



Licensing Act 2003

Representation by a Responsible Authority

Note: Please be aware that this form may be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the Licensing Act 2003 Committee hearing.

Representations may be made at any time during a period of 28 consecutive days starting on the day after the application was given to the Licensing Authority.

Representations are only relevant to an application if they relate to at least one of the four Licensing Objectives listed below:

- 1. The Prevention of Crime and Disorder**
- 2. Public Safety**
- 3. Prevention of Public Nuisance**
- 4. The Protection of Children from Harm**

Please enter your details below:

Responsible Authority:	LINCOLNSHIRE POLICE
Contact Officer:	PC 519 MAGSON
Address:	C/O Lincolnshire Police HQ
Telephone Number:	01522 558380
E-mail:	laura.magson@lincs.pnn.police.uk

Please provide details of the application to which your representation refers:

Name:	Morrison's Petrol Filling Station
Address:	Tritton Road, Lincoln, LN6 7QL
Application Details:	New premise licence
Date Application Received:	14 th June 2016

Please provide details of your representation in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant box(es):

- **X The Prevention of Crime and Disorder**
- **X Public Safety**
- **X Prevention of Public Nuisance**
- **The Protection of Children from Harm**

Representation:

An application was received by Lincolnshire Police on Tuesday 14th June 2016 submitted by Gosschalk Solicitors on behalf of WM Morrison Supermarkets PLC.

The application seeks to obtain a licence for alcohol sales - 24hours, 7 days a week and Late Night Refreshment between 2300 hours and 0500 hours seven days a week.

Immediate concerns were identified as to the suitability of the activities sought and these were conveyed over the telephone to a representative at Gosschalks. Lincolnshire Police were informed that the Solicitors would speak to their clients and make contact regarding any alterations or amendments. Contact was received on Monday 20th June 2016 to state that the application would proceed in its current format.

The application deals with a filling station which are '**excluded premises**' as defined by section 176 of the Licensing Act 2003 - **Prohibition of alcohol sales at service areas, garages etc.** Section 176 states that no premise licence has effect to authorise the sale by retail or supply of alcohol on or from excluded premises.

Section 182 Guidance states in relation to Section 176 (excluded premises) that it is for the Licensing Authority to decide whether a premises licence in relation to the sales of alcohol should be granted based upon information accompanying the application. It is therefore for the committee to decide, based upon the information laid before them, whether or not a premises is used primarily as garage or which forms part of a premises which are primarily so used – as defined by the act. In this instance proof must be provided that the premises are not primarily used for the retailing of fuel.

The accompanying information submitted with this application is a single pie chart which has no time period, no narrative and it is unclear to which premise it even relates. It is impossible to make any evidential analysis of the data it is therefore entirely unacceptable to be submitted as evidence of non-fuel based primary usage.

It has also come to our attention that the plan submitted within the application is not that of the existing filling station located on the site for which the licence is submitted. It is not set out in the application that this is a licence application for a hypothetical premise yet to be built however; one can only presume this is the case. This gives even greater cause for concern and lends to the belief that either the ambiguous pie chart submitted refers to a premise which will cease to exist or that it is merely an aspirational forecast with no evidential basis. Either way the restrictions under S176 do not appear to have been overcome.

Should the committee be minded to consider the application further Lincolnshire Police also wish to submit further serious concerns. Lincolnshire Police believe that the grant of this licence would have a negative impact on the Licensing objectives – namely the prevention of crime and disorder, public safety and the prevention of public nuisance.

At present the main Morrison's supermarket is licensed for the sale of alcohol between 0600 hours and 2400 hours, allowing for 18 hours of trading 7 days a week although Morrison's website states the store is open from 0800 hours until 2300 hours.

