

Decision of Licensing Sub Committee. Hearing 30 August 2023

Application for a new premises licence at Morrisons Daily, 54 High Street, Lewes.

The hearing concerned a new premises licence application, for Morrisons Daily, 54 High Street, Lewes, BN7 1XE from Alliance Property Holdings Ltd.

The application was for the sale by retail of alcohol off the premises only every day between 06:00hrs and 23:00hrs. The opening hours to also be 06:00hrs to 23:00hrs. Morrisons Daily is a convenience store.

In discharging its functions, the Sub Committee considered the promotion of the relevant licensing objectives, the Council's own Licensing Policy, the relevant Home Office Guidance, and the rules of natural justice.

It also took into account, the information contained within the Specialist Advisor's report, presented by Dean Love. He noted that no Responsible Authority had made a representation.

The Sub Committee considered the application and the oral representations made at the hearing by the Applicant's representative, Alex Green (Solicitor). Also in attendance for the Applicant were Callum Wells (Regional Technical Specialist) and George Zormelo (National Licensing Manager). Those were that the Applicant is an experienced national operator and that this was a standard application for such premises with normal operating hours. He contended that the conditions contained within the application would ensure that the licensing objectives would not be undermined. He pointed out that the premises could open to 23:00hrs in any case and in answer to a question it was explained that the shop was already open and currently traded until 22:00hrs but that planned opening hours would be 23:00hrs. He pointed out that no Responsible Authority had made an objection. Further, he explained that any concerns about staff was not a relevant matter for the Licensing Authority. He disputed that the premises was in a quiet residential area and stated that there were numerous restaurants and shops in the area since it was located in a commercial high street. He pointed out that the representor was not an immediate neighbour of the premises.

He asked the Members to consider its own Licensing Policy, in particular point 6.2, which suggests, amongst other things, that shops would generally be permitted to sell alcohol for consumption off the premises throughout the period they are open for general trading, and that the impact on workers of extended hours is a contractual matter to be resolved between the employer and employee.

In summing up, Alex Green stated that the Committee should consider what evidence it had been provided with that the licensing objectives would be undermined. He contended that no such evidence had been provided but rather the representation was merely speculative. He noted that there was only one objection and asked that the Members give considerable weight to the fact that no representations had been made by a Responsible Authority, which would have occurred if the premises was in a problematic area. He stated that the Licensing Sub Committee should follow its own Policy and that there were no good reasons to depart from that Policy. In any event, he pointed out that should there be any problems in the future that anyone could apply for a review of the premises licence.

Due regard by the Licensing Sub Committee was given to the written and oral representations of a member of the public. Those objections related to the prevention of public nuisance in that it was contended that the granting of the licence would lead to an increase in noise disturbance in the area. The representator stated that he believed that the premises were currently open until 18:30hrs, at the latest, and not 22:00hrs, and that this would be a major and excessive expansion to the existing operating hours. He agreed that he was not an immediate neighbour of the premises but he lived about a quarter of a mile away. He accepted that the concerns about staff were not a relevant issue for the Licensing Sub Committee. He pointed out that although there were many commercial premises in the area that above those businesses was residential accommodation. He was concerned about the residents in the area who he contended may be disturbed by the noise of people purchasing alcohol later in the day. He stated that on similar premises it was not uncommon for disturbances to occur later in the evening when alcohol was available for sale. He asked the Licensing Sub Committee to restrict the licensable hours to between 20:00hrs to 22:00hrs to prevent such disturbance.

In summing up, the representator stated that he was concerned about the possibility of disturbance to himself and others in the area of the premises if the licence was granted.

In its deliberations the Sub Committee considered which decision would be appropriate and proportionate, from the options outlined in para. 8.1 of the Report.

Decision

The Sub Committee resolved to grant the licence in the same terms as applied for.

Reasons for decision

The Licensing Sub Committee noted the concerns of the representator. However, the Members were confident that Applicant, who are part of a major and national operator, would ensure it would promote the licensing objectives and believed that the conditions offered in the application would sufficiently address any concerns. It noted that no Responsible Authority had made a representation. The Members believed that there were no good reasons to depart from its own Policy in terms of restricting the licensable hours.

The Licensing Act 2003 provides a right of appeal to the Magistrates' Court in respect of an application for a premises licence. An appeal must be commenced by notice of appeal being given by the appellant to the Magistrates' Court within a period of 21 days beginning on the date the appellant is notified in writing of the decision of the Licensing Sub Committee.

The decision shall be provided in writing to all parties within five working days of the decision being made.