

Licensing Act Sub-Committee

Agenda

Date: Wednesday 11th July 2012
Time: 10.00 am
Venue: The Tatton Room - Town Hall, Macclesfield SK10 1EA

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Appointment of Chairman**

To appoint a Chairman for the meeting

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and/or any disclosable pecuniary interest and for Members to declare if they have pre-determined any item on the agenda

3. **Application for a Premises Licence: Aldeli, Tower Buildings, Wilmslow Road, Alderley Edge, Cheshire, SK9 7QB.** (Pages 5 - 22)

To consider an application for a Premises Licence by Aldeli LLP, in respect of Aldeli, Tower Buildings, Wilmslow Road, Alderley Edge, Cheshire

4. **Application for a Premises Licence: Disley Service Station, 159 Buxton Road, Disley, SK12 2HG** (Pages 23 - 76)

To consider an application for the variation of a Premises Licence made by Rontec Watford Limited, in respect of Disley Service Station, 159 Buxton Road, Disley

THERE ARE NO PART 2 ITEMS

For requests for further information

Contact: Julie Zientek
Tel: 01270 686466
E-Mail: julie.zientek@cheshireeast.gov.uk

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CHESHIRE EAST COUNCIL

PROCEDURE FOR HEARINGS – LICENSING ACT 2003

The Licensing Committee

The full Licensing Committee consists of fifteen elected Members of the Council. From this full Committee will be drawn sub-committees of three members to deal with licensing functions under the Licensing Act 2003. The Chairman and Vice Chairman of the Licensing Committee shall have the discretion to refer a matter up to a hearing of the full Licensing Committee.

Officers at Hearings

- **The Committee Officer** introduces all parties and records the proceedings
- **The Legal Adviser** provides independent advice to the Members on legal matters and procedure.
- **The Licensing Officer** will introduce the matter and outline the application; the officer will also answer any questions Members may have.

PROCEDURE

NOTE: If the Sub-Committee has not already elected a Chairman, that will be the first item of business.

1	Chairman	The Chairman will: (i) call the matter to be considered; (ii) call for any declarations of interest; (iii) ask all parties to introduce themselves; (iv) summarise the procedure to be followed at the hearing; (v) will consider any request made by a party for another person to appear at the hearing; (v) will advise the parties of any maximum period of time in which it has to present its case (if a maximum is imposed this shall be equal for all parties).
2	Licensing Officer	Will introduce and summarise the application, highlighting areas of contention or dispute.
3	Committee Members	May ask questions of the Licensing Officer
4	Applicant	Will present his/her case, calling witnesses, as appropriate. <i>(If necessary, applicant will produce any notices required by law. Legal Adviser will draw attention to this if required.)</i>
5	Responsible Authorities (who have made representations)	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.

6	Local residents (ie. defined as “interested parties”)	To be invited to ask <u>questions</u> of the applicant, by way of clarification. <i>It is normal practice for a spokesperson only to speak on behalf of a group of residents.</i>
7	Committee Members	Each in turn may ask <u>questions</u> of the applicant.
8	Applicant	May make a <u>statement</u> or ask his witnesses to clarify any matters which he feels are unclear, or may have been misunderstood.
9	Responsible Authorities	Will make their representations.
10	Applicant	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	Local residents (ie. defined as “interested parties”)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification. (Note: This is not the point at which local residents should be stating their objections.)
12	Committee Members	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	Local residents (ie. defined as “interested parties”)	The local residents who are objecting to the application will be invited <u>to make observations on the application</u> and present the bases of their objections.
15	Applicant	Or his representative or witnesses may ask <u>questions</u> of the Local Residents, by way of clarification.
16	Committee Members	May ask <u>questions</u> of the Local Residents.
17	Chairman	To invite both Responsible Authorities and Local Residents to make their closing addresses.
18	Applicant	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested conditions.
19	Committee	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	Committee	Will return to <u>give its decision</u> , with reasons, which will be announced by the Chairman and subsequently confirmed in writing to the applicant and to all the parties that made representations.

		In cases where a decision cannot be given at the end of the hearing, parties will be advised of the decision within five working days.
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Notes

1. The hearing shall normally be held in public. There may be occasions on which the Committee find it necessary to exclude members of the press and public; any such decision will be taken on the basis that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public.
2. The Chairman may require any person behaving in a disruptive manner to leave the hearing and may (a) refuse to permit that person to return, or (b) permit him/her to return only on such conditions as the authority may specify, but any such person may submit in writing any information which they would have been entitled to provide orally if they had not been required to leave.
3. Prior to the hearing each party shall have given notification and served documentation (eg statements of witnesses or reports of experts) as required. Late representations and evidence will only be considered with the agreement of all parties.
4. Anyone entitled to be heard may be represented by any person, whether or not that person is legally qualified.
5. Hearsay will be permitted but the Sub-Committee will be reminded to give it appropriate weight.
6. Due note shall be taken of the provisions of the Hearings Regulations 2005.
7. The Chair may, in the interests of expediency or convenience of the parties, vary the procedure from time to time, provided notice is given to the parties and the rules of natural justice are observed.

SUMMARY OF PROCEDURE

- 1 Chairman appointed (if this has not been done previously).
- 2 Chairman to call for declarations of interest and request that all parties introduce themselves.
- 3 Chairman summarises the procedure for the hearing
- 4 The Licensing Officer summarises the application
- 5 Applicant to present his/her case.
- 6 Applicant to be questioned by all parties (to clarify points only) following which, he/she can clarify any other matters which he/she feels may have been misunderstood when the application was presented.
- 7 Applicant to be questioned by the Committee.
- 8 Responsible Authorities to make their representations following which they can be questioned by all parties by way of clarification.
- 9 **Local residents** (defined as interested parties) will be invited to present the bases of their objections, following which they can be questioned by all parties by way of clarification.
- 10 The applicant will be invited to sum up his/her case
- 11 Committee/Sub-Committee withdraws to make its decision
- 12 Committee/Sub-Committee returns to announce its decision to all present.

CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Wednesday 11 th July 2012 at 10.00am
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for a Premises Licence Aldeli, Tower Buildings, Wilmslow Road, Alderley Edge, Cheshire, SK9 7QB.

1.0 Report Summary

- 1.1 The report provides details of an application for a premises licence together with information as to representations received in relation to the application.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to determine the application for a Premises Licence by Aldeli LLP, in respect of Aldeli, Tower Buildings, Wilmslow Road, Alderley Edge, Cheshire, SK9 7QB.

3.0 Reasons for Recommendations

- 3.1 The Licensing Act Sub-Committee has the power to determine this application in accordance with the provisions of the Licensing Act 2003.

4.0 Wards Affected

- 4.1 Alderley Edge

5.0 Local Ward Members

- 5.1 Councillor Frank Keegan

6.0 Policy Implications

- 6.1 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003 and Guidance issued under section 182 of the Act.

7.0 Financial Implications (Authorised by the Director of Finance and Business Services)

- 7.1 Not applicable.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 In accordance with the provisions of section 18 of the Licensing Act 2003 the Licensing Authority must, having regard to the representations, take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. Section 18(4) provides that the authority may (a) grant the licence subject to

conditions; (b) exclude from the scope of the licence any of the licensable activities to which the application relates; (c) to refuse to specify a person in the licence as the premises supervisor; or (d) to reject the application.

9.0 Risk Management

- 9.1 Section 181 and Schedule 5 of the Licensing Act 2003 make provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority.

10.0 Background and Options

- 10.1 The application is for Premises Licence under section 17 of the Licensing Act 2003.
- 10.2 The operating schedule indicates that the relevant licensable activities applied for are:
Live Music
Recorded Music
Sale and Supply of Alcohol
- 10.3 The hours applied for are as follows:

Live Music (to take place indoors only)

Monday to Saturday 08.00 to 23.00

Sunday 10.00 to 22.00

Recorded Music (to take place indoors only)

Monday to Saturday 08.00 to 23.00

Sunday 10.00 to 22.00

Sale and Supply of Alcohol (for consumption on the premises only)

Monday to Saturday 11.00 to 23.00

Sunday 11.00 to 22.00

The hours the premises shall be open to the public

Monday to Saturday 08.00 to 23.00

Sunday 10.00 to 22.00

- 10.4 Designated Premises Supervisor: Miss Ilana Higham
- 10.5 The operating schedule includes the following steps to promote the licensing objectives:

(a) Prevention of crime and disorder

Digital CCTV shall be installed and the recorded images kept for 28 days for Police use.

There shall be permanent exterior lighting.

Excess stock shall be locked away.

(b) Public safety

Fire exits and extinguishers shall be maintained.

There shall be anti-bandit windows throughout the premises.

There shall be emergency lighting and fire alarms.

(c) Prevention of public nuisance

Sound levels at the premises shall be monitored carefully to prevent noise being heard from outside.

There shall be adequate parking available.

Bins shall not be emptied between 23.00hrs and 07.00hrs

(d) Protection of children from harm

The Challenge 25 Scheme shall be adopted at the premises and information shall be obtained from the Police relating to the safeguarding of children.

Staff shall be diligent to stop under age sales of alcohol and a refusals book shall be used.

Please see letter appended to this report at Appendix 10, dated 5th May 2012 from Mr S Higham, the Managing Director of Aldeli LLP to Cheshire East Council in support of the application.

10.6 Relevant Representations:

Responsible Authorities

10.6.1 The Police state in their response: Application received 15th May 2012 from Aldeli LLP for a Premises Licence at Aldeli, Tower Buildings, Wilmslow Road, Alderley Edge. The application is for Regulated Entertainment and the sale and supply of alcohol. The proposed Designated Premises Supervisor is Ilana Higham. I visited the premises on 7th June 2010 and observed the Blue Notices were correctly displayed. This application meets the four licensing objectives to the satisfaction of the Police, there are no Police representations.

10.6.2 The Environmental Health Department - No response.

10.6.3 The Cheshire Fire Service – No response.

10.6.4 Local Planning Authority – No response.

10.6.5 Local Safeguarding Children Board – As Police response.

10.6.5 Health and Safety Officer – No response.

10.6.6 Trading Standards – No response.

Interested Parties

10.6.7 The Licensing Authority has received 9 letters of representation from neighbour objectors as appended to this report.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Mrs N Cadman
Designation: Licensing Officer
Tel No: 01270 685957
Email: Nikki.cadman@cheshireeast.gov.uk

APPENDICES

Appendices 1 – 9 Letters from Neighbour Objectors.

Appendix 10 – Letter from applicant to Cheshire East Council in support of application.

Appendix 11 – Map of area.

30.5.2012.

Dear Sir or Madam,

we have read your notice outside New York Deli, Alderley Edge.

The owner has applied for a drinks (alcohol) & music licence Monday to Sunday 10pm. Mon-Sat until 11pm.

As residents living in stones throw away, we would like to object strongly, we feel we will not have any peace at all, due to the noise this will create, ie car doors banging, porting music. We feel there are plenty of Bars & restaurants on London Rd at least near also Parnce almost next door to New York Deli.

For the interest and peace of mind of our residents; we beg you not to grant New York Deli this licence.

Yours faithfully

APPENDIX -2

F021698

By I AGREE WITH THE LETTER SENT

The Licensing Dept.,
Cheshire East Council,
Westfields,
Mickleworth Rd.,
Saxelbark
Cheshire. CW11 4Z.

31-05-12

Dear Sirs, Re: Highams Music & Alcohol

As close residents (20 metres) to Highams, my wife and I have strong objections to the proposals of live and recorded music, also sales of alcohol at Highams Alderley Edge on Wilmslow Rd, Alderley Edge.

It would be torture to live with the resulting noise as well as the behaviour of late night drinkers, and the discomfiture of nearby residents.

Yours sincerely

Licensing Department,
Cheshire East Council,
Sandbach, Cheshire
CW11 1HZ

7th June 2012.

