

Minutes of the meeting of the LICENSING AND APPEALS HEARINGS PANEL held at 9.30 am on Tuesday, 20th June, 2017 at Main Committee Room, Civic Centre, Stone Cross, Northallerton

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Present

Councillor M A Barningham (in the Chair)

Councillor R A Baker

Councillor P Bardon

Also in Attendance

Councillor R Kirk

LAHP.1 **APPLICATION FOR THE GRANT OF A PREMISES LICENCE, GREAT AYTON FILLING STATION, 124 GUISBOROUGH ROAD, GREAT AYTON, TS9 6DJ**

Great Ayton Ward

**The subject of the decision:**

The Director of Law and Governance submitted a report seeking consideration of an application for a premises licence in respect of Great Ayton Filling Station, 124 Guisborough Road, Great Ayton, TS9 6DJ. The application sought to authorise the sale of alcohol for consumption off the premises between the hours of 6am and 10pm each day.

**Alternative options considered:**

1. To grant the application as applied for; or
2. To reject the whole or part of the application.

The Panel was satisfied that the licensing objectives were not likely to be adversely affected by the proposed licensable activities provided that appropriate conditions were imposed. Therefore, the Panel concluded that the alternative options were not appropriate in this instance.

**The reason for the decision:**

The Panel considered the representations of the parties both written and oral, the Licensing Act 2003 as amended, the Council's Statement of Licensing Policy and the guidance issued under Section 182 of the Licensing Act 2003.

The Panel gave appropriate weight to the representations submitted by local residents and a Ward Councillor in relation to concerns in respect of anti-social behaviour, littering, noise nuisance, traffic congestion and the lack of parking spaces.

The Panel noted that the licensing regime cannot be used to control activities outside of its remit. The Panel was only concerned with any potential adverse effects likely to be caused by the applicant's proposed licensable activities, namely the sale of alcohol.

The Panel noted the concerns raised by interested parties in relation to highway matters and petrol pumps. However, the Panel concluded that these were not relevant for the purposes of this hearing as they could not be directly attributed to the sale of alcohol. The Panel considered the effect of Section 176 of the Licensing Act 2003, which prohibits the sale of alcohol from excluded premises such as those primarily used for the retailing of petrol. The Panel was satisfied that, even if a licence is held, excluded premises would not be authorised to sell alcohol. On that basis, the Panel concluded that any consideration of the primary use of the premises would be a matter for the relevant enforcement agencies.

The Panel considered a number of additional conditions proposed by the applicant. The Panel was satisfied that it was appropriate to impose some of these conditions in order to alleviate the concerns of the interested parties. The conditions imposed include the use of CCTV equipment, the provision of staff training and restrictions relating to the sale of alcohol.

The Panel was satisfied that, in light of the evidence relating to anti-social behaviour, it was appropriate to require the installation of a colour digital CCTV system with time and date generation. The Panel was satisfied that the recordings should be retained for a minimum of 28 days.

The Panel was satisfied that points of access and egress should be lit in order to increase visibility in and around the premises thereby reducing the risk to public safety.

The Panel was satisfied that the implementation of a staff training programme would promote the licensing objectives.

The Panel was satisfied that the applicant's proposal to prohibit the sale of single cans of beer, lager or cider would further promote the licensing objectives.

The Panel was also satisfied that alcohol for consumption off the premises must be provided in a sealed container.

The Panel noted that the licence would also be subject to all relevant mandatory conditions in addition to any conditions consistent with the applicant's operating schedule.

### **THE DECISION:**

The Panel resolved to grant the application and impose the following conditions:

- 1) A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place.
- 2) The CCTV equipment shall have constant time/date generation, which must be checked on a regular basis for accuracy.
- 3) CCTV cameras shall be installed to provide adequate cover of all public areas on the premises.
- 4) The CCTV system must be capable of providing quality images of good evidential value. Recordings must be kept for a minimum of 28 days.

- 5) The cameras which provide identification images should be lit to provide true colour rendition.
- 6) Adequate lighting shall be installed at all points of access and egress.
- 7) A documented staff training programme shall be provided to all members of staff in respect of:
  - the operation of the CCTV system;
  - the retail sale of alcohol;
  - the age verification policy;
  - any conditions attached to the premises licence;
  - the permitted licensable activities;
  - the licensing objectives; and
  - the opening hours.Any such record must be kept for a minimum of 1 year.
- 8) No alcohol shall be sold or supplied unless it is in a sealed container.
- 9) There shall be no sale of single cans of beer, lager or cider from the premises.
- 10) The premises shall operate a Challenge 25 scheme for the sale of alcohol.

The meeting closed at 10.55 am

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Chairman of the Panel