

COUNCIL MEETING – 7 OCTOBER 2014

REPORT OF THE LICENSING SUB-COMMITTEE

11 July 2014

Present: Councillors Harrington (Chairman), Maguire and Simmons.

Also present: Mrs A Wilcox, Licensing Manager, Mr G Hollands, Solicitor, District Law and Mrs C A Mundy, Democratic Services Officer.

(The hearing commenced at 1.30pm.)

1. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor Harrington be appointed as chairman for this sub-committee meeting.

The chairman welcomed everyone to the meeting and introduced the sub-committee members and officers. He then asked all in attendance to introduce themselves.

The following were present: Ms C Johnson, Solicitor from Gosschalks and Ms K Nicholls, Licensing Manager, both representing W M Morrisons Supermarkets PLC; and Mr T Ireson, Mrs D E Illingworth and her son-in-law Mr M Eldridge and Mr C Farrar who were making representations about the application.

2. APPLICATION FOR PREMISES LICENCE BY MORRISONS 'M LOCAL' GOLD STREET, WELLINGBOROUGH

The licensing manager presented the report which related to an application received for a premises licence for Morrisons M Local at 106 Gold Street, Wellingborough. The premises were to be converted into a supermarket and the premises licence would enable the retail sale of alcohol between the hours of 0600 to 2400 hours Monday to Sunday inclusive during the time that the premises would be open. Nine representations had been received from interested parties objecting to the licence on the grounds that the licensing objectives, as prescribed by Sections 4(2)(a), 4(2)(c) and 4(2)(d) of the Act are not being met. The licensing objective was the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm. Three of the interested parties were in attendance. The licensing manager also referred to some additional photographs, provided by Mr Ireson the previous day, that had been circulated.

The chairman thanked the licensing manager for her presentation and asked the interested parties if they wished to address the committee.

Mr Ireson, Mr Farrar and Mr Eldridge on behalf of Mrs Illingworth addressed the meeting. They reiterated their written concerns over the sale of alcohol and there being another outlet that would sell alcohol to those who abuse it. They faced daily challenges with on-street drinking, drug-taking, abuse and

litter particularly in The Avenue. They expressed concern that the store was very close to four local schools, the pupils travelled to and from school via The Avenue. There was also concern about the potential for noise and light pollution from the car park and the floodlighting of the store and particular concern was expressed over the delivery lorries entering the site. The access and egress from the store was onto a busy road and was deemed to be dangerous. It was believed that the sale of alcohol would also mean that a number of people would be hanging around outside the premises.

The chairman thanked the interested parties for the information they had given and asked the panel if they wished to ask any questions.

Councillor Maguire asked whether the photographs circulated were all of litter found in The Avenue.

This was confirmed.

Councillor Maguire noted that a number of the bags and bottles indicated that the goods had been purchased at town centre outlets.

Mr Ireson responded to this comment and stated that 'drinkers' frequently use The Avenue as a walk through to get to other parts of the town, disposing of their litter on the way.

Councillor Simmons commented that there were similar problems in other places, and though not disputing that the photos had been taken in The Avenue, similar evidence could be found almost anywhere in the borough.

Mr Hollands assured everyone that the photographic evidence would be taken into account, as it was relevant to the objections, by the sub-committee.

Councillor Harrington asked the interested parties why they considered that an 'M' store would make matters worse.

Mr Eldridge believed that there would be an escalation of the current problems with anti-social behaviour, as the ability of people to purchase cheap alcohol would increase. There was also a fear that groups of people would congregate in the car park causing public nuisance and intimidation. The other local shops closed earlier than the proposal by the 'M' store and the only late night retail outlet was the garage which though closed from 10pm sold goods from a window. Frequently the police were called to deal with anti-social behaviour and to disperse intoxicated people. He wondered what level of store security there would be to move people on.

Councillor Maguire asked the licensing manager to confirm whether representations had been received from the responsible authorities of police, environmental health, fire & rescue service, planning, trading standards and child protection.

The licensing manager clarified that no representations had been received on the application.