Dear Sirs,

re Aldeli Application to Local Authority
Aldeli, Tower Buildings, Alderley Edge.

I wish to write to place an objection to
the above in my capacity of an Alderley Edge resident
living in accommodation close to Aldeli, Tower Buildings.

My concerns relate to the application
to have live/recorded music + alcohol in the
premises each weekday up to 11pm + Sunday to 10pm.
You will appreciate that there is already outside
seating on the premises, with more room available.
Inevitably, this would mean music being played
at a level that would interfere with the activities
of the residents living nearby.

A general point is that there has been
a marked change, in recent years, to the culture +
atmosphere of the village, with an increasing amount

of alcohol consumption + noise levels, to the detriment of the lifestyle of people living in the village. This application, if successful, would result in an extension of such activities to the very end of the village, in very close proximity to the school, the church + a residential area.

Secondly, there is already a parking problem on Lynton Lane, that would be aggravated by the increase in parking needs that would follow an opening of licensed premises at Aldeli - the school in particular, has evening functions, which would be affected.

Aldeli have sent a letter to the residents in the area hoping to reassure them in regard to their application. However, such reassurances would not apply to any future purchaser of the premises, nor can any future customer base be predicted, if this application were to be successful.

I should be grateful if these points could be taken into consideration prior to any decision being made.

Yours faithfully,

Dear Sirs,

I write to express my great concern regarding the proposed change of function at the 'Aldeli Café' located at the junction of Davey Lane and Alderley Road, in Alderley Edge.

My main points against the proposals are as follows:-

A

The hours of business which, as I understand, are to be from 08:00 to 23:00 six days a week and slightly less on Sundays. These times are unacceptable as there would be no break in traffic congestion for local residents.

B

The proprietor also proposes having non-stop recorded and live 'music' and given the close proximity of houses, apartments and flats to the café, residents would have absolutely no peace any day of the week. Incidentally, the proprietor has already experimented with loud recorded 'music' which could be heard for miles around. Even if the sound can be turned down or silenced on the Grounds of Noise Abatement, local people would still be disturbed by all-day and late-night movement especially if an alcohol licence was granted.

C

The proprietor has previously stated that there is ample parking for vehicles on his premises. In fact, there are twelve parking spaces in total. He will probably say that there are plenty of spaces in an adjacent car park but I believe that this land does not belong to him and should the current owners decide to use the area for other purposes, then any overflow parking would encroach on Lynton Lane. We already have to endure permanent parking during the working week by local office workers and sixth formers from Alderley Edge School for Girls.

I should be glad if you would take these points into consideration.

Yours faithfully,

Licensing Department
Cheshire East Council
Westfields
Middlewich Road
Sandbach
Cheshire CW11 1HZ

The Licensing Dept.,

Ref: 'Highams' Taxis Garage.
Alderley Rd. Alderley Edge.

1.6.12

Dear Sir,

I strongly object to the above property for the so called "Delhi" which they have recently added to it) having permission to have an entertainment License for live music & recorded music
Mon to Sat - 08.00 hrs - 23 hrs.

Sun - 10.00 hrs to 22 hrs.

also an Alcohol licence

Mon to Sat. 11.00 hrs - 23 hrs

Sun 10.00 hrs - 22 hrs.

Our apartments are situated opposite to this garage, so why have we not been advised of the Licensing application individually?
why did the lane not have a notice in situ?
We came upon the one notice on the main road by accident, which was badly positioned and half hidden.

This is a Residential Area,
we have always suffered from much noise from the car-wash and the vacuuming of cars, especially now it has been moved nearer to us since the 'Delhi' was formed. We have the car wash employees shouting to each other over the noise all day and everyday.

We will have even more parked cars, doubly parked, - many left over night, blocking the entry & exits to/from our garages, after many years we are still waiting for double yellow lines in this area.

There are so many Bars & Restaurants in the village - there is no need for more.

If this arrangement is agreed to, it will devalue our property, as it does when the Farmers' Market is held every month on their premises.

Also the Alderley Edge Girls' School, who are also opposite, are harassed by the idea.

Yours Sincerely,

Licensing Department
Cheshire East Council
Westfields
Middlewich Road
Sandbach
CW11 1HZ

30 May 2012

Dear Sirs

Application for Alcohol & Music License - New York Deli (Highams Tower Garage), Alderley Edge

I am an owner of a property on Lynton Lane and am writing to strongly object to the above application on the grounds of public nuisance and safety, specifically the following.

The New York Deli is in a residential area where there is already inadequate parking, when taking into account the school, railway station and Panacea night club, all close by. The police are frequently called as Lynton Lane is quite narrow and when cars are parked on both sides (usually on the pavement!), emergency vehicles would find it impossible to pass. Cars are often left obstructing garages. Bins don't get emptied because waste disposal vehicles can't get through.

I would ask that you please consider the residents (a great deal of them elderly) of an area which already suffers the late night noise and nuisance created by the Panacea night club. If the application was granted, the very close proximity of the New York Deli would mean our lives would become unbearable.

Kind regards.

Resident

Private & Confidential

The Licensing Department
Cheshire East Council
Westfields
Middlewich Road
Sandbach
Cheshire CW11 1HZ

June 13th 2012

Dear Sirs

Ref: Music and Alcohol licence for ALDELI, Tower Buildings, Wilmslow Road, Alderley Edge SK9 7QB

I am writing to object to the application for a premises licence at ALDELI, Tower Buildings, Wilmslow Road, Alderley Edge.

