

Licensing Sub-Committee – 6 August 2013

Minutes of the meeting of the **Licensing Sub-Committee** held on **6 August 2013** when there were present:-

Cllr Mrs H L A Glynn
Cllr D Merrick

Cllr Mrs C A Weston

OFFICERS PRESENT

R Evans - Head of Environmental Services
J Fowler - Senior Licensing Officer
A Law - Solicitor
C Todman - Paralegal
M Power - Committee Administrator

137 APPOINTMENT OF CHAIRMAN

Cllr Mrs C A Weston was appointed Chairman of the Sub-Committee.

138 PROCEDURE FOR LICENSING HEARING

The Sub-Committee noted the procedure to be followed during the hearing.

139 LICENSING APPLICATION – LICENSING ACT 2003

Morrisons, 139/141 High Street, Rayleigh, SS6 7QA

The Sub-Committee considered an application for the grant of a premises license made under section 17 of the Licensing Act 2003. The application relates to premises known as Morrisons, 139/141 High Street, Rayleigh, SS6 7QA. Members had before them the report of the Head of Environmental Services setting out the details of the application and the documentation and representations received from the applicant and various interested parties.

The applicant's representative advised that Morrisons has over 500 stores across the country. The application relates to an 'M' store (the Morrisons' convenience store brand), which specialises in offering fresh food for sale and will use only 15% of the store's floor area for the display of alcohol. The hours requested of 0600 hours to 2400 hours Monday to Sunday are standard operating hours in Morrisons stores. It was emphasised that many of their stores operate in densely populated areas and that Morrisons is committed to being a good neighbour. Policies and procedures that Morrisons has in place, including Challenge 25 and CCTV, work efficiently and there have been no reviews of the operation of any of the licenses that Morrisons holds. The applicant's representative stressed that Morrisons operates the Challenge 25 scheme and that an independent company undertakes regular checks of all Morrisons stores to ensure that Challenge 25 is being operated correctly. If any of the Group's stores fail to meet the required standard the entire staff in the store will be re-trained. All refused sales are logged and there are till prompts to remind cashiers of the required procedure. Each store has five

personal licence holders: there will be a total of 20 full and part-time staff employed at this store including a senior member of staff.

The applicant's representative stated that there had been no objections from any of the Responsible Authorities.

The newspaper cuttings produced as evidence by the residents objecting to the application related to the sale of alcohol generally and contained no criticism of how Morrisons operated its business. Morrisons are committed to ensuring that no underage sales are made and, under the Challenge 25 scheme, the company runs refresher training during school holidays to ensure that staff are extra vigilant. There is no evidence that any of the licensing objectives would be breached if Morrisons opened in this location.

The residents objecting to the application claimed that opening a Morrisons supermarket in this location would result in an increase in public nuisance and anti-social behaviour. It was feared there would be a rise in the availability of cheap alcohol and a resultant increase in underage and binge drinking and that small, local businesses would close as a result. It was stated that a further licensed premises in this area is not needed by residents as there were many other in the immediate vicinity. Residents also objected to the application for licensing hours of 0600 hours to 2400 hours every single day of the week.

In response, the applicant's representative advised that, even in challenging areas in the country, public nuisance and ASB issues in the vicinity of Morrisons stores are very rare.

In response to a question it was noted that Morrisons had not applied for a late refreshment licence; therefore sales of takeaway coffee would be available until 11pm only.

In conclusion, the applicant's representative stated that under licensing law commercial need is not a relevant consideration when determining an application. The law states that supermarkets should be permitted to open for shopping unless there are good reasons, based on compliance with licensing objectives, for restricting these hours.

Having given careful consideration to the application and the representations made, the Sub-Committee considered that the application for a premises licence should be granted. The Police and other Responsible Authorities had no objections to the application and there were no grounds on licensing objectives to refuse the application. It had been established that a senior member of staff would be present in the store at all times and that training of staff was good. No evidence specific to the operation by Morrisons of its stores had been provided.

It was emphasised that, in the event of there being any future disturbance arising as a result of this premises licence, there is a power of review available to interested parties and Responsible Authorities.

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Resolved

That the application for a premises licence allowing the sale of alcohol from 0600 – 2400 hours daily be granted. (HES)

The meeting commenced at 2 pm and closed at 3.40 pm.

Chairman

Date

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