The filling station is situated across a road from Morrison's main supermarket and at present has no provision for parking on site. The opportunity for persons walking from the supermarket carpark to the filling station shop for grocery purchases only is highly implausible. It is therefore a logical assumption that whilst the supermarket is open for trade the primary use of the site will remain as a garage. This would suggest that the bulk of non-fuel related sales at the proposed licenced premises will be between 2300 and 0800 hours and from persons attending on foot.

Geographically the location of the filling station is within a vast retail district with the only residential area in close proximity being predominantly student Halls of residence. Beyond the usual retailing hours of the area the only persons likely to use such a facility for the purchase of alcohol would be students from Lincoln University and beyond this time stretching into the early hours of the morning are those who are already intoxicated and seeking to gain further alcohol at a time whereby it is not available elsewhere.

This is irresponsible retailing and indicates a disregard towards those who are working towards educating young persons as to the dangers and risks associated with the consumption of alcohol. Students are deemed to be a vulnerable proportion of the city's population and a great deal of effort is undertaken to promote responsible drinking. This includes measures by Lincoln University to limit the availability of alcohol beyond a certain time to ensure that students do not have easy access to alcohol at a time when they might be at their most vulnerable.

This poses a clear risk to public safety as any alcohol purchased would be for consumption off the premises and therefore with none of the safe guarding in place to prevent it from being consumed by those already intoxicated and vulnerable. Whilst it is fair to say that not all alcohol purchased through the night will be consumed on that night it is our belief that the vast proportion would be and not necessarily only by the individual who has made the purchase.

Its site is also located approximately 500 metres out of Lincoln's Cumulative Impact Zone and borders the Public Space Protection Order area introduced in 2015. Both of which identify that Lincoln City Centre suffers as a result of a deluge of alcohol availability and seek to address alcohol related issues of anti-social and criminal behaviour by restricting its availability and consumption. Please see annex A for an illustration of these areas in relation to the proposed site.

To grant a licence to sell alcohol 24 hours a day, 7 days a week on the edge of such a sensitive area would undermine the efforts of both Lincoln City Council and Lincolnshire Police.