My family and I live nearby, and I am objecting for the following reasons:

- (i) The venue concerned is small and has many outside tables. During the summer months, presumably the doors would be open for customers to hear music – recorded or 'live' and possibly performed or broadcast outside – and I don't want to be able to hear such music from my house and across the village.
- (ii) The venue concerned is directly opposite the school my daughter attends – Alderley Edge School for Girls – and I think it inappropriate and possibly distracting to have an all-day/all-evening venue selling alcohol and playing music so close to a school which takes pupils from the age of two. The girls make frequent use of the zebra crossing there, and sit on the perimeter wall alongside ALDELI. Sitting on the wall of a licensed premise would give the appearance of them frequenting the venue.
- (iii) Having an alcohol and 'live' music licence changes the nature of the business that's there. From a quiet, daytime café it has the potential for becoming yet another all-day 'wine bar'/bistro, attracting a different type of customer, and possibly one that's not appropriate to be opposite a girls' school.
- (iv) There is no need for another venue offering alcohol and music in Alderley Edge

Yours sincerely

The Licensing Department
Cheshire East Council
Westfields
Middlewich Road
Sandbach
Cheshire
CW11 1HZ

15 June 2012

Dear Sirs

Planning Application: 12/1693M – Mr Stephen Higham
Aldeli, The Tower Garage Ltd, Tower Buildings, Wilmslow Road,
Alderley Edge, SK9 7QB

We wish to lodge our objection to Mr Higham's intention to apply for a limited wine and beer licence for the above premises (which is located directly opposite our School) - in effect this would change the primary purpose of this establishment from a café to what in effect would become a 'wine bar'. The pupils at School are aged between 3 and 18 years old and our Junior School playground is directly opposite Mr Higham's premises. We are concerned that if Mr Higham is granted a licence to serve alcohol, this might attract clientele who may behave in an inappropriate manner when our children are in such close proximity. The school day ends between 3.15pm (Junior School) and 3.45pm (Senior School) and pupils are passing immediately in front of Aldeli on their way home. The older girls also visit Aldeli at lunchtime and after school.

Although Mr Higham notes that car parking is available on site, an increased number of customers will potentially bring more traffic through the village, posing an even greater danger to our pupils.

We would also note that although Mr Higham states that any music is played within his premises with the doors closed, we would not want music to extend to the outside area as this could possibly be heard in School and disrupt lessons or examinations – particularly during the summer months.

I trust that our concerns will be given the appropriate consideration when Mr Higham's further application is being processed.

Yours faithfully

5th. May 2012

COPY

Cheshire East Council
Box 606
Municipal Buildings
Earle Street
Crewe
CW1 9HP

Your ref 10/1212M

Dear Sir/Madam,

Re Application for drinks license

I have met with Mr.H.Roscoe & Miss A. Kyle (from your environmental department) to discuss any environment impact of our proposals and have taken their advice on board in preparing our application. We have under separate cover have applied for an extension in our opening hours to correlate with the serving of alchocol.

We lived in the area for some 50 years and are sympathetic to the environment and our neighbours. We would like to bring the following notes to your attention.

- We have more than adequate parking. The outside is monitored by CCTV. We do not intend to be a late night bar or disco and cannot foresee any negative impact upon the neighbourhood except for patrons leaving the premises in a noisy many or "high Jinx" on a warm summers night which if we go by the annual average in this part of the world of five or six! The following measures are proposed or in place to minimise noise and we would welcome your constructive comments.
- We have the facility for background music which cannot be heard outside. As we have an outside seating area which would attract smokers we would suggest a curfew of 10pm plus inviting large groups of people (if this

occurred) to come into the premises so as to keep the noise level down when it gets later (suggest 9-00pm). Doors are fitted with closers to keep heat and noise in. There are no vents to the ceiling for noise to be expelled.

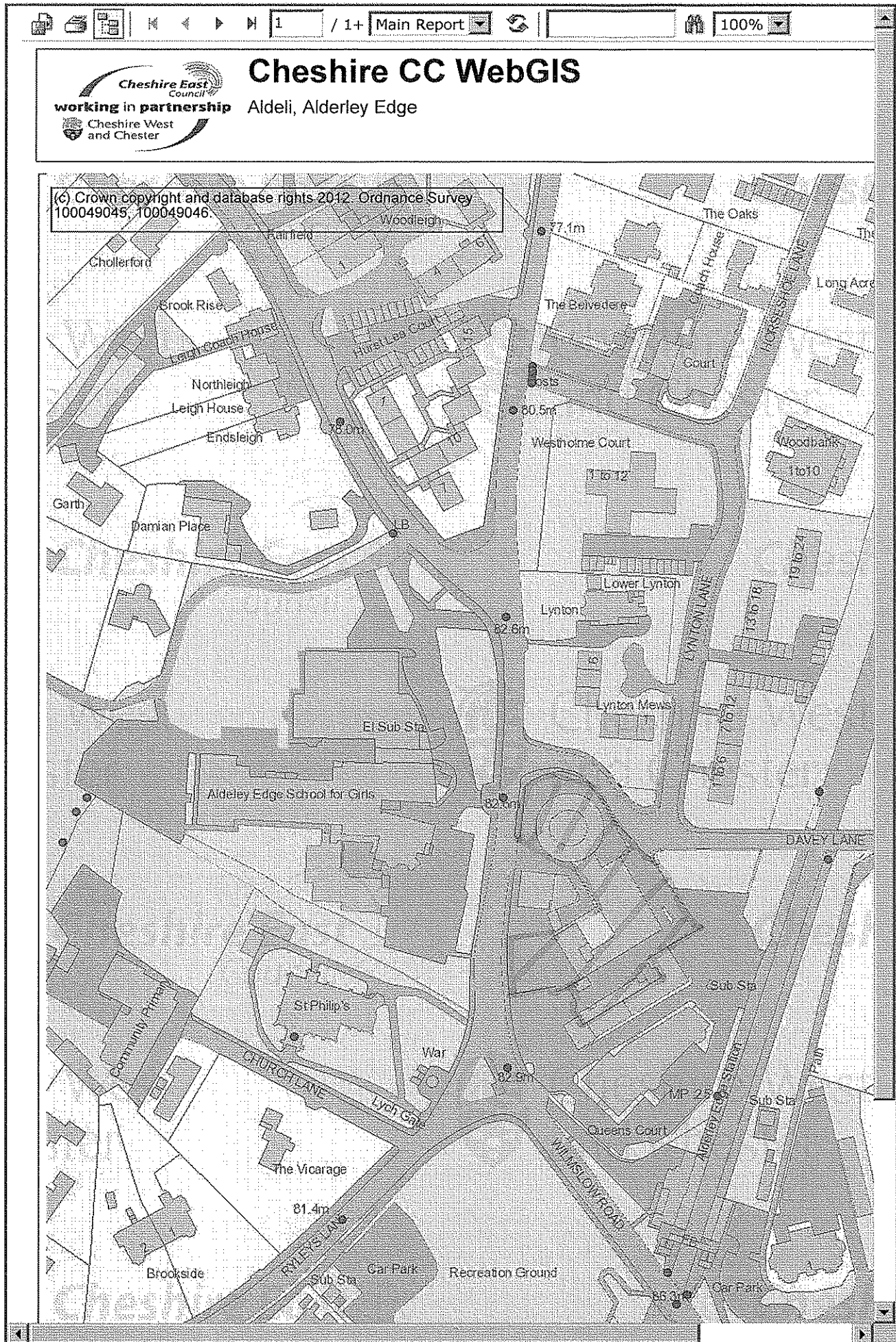
I do hope our proposals meet with your approval, should you wish to discuss any points please contact me at your earliest convenience.

