



Decision Notice

Date	18 November 2013
Applicant	Shell UK Products Oil Limited
Reason for Hearing	<p>The Licensing Authority received an application for the grant of a Premises Licence at Shell Heyhouses, Heyhouses Lane, Lytham St Annes FY8 3RQ.</p> <p>There were representations from 'other persons' and this means that the Panel has to determine the application.</p>
Parties in attendance	<p>Panel – Councillors Angela Jacques, Convenor, Keith Beckett, Alan Clayton, Christine Akeroyd (Reserve).</p> <p>Applicant: Corrigan Lockett (Corrigan Lockett and Co, Agent), Barry Holland (Aarron and Partners), Ian Flynn (Franchise Manager).</p> <p>Responsible Authorities: None attended.</p>

The application was for the grant of a Premises Licence at Shell Heyhouses, Heyhouses Lane, Lytham St Annes FY8 3RQ. The planning authority objected to the application but withdrew the objection when the applicant amended the application by reducing the sale of alcohol hours to 0700 to 2230 and hours of opening to 0700 to 2230 every day of the week. The provision of Late Night Refreshment was also removed from the application. The panel also heard that the applicant had agreed to the addition of a number of conditions onto the licence following discussions with Lancashire Constabulary. A number of representations from other persons were also received and were considered today. The panel were informed that Mr P D Wilcock had withdrawn his objection.

The panel heard oral representations from Mr P Alexandrou, Mr A Rigby, Mr J Driffill, and Councillor D Prestwich representing Councillor D Chedd. The panel also heard representations from Barry Holland of Aaron & Partners, Corrigan Lockett and Ian Flynn on behalf of the applicant. The panel thanked all of those concerned for taking the trouble to attend and put their points of view forward.

In considering the application the panel had to consider whether granting the licence would undermine any of the four licensing objectives which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

The panel heard from the objectors that this is an isolated retail operation in an entirely residential area and therefore not capable of policing itself. It was said that a balance needed to be struck between the commercial imperative of Shell without inflicting the consequences of alcohol sales on the community. There was a fear that the sale of alcohol will cause public nuisance and endanger child and road safety and increase levels of anti social behaviour exposing children to alcohol. It was said that pushing the sale of

alcohol to car drivers will encourage crime and disorder. It was evident that there was much concern about the applicant failing to comply with planning conditions attached to the planning permission to develop the site. Finally there were concerns around staffing levels and the positioning of the alcohol within the store and the danger that it will attract petty criminals thus increasing crime and disorder in the area.

The applicant's representative told the panel that the applicant is an experienced company with extensive knowledge of running a safe and secure operation. In response to a recent burglary, the applicant had introduced increased security measures in addition to the CCTV that is already installed. The panel were told that the CCTV covers both inside the shop and the forecourt area and therefore acts as a deterrent to any youths tempted to loiter. Reference was made to the Daniel Thwaites PLC v Wirral Borough Magistrates' Court & others case, specifically paragraph 55 which states that the panel can draw on their own local knowledge. However, in the absence of objections from the responsible authorities, they must scrutinise their own anxieties. No responsible authorities objected to this application. The panel were also told that there is no evidence to support the contention that the sale of alcohol from a garage encourages drink driving.

Therefore the panel were satisfied that the measures implemented by the applicant will safeguard the concerns surrounding the sale of alcohol from these premises. The panel were reassured that there is a suitable training programme in place to ensure that the staff employed at the premises will be trained in the sale of alcohol and a refusal log will be kept up to date. The panel recognised the objector's concerns, however no evidence was brought forward to sustain the argument that the sale of alcohol at this premises will increase alcohol related crime and disorder, anti social behaviour or the exposing of children to alcohol. The panel also recognised the concerns of the residents about the failure to comply with planning conditions. However these concerns need to be addressed by the Local Planning Authority and not by the panel.

The panel carefully considered all that it had heard, and decided to grant the licence subject to a number of amendments.

DECISION

Taking into account the Information put before them, the Council's Statement of Licensing Policy and the Guidance issued under section 182 of the Licensing Act 2003 the panel decided as follows:

To grant the application for a Premises Licence at Shell Heyhouses, Heyhouses Lane, St Annes subject to:

- the removal of any reference to the provision of late night refreshment;
- the amendment of the hours for the supply of alcohol to start at 0700 and finish at 2230;
- the amendment of the hours the premises are open to the public to start at 0700 and finish at 2230; and
- the addition of the conditions agreed with Lancashire Constabulary annexed to this decision notice.

That is the decision of the panel and thankyou everyone for attending.

ANNEX

Shell Heyhouses, Heyhouses Lane, Lytham St Annes

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Conditions to be added to the premises licence:

1. CCTV will be installed internally and externally at the premises and will comply with the following:
 - a. The CCTV will be installed and maintained. All public areas of the premises are to be covered by the system.
 - b. The system will display on any recordings the correct time and date of the recording.
 - c. The system will make recordings during all hours the premises are open to the public.
 - d. VCR tapes or digital recording shall be held for a minimum of 31 days or 21 days respectively after the recording is made and will be made available to the Police or any authorised persons acting for a Responsible Authority for inspection upon reasonable request or in any event within 24 hours.
 - e. The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.
 - f. A manager, multi-site operator, or site supervisor at the premises will be trained to operate the CCTV system. This responsible person will be able to show police recent data or footage with minimum delay upon reasonable request or in any event within 24 hours.

2. Refresher training for selling alcohol and Challenge 25 scheme on the premises will take place every 6 months. The training will be documented and kept in the site's Staff Training Manual. The training documents will be made available to the Police or any authorised persons acting for a Responsible Authority for inspection upon reasonable request or in any even within 24 hours.