

## LICENSING SUB-COMMITTEE

13 AUGUST 2019

### PRESENT

Councillor A. Duffield (in the Chair),  
Councillors D. Butt and D. Jarman

#### In attendance

C. Myers	Trainee Solicitor,
K. Hinchliffe	Senior Licensing Officer,
R. Worsley	Democratic and Scrutiny Officer.

#### Also present to observe only

L. Grimshaw	Legal Assistant
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### 3. **APPLICATION FOR THE GRANT OF A VARIATION TO THE PREMISES LICENCE (UNDER S34 OF THE LICENSING ACT 2003) - VILLAGE SERVICE STATION, FLIXTON ROAD, URMSTON M41 6JL**

The Head of Regulatory Services submitted a report informing Members of an application received from Penny Petroleum (St Helens) Ltd. for the grant of a variation to the premises licence for Village Service Station, 447-449 Flixton Road, Urmston M41 6JL which had attracted representations from local residents against the application.

All parties present at the hearing were invited to address the Sub-Committee.

Representations were made in support of the application by Mrs G Sherratt, Consultant, Licensing Matters Ltd. and Mr R Massey, Area Manager, Penny Petroleum Ltd. Representations were made against the application by Dr. Knight a local resident.

#### RESOLVED –

- (1) That the application by Penny Petroleum Limited for a variation to the Premises Licence for Village Service Station be granted as per the decision notice.
- (2) That the issue of the Licence be delegated to the Head of Regulatory Services.

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**LICENSING SUB-COMMITTEE DECISION NOTICE**

**Sub Committee Members:** Councillor A Duffield (Chairman)  
Councillor D. Jarman  
Councillor D. Butt

**Applicant:** Penny Petroleum (St Helens) Ltd.

**Type of Licence:** Variation of a Premises Licence: Village Service Station,  
447- 449 Flixton Road, Urmston, Manchester M41 6JL

**Representors:** Local Residents  
Dr L Knight – in attendance  
Mr R Smith – not in attendance

**Parties Present:** On behalf of Penny Petroleum (St Helens) Ltd  
Gill Sherratt – Consultant, Licensing Matters Ltd  
Mr Robert Massey – Area Manager, Penny Petroleum

Officers  
Caroline Myers – Trainee Solicitor  
Keiran Hinchliffe – Senior Licensing Officer  
Ruth Worsley – Democratic and Scrutiny Officer  
Lisa Grimshaw – Legal Assistant – to observe only

**Date of Hearing:** Tuesday 13 August 2019  
**Time Commence:** 1.00 p.m.  
**Time Terminated:** 2.25 p.m.

**LICENSING SUB-COMMITTEE DECISION**

The Sub-Committee decided that the representations received from local residents are relevant representations.

The Sub-Committee agreed to grant a variation of the premises licence as follows:-

Licensable Activities

Supply of Alcohol (off the premises)

Monday to Sunday            00:00 hrs to 23:59 hrs

Late Night Refreshment

Monday to Sunday            23:00 hrs to 05:00 hrs

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Opening Hours

Monday to Sunday                      00:00 hrs to 23:59 hrs

Additional Conditions

Staff will be trained before making sales of alcohol in their responsibilities under the Licensing Act 2003. Refresher training will take place at 6 monthly intervals. All training will be documented and made available to the authorities on reasonable request.

The applicant agreed the use of the hatch window between the hours of 23:00 and 05:00 and that the door entrance will be locked at these times, except in the event of an emergency.

The jet wash and air compressor will not be used between the hours of 23:00 and 05:00.

**LICENSING SUB-COMMITTEE'S REASONS FOR REACHING ITS DECISION**

The Sub-Committee considered the Licensing Act 2003 and regulations, the Statutory Guidance, relevant case law and the Council's Licensing Policy and the application.

The Sub-Committee considered the representations received from local residents.

The Sub-Committee noted that no representations had been received from the Responsible Authorities.

The Sub-Committee was satisfied that the statutory requirements regarding notices, advertisements and time limits had been complied with.

The Sub-Committee carefully considered the residents' concerns regarding crime and disorder and public nuisance and balanced those concerns with the interests of the applicant and the licensing objectives.

The Sub-Committee determined that from the evidence they had heard, there was no causal link between the incidents of crime and disorder and the sale of alcohol at the premises. They were satisfied that two previous armed robberies had taken place during the day and were not linked to the licensing of alcohol sales at the premises. However, they had heard from the applicant that service would be by way of a hatch window overnight. They agreed to make the use of the hatch window, and closure of the door entrance overnight, a condition of the licence.

The Sub-Committee further noted that there had been attempted break-ins at the premises during the hours of closure overnight. They considered that having a member of staff on-site could help to reduce incidents of crime at the premises.

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The Sub-Committee noted public nuisance concerns from residents regarding light and noise pollution caused by the jet wash and air compressor and that the applicant had offered to close these services overnight. The Sub-Committee agreed to make this a condition of the licence to address the concerns of the residents.

The meeting commenced at 1.00 pm and finished at 2.25 pm