Yours sincerely

S.Higham

Managing Director

Enc: Application Form, Fee, copy personal license, floor plan, ordinance survey map.



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CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of Meeting: Wednesday 11th July 2012 at 11.30am

Report of: Mrs N Cadman, Licensing Officer

Subject/Title: Application for a Premises Licence
Disley Service Station, 159 Buxton Road, Disley, SK12 2HG.

1.0 Report Summary

- 1.1 The report provides details of an application for the variation of a premises licence together with information as to representations received in relation to the application.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to determine the application for the variation of a Premises Licence made by Rontec Watford Limited, in respect of Disley Service Station, 159 Buxton Road, Disley, SK12 2HG

3.0 Reasons for Recommendations

- 3.1 The Licensing Act Sub-Committee has the power to determine this application in accordance with the provisions of the Licensing Act 2003.

4.0 Wards Affected

- 4.1 Disley

5.0 Local Ward Members

- 5.1 Councillor Harold Davenport

6.0 Policy Implications

- 6.1 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003 and Guidance issued under section 182 of the Act.

7.0 Financial Implications (Authorised by the Director of Finance and Business Services)

- 7.1 Not applicable.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 In accordance with the provisions of section 35 of the Licensing Act 2003 the Licensing Authority must, having regard to the representations, take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. Section 35(4) provides that the authority may (a) modify the conditions of the licence; or (b) reject the whole or part of the application.

- 8.2 Section 176 of the Licensing Act 2003 provides that no premises licence has effect to authorise the sale by retail or supply of alcohol on or from excluded premises. "Excluded premises" for these purposes includes 'premises used primarily as a garage or which forms part of premises which are primarily so used.' Section 176(4)(c) provides that premises are used as a garage if they are used for one or more of the following – (i) the retailing of petrol; (ii) the retailing of derv; (iii) the sale of motor vehicles; (iv) the maintenance of motor vehicles. Paragraph 5.23 of the section 182 Guidance provides that the accepted approach in determining whether premises are used primarily as a garage is "based on 'intensity of use' to establish 'primary use.'"

9.0 Risk Management

- 9.1 Section 181 and Schedule 5 of the Licensing Act 2003 make provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority.

10.0 Background and Options

- 10.1 The application is for the variation of a Premises Licence under section 34 of the Licensing Act 2003.

- 10.2 The operating schedule indicates that the relevant licensable activities applied for are:

**Late Night Refreshment
Sale and Supply of Alcohol**

- 10.3 The hours applied for are as follows:

Late Night Refreshment (to take place both indoors and outdoors)
Monday to Sunday 23.00 to 05.00

Sale and Supply of Alcohol (for consumption off the premises only)
Monday to Sunday 24 hours a day

The hours the premises shall be open to the public
Monday to Sunday 24 hours a day

- 10.4 Designated Premises Supervisor: Miss Joanne Louise Bradley

- 10.5 The operating schedule includes the following steps to promote the licensing objectives:

(a) Prevention of crime and disorder

A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.

The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will be recorded or digitally onto CD/DVD or other equivalent media.

Any recording shall be retained and stored in a suitable and secure manner for a minimum of 28 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.

The CCTV system will incorporate a camera covering the entrance door and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.

The system will display, on any recording, the correct time and date of the recording.

A system will be in place to maintain the quality of the recorded image.

The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity.

(b) Public safety

The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.

(c) Prevention of public nuisance

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

(d) Protection of children from harm

The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photo card driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram.

As part of the variation, the applicant also seeks to remove the embedded conditions set out in Annex 2 of the existing Premises Licence conditions.

10.6 Relevant Representations:

Responsible Authorities

10.6.1 The Police state in their response: Application received 23rd May 2012 from Rontec Watford Limited for a variation of the current Premises Licence at Disley Service Station.

The application is for the sale and supply of alcohol and late night refreshments.

I visited the premises on 15th June 2012 and observed the Blue Notices were correctly displayed. I took pictures which I can produce if required.

The premises are situated on the outskirts of the village and currently operate until 23.00 hours; this application is to increase the hours of business to make the premises a 24 hour outlet and add late night refreshments to the licence.

There are a number of residential properties across from the premises which will no doubt be affected by the extension of the opening hours.

Late night refreshment establishments are frequently associated with Crime and Disorder and Anti-Social Behaviour and there are some concerns that such an outlet in the location will be a magnet for this type of activity.

Having visited the site I have concerns in relation to the Prevention of Crime and Disorder, as it stands at the moment the premises are double manned at all times, hot refreshments and sale of alcohol is byway of the main shop area, whilst this is acceptable at the moment there are no conditions offered by the applicant to protect staff who will be responsible for the running of the business throughout the late evening and early morning.