The chairman thanked the interested parties for their representations and asked if Ms Johnson, representing Morrisons, would like to address the meeting.

Ms Johnson clarified that Morrisons wished to open one of their 'M' convenience stores in this location. They had a great deal of experience in opening local stores and already had 120 similar 'M' stores which concentrated on the sale of fresh produce. The sale of alcohol was a relatively small part of its turnover with only 15 per cent of the display area given to this. The trading hours were a standard request for 6am to 12 midnight.

Some of the 'M' stores operated extremely successfully, and were located in particularly challenging areas, where crime and disorder issues and anti-social behaviour were common place. Wellingborough was not classed as this sort of area that would be challenging. Morrisons wished to be a good neighbour to local residents and wished to work in harmony.

The store would have CCTV, operate Challenge 25, and have till prompts and a refusal log in place. All staff would be highly trained to ensure that intoxicated people were not served and moved on. Litter picks were carried out on a regular basis. This store would not sell single cans of alcohol and would only carry larger packs. It had been found that this way of selling was not attractive to street drinkers.

The chairman thanked Ms Johnson for her comments and asked councillors if they wished to ask any questions.

Councillor Maguire asked about how security of the premises would operate.

Ms Johnson clarified that 'M' stores don't have security guards. They operate a very good CCTV system with monitors behind the tills, there were five personal licence holders who were all fully trained, and they were also trained to move on anyone who was loitering around the area.

Councillor Simmons commented that in his experience youths did congregate around stores such as this but that the installation of CCTV did assist with dispersal.

The chairman asked if the interested parties wished to ask Ms Johnson anything for the purpose of clarification.

Mr Ireson commented that there was already hard evidence of drinking and anti-social behaviour in the area, with litter and debris, and believed this would only increase.

Mr Eldridge commented that just because the responsible authorities had not commented on the application it did not mean they were in favour of it. He considered that the level of crime and disorder had not been addressed; there

had been a considerable amount of anti-social behaviour and crime in The Avenue.

Mr Farrar understood that this would be a purpose built store but considered that his concerns over deliveries and additional traffic movement had not been addressed.

The chairman asked Ms Johnson if she wished to respond.

She clarified that the delivery issue and traffic issue did not relate to the granting of the licence as this was a planning consideration. Litter unfortunately was an issue across the country and Morrisons would do as much as they could to ensure that the area was maintained. The police and other responsible authorities could have lodged a representation but had chosen not to do so. She cited the case of *Daniel Thwaites plc v Wirral Borough Magistrates' Court* (2008) EWHC 838 (Admin) as legally binding authority on the committee that the council must take that into account in any decision about the hours for which the premises were licensed. She considered that the store would be of benefit to the community.

Mr Eldridge made legal representations to the committee as to the effect of the Thwaites case. In the light of those, Mr Hollands advised the sub-committee that the police and other responsible authorities had not made representations and that this would have weight in the decision making process in accordance with the Thwaites case.

The chairman adjourned the meeting at 2.35pm.

The chairman reconvened the meeting at 2.50pm.

The chairman asked all present if they considered that they had received a fair hearing. All agreed that they had.

Mr Hollands informed the meeting of the decision as follows:

RESOLVED that the premises licence be granted.

REASONS FOR THE DECISION:

1. The committee had heard from three objectors in person and noted all of the written representations.
2. It accepted that at present there is evidence of a litter problem in The Avenue adjacent to the premises.
3. However, taking into account the council's licensing policy and the guidance under S182 of the Licensing Act 2003 it could not conclude that grant of the licence would have an adverse effect on the public nuisance licensing objective in relation to these premises.
4. Accordingly there being no other reasons why the licensing objectives would be infringed the licence is granted in accordance with the application.

Mr Hollands also explained that if anyone wished to object to the granting of the licence they had a right of appeal to the Magistrates Court but would need to apply within 21 days of the hearing today.

He also reminded those present of the right to seek a review of the licence in the future if they considered the licensing objectives were adversely affected by activities at the premises.

The chairman concluded the meeting at 2.55pm.

Chairman