officer:	Leonie Hout Licensing Officer 01502 523624 leonie.hout@eastsoffolk.gov.uk
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1. PROPOSED LICENSABLE ACTIVITIES

Sale of alcohol – both on and off sales

Monday to Sunday 24 Hours

Late night refreshment – both indoors and outdoors

Monday to Sunday 23:00 to 05:00

2. PROPOSED OPENING HOURS

Monday to Sunday 24 Hours

3. OPERATING SCHEDULE

3.1 The following steps have been proposed in order to promote the four licensing objectives. These are proposals offered by the applicant and in their own words. Some submissions may already form part of the licence, as mandatory conditions; others may be re-worded by officers to form meaningful, enforceable conditions on the licence.

General

All staff engaged in the sale of alcohol will be trained in accordance with the Premises licence holder's training procedures.

Prevention of crime and disorder

All staff engaged in the sale of alcohol will receive suitable training (including refresher training) in relation to the proof of age "Challenge 25" scheme to be applied on the premises. The following forms of identification are acceptable: photo driving licence, passport, proof of age standards scheme (pass) card, military id and any other locally or nationally approved form of identification.

CCTV shall be provided on the premises and shall be kept in good working order.

All checkout operators will operate a refusal log.

Public safety

The premises licence holder undertakes ongoing risk assessments in order to comply with health & safety legislation.

Prevention of public nuisance

The premises are responsibly managed and supervised. No additional measures are believed necessary.

Protection of children from harm

All staff engaged in the sale of alcohol will receive suitable training (including refresher training) in relation to the proof of age "challenge 25" scheme to be applied on the premises. The following forms of identification are acceptable: photo driving licence, passport, proof of age standards scheme (pass) card, military id and any other locally or nationally approved form of identification. Till prompts are in use at the store.

The application including a plan of the premises is attached as **Appendix A**

4. REASON FOR HEARING

4.1 Three representation against the application have been received from other persons.

4.2 The applicant has been provided with a copy of the representations and these are attached as **Appendix B** for members of the Sub-Committee.

4.3 Summary of grounds for representation:

A 24-hour garage operating in a residential area would cause a noise nuisance as well as attract potential problems with youths. There is already a problem with litter and broken glass at the nearby park which is likely to increase with this new premises.

Already a problem in the area with youths, alcohol and drugs this is likely to increase the problems.

Selling alcohol from the petrol station (24 Hours) will encourage anti-social behaviour and encourage drink/drug driving. There are also several other local premises that alcohol can already be brought from.

5. POINTS FOR CONSIDERATION

5.1 In exercising its licensing functions, the Licensing Authority has stated in its licensing policy that it will primarily focus on the direct impact of the licensable activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the vicinity of the premises.

5.2 The attention of the Sub-Committee is drawn to the following:

- a) The Licensing Act 2003 Section 4 requires the Sub-Committee to have regard to:
 - Guidance Issued under Section 182 of the Licensing Act 2003.
 - The Council's Statement of Licensing Policy

If the Sub-Committee has reason to depart from the above it is asked to give full reasons for so doing.

- b) Human Rights Act 1998

The Human Rights Act 1998 came into force on the 2 October 2000. The Sub-Committee is urged to have careful regard of its provisions.

It is unlawful for a public authority (this expression includes local authorities) to act in a way which is incompatible with a human right.

As far as the applicant's right to a fair hearing is concerned (Article 6), the applicant has a right to be heard by the Licensing Sub-Committee. If this application is refused or granted subject to modification, the applicant has a right of appeal to the Magistrates' Court.

In assessing the impact of human rights, the Sub-Committee must seek to strike a balance between the right of the proprietors in the business to conduct it as they

wish and local residents who may find its activities intrusive. In this context a business is a “possession” and the human right is expressed to be for the “peaceful enjoyment” of it. A rider to this human right empowers the Council to control the enjoyment of that business by its proprietors in the general interest. At the same time, local residents are entitled to the peaceful enjoyment of their homes.

- 5.3 The relevant notices about this hearing have been served on the applicant and other persons and they have until 13 October 2020 to confirm that they intend to attend, or not, as the case may be and give notice that they wish to call witnesses.

6. CONCLUSION

- 6.1 The applicant has been advised of the representations that have been made and there may be mediation between the applicant and the other persons before the hearing in order to achieve agreement. In the event that an agreement is not possible, the Sub-Committee will be asked to determine this application by:

- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives (for example, by excluding a licensable activity or restricting the hours when a licensable activity can take place), and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Rejecting the application.

- 6.2 If the decision reached by the Sub-Committee results in differences between the conditions attached to the licence and the planning permission currently in force for these premises, the applicant should be advised that the planning permission must be adhered to unless and until it is amended to reflect the conditions attached to the licence.

- 6.3 Depending on the decision of the Sub-Committee, the applicant and / or responsible authority and interested parties that have made representations have rights of appeal to the Magistrates’ Court.

- 6.4 When announcing its decision, the Sub-Committee is asked to state its reasons.

APPENDICES	
Appendix A	Application form and plan of the premises.
Appendix B	Representations

BACKGROUND PAPERS	
None	