Police would request:

If the business is to operate beyond 23.00 hours all service is done from a night service hatch (one is already fitted).

There is no admittance to the main shop between 23.00 and 07.00 hours daily.

Providing these conditions are met there are no other Police representations.

10.6.2 The Environmental Health Department - No response.

10.6.3 The Cheshire Fire Service – No response.

10.6.4 Local Planning Authority – No response.

10.6.5 Local Safeguarding Children Board – As Police response.

10.6.5 Health and Safety Officer – No response.

10.6.6 Trading Standards – No response.

Interested Parties

10.6.7 The Licensing Authority has received a letter of representation from Disley Parish Council and 6 letters of representation from neighbour objectors, as appended to this report.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Mrs N Cadman
Designation: Licensing Officer
Tel No: 01270 685957
Email: Nikki.cadman@cheshireeast.gov.uk

APPENDICES

Appendices 1 – 6 Letters from Neighbour Objectors.

Appendix 7 – Representation from Disley Parish Council.

Appendix 8 – Existing Premises Licence Summary and Conditions.

Appendix 9 – Map of area.

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Cheshire East Council
Licensing Section
Westfields
Middlewich Road
Sandbach
Cheshire CW11 1HZ

11th June 2012

Re: Disley Service Station, 159 Buxton Road, Disley, SK12 2HG
Application to Vary a Premises Licence [Application Ref. F021775]

Dear Sirs,

We are aware that our neighbour, _____ has written objecting to this proposal. We fully support her case, so please take that objection as read.

On the 30th May 2012, we found a Blue Notice pinned to the electricity pole opposite the houses, a copy of which is appended hereto for reference: Whether by accident or design; that notice fails to disclose the item of most concern. [There is no more detail on the Cheshire East Council website.]

According to the Notice [Ref. F021775], there are three sections to Rontec's Application:

- (1) to extend the permitted hours for the Sale of Alcohol,
- (2) to permit the provision of Late Night Refreshment, and
- (3) to "vary the terms of the licence".

Curious as to the meaning of that third item, we contacted Ms Amanda Hinton [Licensing Administration Officer] and she kindly supplied more detail, a copy of which is appended hereto.

From Ms Hinton's reply, it became evident just how far-reaching the proposal is, in fact. She quotes the actual third point as: "To remove the embedded restrictions set out in Annex 2 on the licence."

The existing Annex 2 contains three major restrictions:

- (1) concerning the permitted hours for the sale of Alcohol
- (2) some specific relaxations of restriction 1, and
- (3) the restriction that "Alcohol shall not be sold in an open container or be consumed in the licensed premises."

If the embedded restriction is removed, then the premises will effectively be licensed for 24 hours per day, for the sale and consumption of Alcohol. *i.e.* We could have a "Garage" which is serving Food and Alcohol, for consumption ON the premises, 24 hours a day, every day of the year.

We note that the proposed revision to Annex 2 would introduce specific conditions to section P of the operating schedule:

- THE PREVENTION OF CRIME & DISORDER:
 - Allegedly covered by the provision of a CCTV system.
- PUBLIC SAFETY:
 - Allegedly covered by "the provision of an adequate level of staff"
- THE PREVENTION OF PUBLIC NUISANCE:
 - Allegedly covered by the provision of "Adequate waste receptacles"
- THE PROTECTION OF CHILDREN FROM HARM:
 - Allegedly covered by the application of an "age verification policy"

Addressing these headings in turn:

- THE PREVENTION OF CRIME & DISORDER:
 - It is doubtful whether a CCTV system, covering the premises, would prevent Crime & Disorder in the surrounding area. The Garage is situated approximately mid-way between Disley and New Mills; and it seems almost inevitable that drinkers who have left Public Houses at normal closing time will "pop in for another" at this new venue ... and it might prove especially attractive to young drinkers, walking home. Of particular concern is that Greenshall Lane is a dark back road, leading in one direction to the Girl Guide Camp and in the other to the proposed residential development on the old Fibrestar site [Planning Ref. 08/2718P]
- PUBLIC SAFETY:
 - We do not consider that simply providing "adequate levels of staff" will ensure Public Safety: The Garage is situated on a blind bend, with poor traffic sight-lines at the Entrance and Exit [which currently appear to be used interchangeably]. Neither of these access points has a slip-road; therefore there are numerous minor accidents as vehicles stop to turn into the site. This situation would only be made worse by the approval of the current application. There is a Headroom Restriction of 3.8m on the Garage forecourt canopy, and therefore large vehicles, who cannot use the fuel pumps, frequently park on the road/footpath whilst drivers use the Shop; if the site is permitted to open for all night refreshment, this problem can only increase.
- THE PREVENTION OF PUBLIC NUISANCE:
 - Although we would welcome the provision [and emptying] of adequate waste receptacles; surely there more than this to The Prevention of Public Nuisance. A late night eating and drinking establishment will presumably attract customers, and the frequent slamming of cars doors etc. must be considered a Public Nuisance in a Residential Area. Also, with late night revellers travelling on foot, there is great likelihood of rowdy behaviour in the surrounding area.

- THE PROTECTION OF CHILDREN FROM HARM:
 - The applicant states that the children will be protected from harm simply by having an age verification policy for the purchase of Alcohol. [Strangely, that verification policy will be applied to any customer that appears to be under the age of 25 years, which actually includes many adults who are fully entitled to purchase Alcohol.] What is in fact required is the protection of Children from those "adults" who accompany them, or are just hanging-around the area. How does the applicant propose to protect such children? ... We should also point out that there is already evidence of under-age drinking and drug-taking in Greenshall Lane.

Given that the Public Notice does not disclose the full extent of the Application, and there is no more detail on the Council's website; we suggest that the Application be DISQUALIFIED. It seems highly unlikely that the majority of those who have read the Notice will appreciate the extent of what is actually being proposed.

If, as is apparently becoming common around the Country, the applicant is claiming that the premises are not a Garage with Convenience Store, but a Convenience Store that happens to sell Fuel for vehicles, then perhaps it is time to reconsider the "Use Class" of the site.

