

# MINUTES

ALCOHOL AND ENTERTAINMENT  
LICENSING COMMITTEE  
FRIDAY, 21 DECEMBER 2012



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## COMMITTEE MEMBERS PRESENT

Councillor Mark Ashberry  
Councillor Pam Bosworth (Chairman)  
Councillor Robert Broughton  
Councillor George Chivers  
Councillor Breda Griffin

Councillor Reginald Howard  
Councillor Vic Kerr  
Councillor Graddon Rowlands  
Councillor Bob Russell (Vice-Chairman)  
Councillor Mrs Jean Taylor

## OFFICERS

Licensing Officers ( Richard Etherton, Pam Robinson)  
Solicitor to the Committee (Paul Rushworth)  
Democratic Officer (Lucy Bonshor)

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### 25. APOLOGIES

An apology for absence was received from Councillor Turner.

### 26. DISCLOSURE OF INTERESTS

None disclosed.

### 27. MINUTES OF MEETING HELD ON 7TH DECEMBER 2012

The minutes of the meeting held on 7th December 2012 were agreed as a correct record of the decisions taken.

### 28. LICENSING ACT 2003: APPLICATION FOR THE GRANT OF A PREMISES LICENCE, COSTCUTTER EXPRESS, SOMERBY HILL SERVICE STATION, BRIDGE END ROAD, GRANTHAM

**Decision:**

To grant the Premises Licence for Costcutter Express, Somerby Hill Service Station, Bridge End Road, Grantham as applied for save for the

## **part relating to Late Night Refreshment .**

The Solicitor to the Committee introduced those present and confirmed who was to speak in relation to the application: Mr Chris Mitchner from Licensing Solutions for the applicant, Dale Right and Jane Martin for the interested parties.

The Licensing Officer then presented report CSL026 which concerned an application for a Premises Licence for Costcutter Express, Somerby Hill Service Station, Bridge End Road, Grantham. An application had been received for the grant of a Premise Licence for the supply of alcohol and late night refreshment as detailed below:

Supply of alcohol – 6.00 to 23.00 Monday to Sunday

Late Night Refreshment – 23.00 to 5.00 Monday to Sunday

19 representations had been received within the consultation period from residents who reside in the area on the grounds of Public Nuisance. No representations had been received from Responsible Authorities. A map showing locations of the addresses from the representations received was attached at appendix 3, however some locations were not indicated as addresses had not been given in the correspondence received. Also circulated to Members was an operation and training manual from the applicant. The Licensing Officer also confirmed that a late paper had been circulated to Members concerning Section 176 of the 2003 Licensing Act.

A question was asked about whether any complaints had been received concerning noise and litter to which the Licensing Officer replied that no representations had been received from the Responsible Authorities which included Environmental Health Protection.

The applicant then presented his case. He referred to the licence application and the works to be carried out at the premises. He referred to the important fact that no representations had been made by responsible bodies, however, they had taken notice of the concerns of the residents and had agreed to withdraw the part of the application which related to Late Night Refreshment. Mr Mitchner then referred to guidelines which governed licensable activities and referred to each representation that had been received to the application and the concerns expressed in those representations. He referred to the studies that had been undertaken which found no causal links between the sale of alcohol on forecourts and drink driving. The fact that no representations had been received from the Police indicated that there were no allegations of crime and disorder associated with the premises. Representations must relate to the Licensing objectives and be evidence based. He further spoke about the training issues undertaken by the company and the dedicated policy which the company had. Questions were then put to Mr Mitchner about the analysis of the projected customer flow which had been issued to which he replied. He also

referred to both the Goodwin case and the Green case.

The first interested party then presented her case which concerned what the primary use of the premises was and what this meant in relation to Section 176 of the Licensing Act 2003. The interested party referred to a case involving Muroc and Birmingham City Council 2010 which required the committee to look at the primary use of the premises. The second interested party then presented his case which concerned more the possible anti social behaviour and public safety issues, specifically concerning the protection of children from harm by having an outlet selling alcohol at that location, he felt that it was a dereliction of duty and was strongly opposed to having the premises sell alcohol.

A short discussion then followed with questions being asked about the analysis document that had been circulated and case law concerning the information it contained.

The Licensing Officer then gave his closing statement and listed the options available to the Committee.

The applicant, Mr Mitchner then gave his closing statement reminding Members of the issues he had already stated and that the application had to be dealt with within the remit of the Licensing Act and that no responsible body had submitted any representation to the application.

*(11.15am the Licensing Officers and Interested Parties left the meeting)*

*A short adjournment took place between 11.15am and 11.18am*

Members considered the information that they had before them and all the representations that had been made. Although the Members noted the concerns of those who had made representations, especially with regard to whether the premises was primarily a petrol station or a retail shop, it was felt that the evidence supplied by the applicant indicated more retail use than garage use but it was difficult to predict what the use of the premises would be as the committee had heard that the premises was to undergo a refit to develop a Costcutter store on the forecourt. The committee also found that there was no evidence which indicated that the Licensing Objectives would be undermined and therefore it was proposed, seconded and unanimously agreed to grant the premises licence as applied for excluding the Late Night Refreshment part of the application as that part had been withdrawn by the applicant.

*(11.37am the Licensing Officers and Interested Parties returned to the meeting)*

The Solicitor to the Committee read out the Committee's decision:

The Committee had considered that the issue of primary use was relevant but was satisfied that at this stage, the evidence supporting the proposal included more retail use than garage. However, the Committee wished to remind the

applicant that the issue remained live after the premises licence was granted and if it subsequently transpired that the operation was more involved with garage use than retail use then it could be dealt with later through enforcement and review. The Committee then considered the potential effects on the Licensing Objectives but was satisfied that at this stage there was no evidence to indicate that the Licensing Objectives would be undermined as a result of the licence being approved. The Premises Licence was therefore, approved as applied for, save for the removal of the Late Night Refreshment part of the application. The Solicitor to the Committee reminded those present that the decision was appealable to the Magistrates Court within 21 days of written notification of the decision.

**29. CLOSE OF MEETING**

The meeting closed at 11.40am.