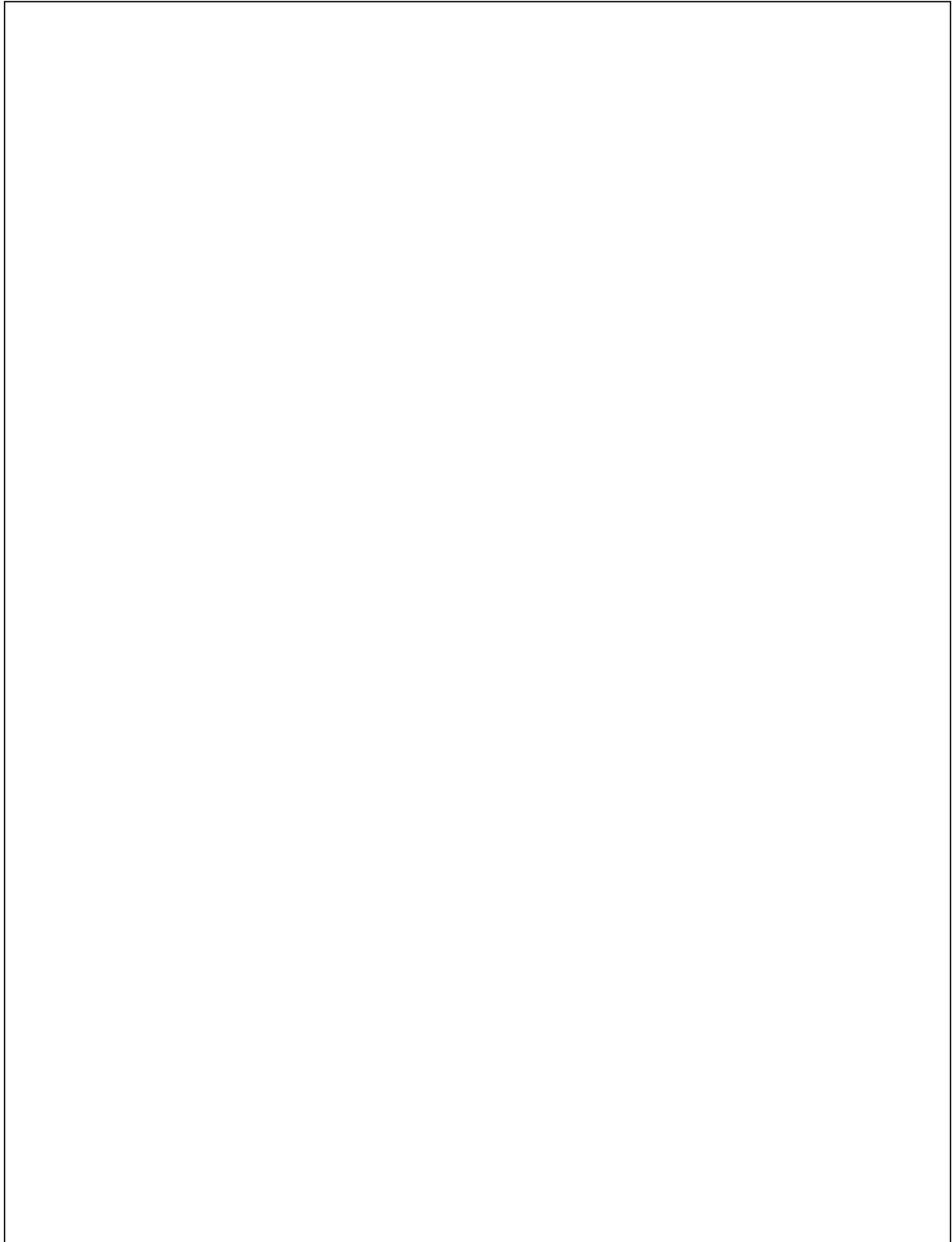
To add to the availability, and throughout the time period sought, would undoubtedly have a negative impact on crime and disorder and public nuisance within the area. Its availability would attract additional persons to the area throughout the night and persons who are already intoxicated.

Those already intoxicated present many challenges and both evidence and experience shows that individuals have lowered inhibitions, often being more confident, louder and more confrontational than when not intoxicated. Individuals are also less likely to be reasoned with should it be necessary to refuse the sale of alcohol. The application fails to address in any way how these challenges would be addressed.

As well as being detrimental to the surrounding area and the Licensing Objectives it is also felt that the conditions offered up in Part M of the application are insufficient for a basic alcohol licence, let alone one that raises such serious concerns. The conditions are minimal, non-specific and un-enforceable and in no way offer suitable measures to reduce the risk of harm posed by this application.

Lincolnshire Police respectfully request the refusal of this application. If this is not deemed appropriate in this instance it is requested that the hours for the sale of alcohol are restricted to 0800 hours to 2300 hours with the addition of conditions as attached at annex B. If this is also deemed inappropriate by the committee Lincolnshire Police request that serious thought be given to additional conditioning in such a way as to control the above risks.

If possible, please suggest alterations to the application that would resolve the problem mentioned above, again paying attention to the **Licensing Objectives:**

A large, empty rectangular box with a thin black border, intended for the user to provide suggestions or alterations to the application. The box is currently blank.

Have you contacted the applicant to discuss this representation?

Yes No

Do you consider mediation could resolve the issue?

Yes No

Do you propose to attend or be represented at any Committee hearing?

Yes No

Please tick this box if you consent to any notice of any hearing being sent to you to the e-mail address provided by you above.

(please note if any notice is sent to you by electronic means, you will also receive confirmation of the same in writing).

Please return this form to the following address:

**Licensing Team
Directorate of Resources
City of Lincoln Council
City Hall
Beaumont Fee
Lincoln
LN1 1DB**

Form Last Revised
May 2005