If the Council accepts that the site is primarily a Convenience Store, then we would have little objection in principle to it being allowed to open as such for longer hours. BUT WE HAVE THE STRONGEST OBJECTION TO ANY PROPOSAL WHICH COULD TURN IT INTO AN ALL-NIGHT CAFE AND/OR BAR.

If the way forward is to have a 24 hour Convenience Store; then there must be adequate parking, and safe access to and from the site. This is unachievable with the present layout. Might it therefore be better to remove the Fuel facility entirely, so that a proper Shop could be provided?

In summary; we beg that the Council either rejects this Application outright, or severely restricts its extent. The existing "embedded restrictions" are based on the reasonable application of the Licensing Act 2003 and, in the case of this site:

- A. Limit, to reasonable hours, the times for the sale of Alcohol.
- B. Prohibit the provision of late night refreshment in a Residential Area where such provision would be anti-social.
- C. Only permit Off-Sales of Alcohol.

These restrictions are entirely appropriate to the Residential Area in which we live, and Rontec must not be allowed to put the neighbourhood at risk, simply for its own profit.

In our view, there is no present demand for these additional facilities, and we believe that the Licence Application is speculative ... presumably with the intention of increasing the resale value of the site.

Licensing Act 2003
Application to Vary Premises Licence

Name of Applicant: Rontec Watford Limited.

Address: Disley Service Station, 159 Buxton Road,
Disley, Cheshire, SK12 2HG.

Licensing Authority: Cheshire East Council.

Licensing Authority Address: Licensing Department, Cheshire East
Council, Westfields, Middlewich Road,
Sandbach, Cheshire, CW11 1HZ,
(where a record of the application may be
inspected during normal office hours)

Licensing Authority Website: www.cheshireeast.gov.uk

The applicant has applied to the Licensing Authority to vary the premises
licence for the above premises as follows:

1. To extend the hours for the sale of alcohol to 24 hours a day 7 days a week.
2. To include late night refreshment between the hours of 2300 and 0500 days a week.
3. To vary the licence conditions

Any person or responsible authority (as defined by the Licensing Act 2003) may make representations to the Licensing Authority no later than 20 June 2012.

Any representations made to the Licensing Authority must be in writing

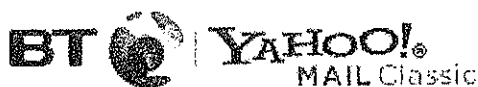
It is an offence knowingly or recklessly to make a false statement in connection with this application. The maximum fine for which a person is liable on summary conviction for this offence is £5,000.

Dated: 22 May 2012

Sherwood LLP
5 Montague Close
BB

MRPB

W/S
authorised agents for the applicant.



Information as requested re. Disley Service Station - Vary Premise Licence Application

Wednesday, 30 May, 2012 15:45

With reference to our telephone conversation earlier, please find below the information as requested:

The nature of the proposed variation:

- Extension of the hours for the sale of alcohol to 24 hours daily
- Provision of late night refreshment between the hours of 2300 and 0500 daily
- To remove the embedded restrictions set out in Annex 2 on the licence:

ANNEX 2:

1. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

2. The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

3. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

- To include in Annex 2 the conditions in boxes b to e of section P of the operating schedule:

THE PREVENTION OF CRIME & DISORDER:

A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.

The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will be recorded or digitally onto CD/DVD or other equivalent media.

Any recording shall be retained and stored in a suitable and secure manner for a minimum of 28 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.

The CCTV system will incorporate a camera covering the entrance door and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.

The system will display, on any recording, the correct time and date of the recording.

A system will be in place to maintain the quality of the recorded image.

The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity.

PUBLIC SAFETY:

The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.

THE PREVENTION OF PUBLIC NUISANCE:

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

THE PROTECTION OF CHILDREN FROM HARM:

The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram.

- To amend the opening hours of the premises to 24 hours daily

If you wish to make representation with regards to the licensing objectives, please do so by the close of business on 20th June 2012. The reference number for the application is F021775.

Amanda Hinton

Licensing Administrative Officer
Westfields
Middlewich Road
Sandbach
Cheshire
CW11 1HZ
Tel: 01270 371116

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Licensing Dept – East Cheshire Council
 Westlands – Middlewich Road
 Sandbach
 Cheshire CW11 1HZ

Dear Sirs

Ref: Planning/Licence Application: RONTEC WALFORD LTD
Disley Service Station, Seven Springs, Disley SK12 2HG

I would like to register my objection to the above Planning/ Licence Application for the following Reasons:

1. I understand application has been made to extend the Alcohol Licence to 24 hours at the above premises. At the moment alcohol can be sold whilst the shop is open 6 am to 11 pm, the application therefore covers the sale of alcohol between the hours of 11 pm and 6 pm. Two "studies" and "trial runs" were conducted a few years ago which indicated that the traffic flow between these hours made shop or garage opening not a viable proposition. So, unless the fact that these premises will be selling Alcohol will suddenly draw in traffic I cannot see a valid reason to pass this application.
2. There are already 24 hour Garage premises on the A6, with facilities, 4 miles West at Hazel Grove and 4 miles East at Tesco, Whaley Bridge. Why therefore would a further one be necessary, selling Alcohol to motorists, be needed in between?
3. The noise of the traffic on the A6 is already bad enough, especially in the summer when windows are open for air. The lack of traffic between these hours with the lull in noise means for a few hours sleep is possible.
4. There is also the question of security, these premises selling Alcohol etc. will draw in people wanting to consume this alcohol, if not on the premises or forecourt or possibly in their cars, then in the close environment, causing added noise and bad behaviour. These premises are within a few hundred yards of a Brownies and Guides Camping Site, will there be a police presence to ensure the security of this camp? More cost to the Taxpayer...not the Garage.
5. If there is to be a take-away or refreshment facility, this will mean added food related litter, which even with extra Litter Bins on site (if used) would created more Health and Safety issues regarding rats and vermin etc which do visit the site. Again added cost to the Taxpayer to keep the road and area clean.
- 6.. These premises are in Green Belt and such a change in planning and Licensing would not fit in with that ethos or with the excellent work being done by the Disley Parish Plan and PRIDE who are PEOPLE RESTORING and IMPROVING DISLEY ENVIRONMENT.

