

Decision Schedule



Licensing Sub-Committee

TO ALL MEMBERS OF NEWPORT CITY COUNCIL

Decision Schedule published on 20 October 2020

The Licensing Sub-Committee took the following decisions on 20 October 2020, which became effectively.

Councillors: J Hughes (Chair), T Suller, William Routley

LIC SUB 04/20

Application under Section 17 of the Licensing Act 2003 by Wm Morrison Supermarkets PLC for the grant of a Premises Licence at Morrison's Petrol Filling Station, Morrison's Azalea Road, Rogerstone, NP10 9SA ("the Premises Application").

The Sub Committee considered the Premises Application, and the representations made at the hearing by Gosschalks Solicitors acting on behalf of Wm Morrison Supermarkets PLC and also by local residents.

The Sub Committee also considered the licensing objectives. In view of the close proximity of Morrison's petrol filling station to local residents, the Sub Committee had particular regard to the licensing objectives of preventing of crime and disorder and the protection of children from harm.

The Sub-Committee decided to grant the Premises Application with the following conditions:

- Sale of alcohol for consumption off the premises only: Monday to Sunday 06:00am to 10.30pm; and
- Provision of late night refreshment: Monday to Sunday until 10.30pm.

Further Decision:

On the 3rd November 2020 the Applicant for Morrison's Petrol Filling Station, Azalea Road, Rogerstone, Newport, NP10 9SA submitted an appeal to Newport Magistrates Court to contest the Licensing Committees decision stating:

Matter of Complaint:

The Complainant is aggrieved by a decision of the Respondent Council on the 20th October 2020 to refuse to grant the premises a premises licence to permit alcohol sales from 06:00 to midnight and Late Night Refreshment from 2300 to midnight every day, instead granting a premises licence to permit alcohol sales from 06:00 to 22:30 every day.

The Complainant is aggrieved at the decision for the following reasons: -

1. The decision was wrong
2. The decision to refuse to grant the hours sought for alcohol sales and late night refreshment was against the weight of evidence

3. The licensing sub-committee failed to give sufficient weight to the fact that there were no representations from any of the Responsible Authorities
4. The licensing authority failed to follow its own policy

The Appellant reserves the right to raise other grounds of appeal and in general is aggrieved by the decision of the Licensing Committee.

The Complainant therefore appeals to the above Magistrates Court pursuant to Schedule 5 of the Licensing Act 2003

In light of the appeal submitted by the Applicant a consent order between the Applicant (Morrison's) and Newport City Council requested if the Court would consider remitting the application back to the Licensing Authority for reconsideration, with there be no order as to costs.

On the 19th March 2021 Newport Magistrates Court determined that the application should be remit back to the Local Authority.

The Licensing Committee meet on the morning of the 16 April 2021 to reconvene the decision section of the Licensing Hearing after the Magistrates instructed the matter back to the Licensing Authority.

The Committee determined to revise the Licensing hours to stipulate:

- Sale of alcohol for consumption off the premises only: Monday to Sunday 06:00am till 00:00hrs
- and
- Provision of late night refreshment: Monday to Sunday from 23:00hrs till 00:00hrs

Though In granting the Licence till Midnight the Licensing Sub Committee takes note of the representations made by other persons (Local Residents) and though the Committee does not wish to add any further conditions to the Premises Licence, they do recommend that the Premises licence holder should consider engaging with the Local Community and considers Section 11.7 of Newport City Council Licensing Policy that stipulates.

*The Licensing Authority recognises that beyond the immediate area surrounding the licensed premises the control that a licence-holder can exert over its patrons diminishes and individuals who engage in anti-social behaviour are accountable in their own right. However, applicants are encouraged to consider the actions they may take as a responsible licence-holder to mitigate the potential adverse impact of patrons. The operating schedule should again be used to demonstrate an understanding of the potential risks and the positive measures that may be implemented to manage such issues. Applicants are also encouraged to engage with "other persons" for example local residents, local Business and local community groups at an early stage prior to a submission of an application. **It is recommended that if a licence is granted that the premises continues to engage with Newport City Council Environment Teams for example PINT (Pride In Newport Team) and the local Community and to ensure a good level communication between the premises and local community***

The Committee further considered that the Police withdrew their objection after mediating the application with Morrison's and no other Responsible Authority had made representation. The Committee further considered Section 10.15 of the Home Offices Licensing Act 2003 Guidance that stipulates:

10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

The Committee recognise that each application should be treated on its merit, but also notes that

no complaints have been made to Responsible Authorities regarding Morrison's Supermarket undermining the Licensing Objectives(that currently holds a Midnight premises licence for off sales) and resides in the same location.

The Committee also wishes to point out that if ANY Premises Licence undermines the Licensing Objections the premises can be brought into review. The committee advises that if such issues do occur at Morrison's that residents should contact both Gwent Police and Newport City Council Licensing Teams.

As with all Licence holders the Licensing Committee expects all premises to fully promote the licensing object at all times.

Consultation

Implemented by: 20 October 2020
Implementation Timetable Immediate

This document is available in welsh / Mae's ffurflen hon ar gael yn Gymraeg
