

# LICENSING SUB-COMMITTEE HEARINGS

## 29 JULY 2011

*Present :-* Councillor Barrie Cook (Chairman)  
Councillors Mary Blandon and Margaret Kimberley

### 1. Appointment of Chairman

RESOLVED that Councillor Cook be appointed Chairman.

### 2. Declarations of Interest

There were no declarations of interest.

### 3. Minutes

The minutes of the meeting held on 10 June 2011 were confirmed as a correct record.

### 4. Application under the Licensing Act 2003

The Head of Environmental and Protective Services submitted a report in relation to the following application for determination by the Sub-Committee, in accordance with the provisions of the Licensing Act 2003.

• **Shell Sextons Service Station, 124 Coggeshall Road, Marks Tey, Colchester, Essex**

The Sub-Committee considered an application for the grant of a new premises licence in respect of Shell Sextons Service Station to permit the supply of alcohol off the premises and the provision of late night refreshment indoors.

#### **In Attendance**

Applicant: Mr Kent, from Lockett & Co, Solicitor for the applicant and Mr Hinson, Site Manager

Officers: Mr Daines, Protective Services Manager; Mr Samuels, Legal Services; Ms Tuthill, Committee Services Assistant (Licensing); Mrs White, Committee Services Officer (Licensing)

Ms Tuthill, Committee Services Assistant (Licensing), briefly introduced the application

advising that a representation had been received from Councillor Blundell, Marks Tey Ward Councillor in relation to the application.

The applicant had submitted supplementary copies of the application brochure and a radius plan in support of the application and after confirming that this had been received Mr Kent introduced the application. Mr Kent explained that the shop at Shell Sextons had traded for over 20 years and sold a wide variety of products. The application for the sale of alcohol was in response to customer requests to be able to purchase alcohol along with other goods. Transactions after 22.00 were currently made by way of the night hatch and this practice would continue. In response to questions from the Sub-Committee Mr Kent clarified that customers would not be permitted on the premises for security purposes and that there were no facilities for consumption on the premises.

Mr Kent explained that there were 16 CCTV cameras on the site covering the shop and forecourt and that the premises had a good track record of working with the Police and Environmental Control. Shell provided a high standard of training for its staff and this was evidenced by its record in relation to the sale of age restricted goods. The staff training included the licensing laws, managing conflict, and how to challenge those wishing to purchase alcohol but suspected to be under age. In relation to the possible increase in litter as a result of the application, Mr Kent outlined that cleaning regime for the site and stated that there were 6 litter bins on the site. Shell did not wish to degrade the site by litter and noise pollution and considered that the proposals contained in its operating schedule would address any issues that may occur as a result of the application.

### **The Decision**

*RESOLVED* that the application for a premises licence for Shell Sextons be granted to permit the-

- supply of alcohol off the premises Mondays to Sundays inclusive 00.00 to 24.00
- provision of late night refreshment Mondays to Sundays inclusive 23.00 to 05.00
- premises to be open Mondays to Sundays inclusive 00.00 to 24.00

subject to the condition that there be a written authorisation from the Designated Premises Supervisor to named persons who are responsible for the supply of alcohol in the absence of the Designated Premises Supervisor and that this list be displayed on the premises and include the contact telephone number of the Designated Premises Supervisor.

### **Considerations**

The Sub-Committee noted that one relevant representation had been received from Councillor Blundell, Ward Councillor for Marks Tey concerning the licensing objective of the prevention of public nuisance, but that Councillor Blundell was not in attendance the hearing.

The Sub-Committee noted that there were no representations from any of the responsible authorities.

The Applicant submitted further information in relation to the application including a

radius plan and Due Diligence Package

In arriving at the decision the Sub-Committee considered each point very carefully. It noted the representation and evidence presented by all parties under the Licensing Act 2003 and its own policy in relation to the application.

### **Reasons for the Determination**

The Sub-Committee considered that the premises was not in a residential area and therefore service of alcohol and late night refreshment via a night hatch was acceptable.

The Sub-Committee had given careful consideration to the representation and evidence, and was satisfied that the concerns raised were adequately addressed by the applicants' operating schedule and Due Diligence Package. The Sub-Committee was mindful that its decision must be a necessary and proportionate response aimed at the promotion of the licensing objectives. For the reasons stated above, the Sub-Committee was satisfied that the most appropriate way forward was to grant the application subject to the operating schedule and to the relevant mandatory conditions in the Licensing Act 2003.

The Sub-Committee considered that some of the points raised in the letter of representation were not within the remit of the Licensing Act and therefore could not be considered by the Sub-Committee.

## **5. Close of Meeting**

The meeting closed at 11.15.