

**MINUTES**

of the

**LICENSING COMMITTEE  
HEARING**

held on 4 April 2019 at 7pm

Present:

Councillor L. Millane (Chairman of Hearing)

Councillors, R.A. Alcock, J. De Vries and R.A. Villa

The meeting was adjourned until 7.15pm to allow a member to arrive. The meeting then commenced at 7.12pm

1. **Apologies for Absence**

There were no apologies for absence.

2. **Declarations of Interests**

All Members were reminded to declare any Disclosable Pecuniary Interests (DPI) or other registerable interests where appropriate in any of the items of business on the meeting's agenda, none were made.

3. **Licensing Act 2003 – Application for a Variation of a Premises Licence – MRH West End, 124-134 Rainsford Road, Chelmsford, CM1 2QL**

The Committee considered an application for a variation of a premises licence in respect of 124-134 Rainsford Road, Chelmsford, CM1 2QL. The licence being applied for was as follows:

**The Supply of Alcohol**

Every Day 00:00 - 00:00

It was noted by the Committee that there were three options namely;

1. Grant the application, on the terms and conditions applied for.
2. Grant the application, on the terms and conditions applied for, modified to such extent as considered appropriate to promote the Licensing Objectives.
3. Refuse the application in whole or in part.

The following parties attended this hearing and took part in it:

***The Applicant*** – Solicitor and MRH Area Manager

***Objectors*** – Four members of the public

The Licensing Officer confirmed to the Committee that the premises were already licenced for the sale of alcohol, every day between 6am and 10pm in addition to late night refreshment every day between 11pm and 5am.

The Chairman advised that the written representations had been read and considered by the members of the Committee in advance of the meeting. The Chairman invited the applicant to introduce their application.

The solicitor for the applicant informed the Committee that in light of the public representations they were amending the hours of their application. It was noted that the application was no longer for 24 hour sale of alcohol and that an extension was being requested from 10pm to either 12:59am or 01:00am depending on officer preference. The Committee was informed that the application had been considered by the Police and other responsible authorities and no objections had been made. The solicitor referred the Committee to Section 182 of the relevant guidance which stated premises should be allowed to match the sale of alcohol to their opening hours unless good reason was demonstrated not to. The Committee was informed that Malthurst ran a large number of petrol stations across the country of which many had 24 hour alcohol licences. The solicitor for the applicant confirmed that their application detailed the removal of the conditions in annex 2 of the current licence. He clarified that this had been a clerical error and that the conditions would stay as part of the new amended operating schedule as agreed with officers.

In response to the written concerns raised by objectors the solicitor for the applicant made the following points. He stated that the premises were not expected to be busy during the additional hours requested so the sale of alcohol would not lead to crime and disorder from the premises. He also stated there would not be an increase in litter from the premises as sales would be low and adequate waste receptacles were provided at the premises. He stated that the argument put forward of there being no need for the sale of alcohol during the night was not a relevant factor to be considered under the Licensing Act 2003. He also informed the committee that concerns regarding drink driving were not relevant and there was no evidence to prove that petrol stations selling alcohol led to drink driving. The solicitor for the applicant stated that Malthurst had been undergoing a program of variation to amend licences for various stores and this had led to a number of hearings. The Committee was informed that at each hearing they had encouraged residents to contact them if problems arose after licences were granted and that the review mechanism was always available to residents if problems did arise. The Committee were provided an example of when Malthurst had suspended their own licences for sale of alcohol when problems arose and were a responsible operator who wanted to work with local residents around any problems.

The local residents present who had objected to the application addressed the Committee and made the following points;

- The amended application to 1am was welcomed over the initial 24 hour application but there was existing anti-social behaviour which would still only be amplified by any extension.
- The company structure consisted of subcontracting the petrol stations to self-employed managers who received commission based income from petrol and alcohol sales.
- The details listed in section 16b of the application were limited and did not describe in detail the measures the applicant would take to meet the licensing objectives.
- There had been a similar application in 2012 for a 24 hour alcohol licence.
- The CCTV only covered the forecourt and store area and was not helpful for local residents living nearby.
- The sale of alcohol would lead to an increase in litter for local residents living nearby due to the premises being on a common route home from the city centre.

In response to the concerns raised by the local residents the solicitor for the applicant stated that;

- All petrol stations operated on a commission basis and this was not relevant under the Licensing Act.
- The site in question was very well operated and was a particularly tidy site.
- The licence holder would be Malthurst and there would be a named designated premises supervisor on the licence, this was common practice in the industry.
- The operating schedule provided was standard and had been agreed with licensing officers.
- The challenge 25 policy was above what was required by law.
- The CCTV could only cover the premises and not the surrounding area.
- That the concerns of residents were understood but the applicant did not believe an increase in hours would lead to an increase in any problems connected to the petrol station and that it should be noted that the police had not submitted representations.

In response to questions from the Committee the solicitor for the applicant stated that;

- It was the responsibility of staff to keep the forecourt clear of litter and this was regularly done.
- If there were any incidents staff were trained to call the police if necessary.
- The premises was in line with similar premises and operated all sales through a night window after 11pm where it was easier to refuse a sale if required.
- A condition detailing CCTV to be available to an authorised police officer within 24 hours of a lawful request was acceptable.

The Committee retired at 7.53pm to deliberate on the matter and returned at 8.23pm.

**RESOLVED** that the Director of Public Places be authorised to grant the variation in the terms applied for but as amended by the applicant at the hearing.

The Chairman provided a summary of the reasons for the Committee's decision and advised that a formal decision notice would be sent out in due course to the relevant parties.

The Committee had careful regard to the representations of the applicant and the objectors.

In reaching its decision the Committee has noted the concerns of the objectors. However, any decision to refuse the application must be demonstrated to be evidence based, and the Committee is not satisfied that there is sufficient evidence to indicate prospective harm at this stage.

The Committee also resolved that the existing CCTV condition requiring production of any recording to be varied to require production to the police within 24 hours or lawful request.

The Committee is also mindful that no objections to the application have been received from the responsible authorities including the police and environmental health. The Committee also noted that the premises already has a late night refreshment licence.

The Committee is satisfied with the steps which the applicant proposes to take to promote the four licensing objectives.

The Committee would stress however, that if subsequently there is evidence of public nuisance or crime and disorder then people can request a review of the premises licence.

*(7pm to 8.25pm)*

The meeting closed at 8.25pm.

Chairman