

**LICENSING PANEL (263)**

**8<sup>TH</sup> JANUARY 2015 at 10.00a.m.**

**PRESENT:** Councillors Hussain, Hinkley and Worlding

**OFFICERS:** C. Tobin – Clerk to the Panel (Solicitor)  
Mernagh, Holly – Licensing Manager's Representative  
Eunice Lewis – Democracy & Scrutiny Officer

**01. ELECTION OF CHAIR (REF: 1)**

**Resolved:** That Councillor Worlding be elected Chair of this Panel.

**02. MINUTES**

That the minutes of the meetings held on 27<sup>th</sup> October 2014, 17<sup>th</sup> November 2014 and 4<sup>th</sup> December 2014, be agreed as true records and the Chair be authorised to sign them.

**03. APPLICATION FOR GRANT OF PREMISES LICENCE MORRISONS M. LOCAL 11-15 HIGH TOWN ROAD LUTON LU2 0BW (REF: 6)**

**PRESENT:**

**APPLICANT:** Morrisons M. Local

**APPLICANT'S  
REPRESENTATIVE:** Kelly Nichols – Licensing Manager  
Clare Johnson - Solicitor

**INTERESTED PARTIES:** David Landau (Friends of High Town)  
Councillor Whittaker (Luton Borough Council)

The Clerk to the Panel explained the procedure at oral hearings before the Council's Licensing Panel to those parties present.

The Licensing Manager's representative reported on an application received from WM Morrison Supermarkets PLC of Morrison's M Local, 11-15 High Town Road, Luton LU2 0BW for the grant of a premises licence that would allow the supply of alcohol for consumption off the premises from Monday to Sunday 06:00 to 24:00 to take place.

The Licensing Manager's representative further reported that no representations had been received from responsible authorities however a representation had been received from two Councillors, Councillors Malcolm and

Whittaker in their capacity as ward councillors and a representation had been received from Friends of High Town, Luton. The representations were received in relation to prevention of public nuisance.

Councillor Whittaker and David Landau, Chair of Friends of High Town were present at the meeting.

The Applicant's representative, Clare Johnson, Solicitor, made her representation in support of the application and asked the Panel to consider the following key points which she said were vital to the application.

- The application is made for the main purpose of a convenience store that will focus mainly on fresh produce unique to Morrison's Stores.
- Morrison's has huge expertise in dealing with and managing the sale of alcohol around its premises with over 600 similar stores all over the UK.
- In all its applications Morrison's would consider Challenge 25, protection of children from harm and have regard to the 4 licensing objectives.
- It carries out comprehensive training and retesting of staff in line with processes and procedures required for the sale of alcohol.
- Morrison's install very comprehensive CCTV systems for the prevention of crime and disorder.
- This particular application had received no objections from responsible authorities and no issues around the safeguarding of children and no additional conditions are proposed by the Police.
- The Panel should only consider reduced hours based on the Licensing objectives.
- The concerns raised by the interested parties are not in line with Licensing objectives and have not been supported by any responsible authorities
- Morrison's operates nationally with an impeccable licensing history and is able to address concerns relating to any of the 4 licensing objectives.
- Should there be credible evidence that any of the licensing objectives has been breached, the responsible authorities or interested parties can always call for the License to be reviewed.

The Panel questioned the Applicant's representative and she responded in compliance with the approved Procedure.

The interested parties present, Councillor Whittaker and David Landau, made representations as follows:

- That the early opening times and late closing times if granted could exacerbate the already existing anti-social behaviour and promote sexual behaviour and sex trade which is already an issue in the area.
- That the long hours should be reduced and that the premises should close at 11.00p.m, rather than midnight.
- That the Police and responsible authorities had objected to similar applications which were rejected in the past by previous Liquor Licensing Panel.
- That this application could set a precedent that would lead to approval of similar applications in future.

The Chair and the Clerk to the Panel clarified that every application was considered on its own merits and this application was no exception. Any representation received is considered and has to be relevant to the four licensing objectives. All speculation about what representations could have been received or had been made in relation to other premises should be excluded from consideration of this application.

Members considered whether the public interest in retiring to make their decision in private outweighed the public interest in holding their deliberations in public, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

Following discussion by Members, the Panel determined that the public interest of retiring to make their decision in private outweighed the public interest in holding their deliberations in public.

**04. LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 6)**

**Resolved:** That in accordance with regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, the public and press be excluded from the meeting during consideration of the decision in relation to the report of the Head of Environmental and Consumer Services (Ref 6) as referred to in Minute No. 03/15.

**05. LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005 (REF: 6)**

**Resolved:** That the press and public be no longer excluded from the meeting.

**06. APPLICATION FOR GRANT OF PREMISES LICENCE MORRISONS M. LOCAL 11-15 HIGH TOWN ROAD LUTON LU2 0BW (REF: 6)**

The Panel considered the papers before it along with the oral representations made by the Applicant's representative and those making representations against the application. The Panel had regard to the licensing objectives set out in the Licensing Act 2003.

**Resolved:** (i) That the application received from WM Morrison Supermarkets PLC, in respect of Morrisons M Local, 11-15 High Town Road, Luton, LU2 0BW, for the grant of a Premises License to allow supply of alcohol for consumption off the premises Monday to Sunday 06.00 to 24.00 to take place be **GRANTED** in accordance with the Operating Schedule subject to the following modifications relating to wording in the Operating Schedule and the following added conditions:

- The first sentence in PART 3, SECTION M, PARAGRAPH A of the application form be amended to read: 'The premises will be constructed in accordance with Drawing No. LUT/SK3/BWSL/001 as served with the application.'

- Sales of alcohol shall not include any super strength lagers, beers or cider the strength of which exceeds 6.5% abv. For the avoidance of doubt this should not prohibit the sale of premium branded and craft ales.
- There shall be no sales of single cans of lagers, beers or ciders.
- Spirits shall not be sold in measures below 350 millilitres.

(ii) The panel is satisfied that the premises will be operated in such a manner as to prevent the problems referred to in the representations from occurring. The other conditions as stated in the Licence were considered appropriate for the promotion of the Licensing Objectives of prevention of crime and disorder, prevention of public safety and protection of children from harm

**The meeting ended at 12.noon**