I would therefore urge you to deny this application and not let large companies ride rough shod over the needs of a small community.

Dear Sirs,

12 June 2012

I would like to second the objections made by

, my neighbours, to the plans for Seven Springs garage.

A further consideration to those made in their letter regards the relatively recent habit of the large stone + limestone lorries stopping to pick up hot food + drinks, in both directions.

They cannot park in the garage forecourt because of their size and consequently have taken to parking with their kerbside wheels on the pavement, sometimes 6 or 8 axles. I have seen mothers taking their children to school being forced to walk into the road because the gap between lorry + wall ~~was~~ too narrow for a pram or pushchair, obviously very dangerous on such a busy road.

Rather than increasing the usage of the garage facilities is it time to consider some parking restrictions?

Yours faithfully

Cheshire East Council
Licensing Section
Westfields
Middlewich Road
Sandbach, Cheshire
CW11 1HZ

11th June 2012

Disley Service Station, 159 Buxton Road, Disley, SK12 2HG
Application Ref. F021775 to Vary a Premises Licence

Dear Sirs,

Our neighbours, have
already written to you, with detailed objections to this Application.

We agree with the objections that they have made, and we request that Application F021775 is rejected by the Council.

We understand that you can only consider Objections under four headings

- (1) THE PREVENTION OF CRIME & DISORDER:
- (2) PUBLIC SAFETY:
- (3) THE PREVENTION OF PUBLIC NUISANCE:
- (4) THE PROTECTION OF CHILDREN FROM HARM:

As already detailed in our neighbours' letters, this Application is objectionable under all four of those headings. We believe that any Licence that allows "Late Night Refreshment" and "24x7 Sales of Alcohol" would bring severe problems.

The premises have been a Garage for many years, and have only recently been licensed to sell Alcohol (strictly as a take-home purchase) from the small Shop.

Rontec's Application proposes to completely change that arrangement, by turning the premises into a licensed cafe. This would certainly increase the risk of Crime & Disorder, Public Nuisance, and Harm to Children. The increased traffic levels, and the implied acceptance of mixing Drink and Driving, can only reduce Public Safety.

Please reject the Application.

Yours faithfully

16th June 2012

Dear Amanda Hinton,

It has come to our notice that an application, (F021775) has been entered for a change of licensing restrictions for the Total petrol station at Seven Springs Disley.

We would like express our concerns against this proposal for the following reasons,

1. The premises are situated within a residential area, and any extension to the licensing hours will increase the noise levels within it during the night. (E.G. Vehicles arriving, doors opening & closing, car alarms going off and people talking etc.)
2. Whilst the people that own the premises have agreed to increase the number of waste receptacles on the premises and immediately outside the premises it is clear that most people will consume their purchases off site and will dispose of their litter in the residential area. As there are no rubbish bins available for this purpose away from the site this will mean that rubbish will be dumped in the street.
3. By allowing people to drink alcohol on the premises this will clearly encourage people to drink and drive and thus increase the risk to resident's safety.
4. Whilst the owner of the property has agreed to maintain adequate levels of staff for public safety, it is clear from their present business model, (only one person is on the premises at any one time) that this is not going to be the case.
5. Whilst the addition to the premises of a CCTV system may prevent any nuisance on site, it will not prevent it in the surrounding residential area.

Furthermore we are concerned that you failed to notify in writing of these proposed changes even though we only live about one hundred metres from the premises.

Would you please write to us at the address above to keep us updated about these proposals.

31st May 2012

Licensing Department
Cheshire East Council
Westfields
Middlewich Road
Sandbach
Cheshire
CW11 1HZ

Dear Sir/Madam

Application to extend the sale of alcohol and snacks facilities at the Total Petrol Station, 159 Buxton Road, Disley, Stockport SK12 2HG to 24/7 and removal of embedded restrictions set out in Annex 2 of the licensing laws. Reference Number-F021775

I would like to raise my objection to the increase in trading hours for the sale of alcohol and snack facilities at the above location. Rontec Investments LLP recently made an application to Cheshire East Planning in February this year to extend the operating hours of this site, which I strongly objected to, but unfortunately the planning application was classed as invalid due to the fact that when permission was originally granted for the shop and fuel that no operating hours were put in place! There are operating hours attached to the car and jet wash.

I have five main objections/concerns:-

1. Noise
2. Congestion
3. They are not being transparent about their objectives for the site, and using loopholes in planning regulations to change the primary use.
4. The duty of care and moral issues around the sale of alcohol at petrol stations.
5. Litter

The concerns around the noise levels produced:-

Whilst we are unable to appeal against them selling fuel and opening the forecourt shop 24 hours a day due to old planning laws, any additional facilities are intended to try to increase the footflow of customers. This will inevitably have the potential to generate additional noise during daytime and nighttime hours. I believe at present that our property is especially affected by unacceptable levels of noise especially from some of the facilities on offer. The main noise issues are:-

1. Cars/Lorries stopping and starting, especially the lorries who tend to bounce on and off the pavement.

2. Doors slamming.
3. Loud music
4. Rowdy/Loud behaviour
5. Tyre Noise
6. Staff Tannoys are loud.
7. Car/Jet wash
8. Increase in deliveries

Our property was a family home long before any permission was granted for a petrol station. When permission was granted the A6 was a quiet road, and the site was one single manned pump. Over the years it has gradually increased in facilities, and at present produces a considerable amount of noise which is more noticeable during evenings, weekends and bank holidays. Whilst we put up with a considerable amount of noise from the road during the day, in comparison it is relatively quiet during off peak hours.

The facility is on a site which has always been classified as a local amenity site, and local residents do purchase goods and facilities from the site. I find it hard to believe that there would be a large demand from local residents for alcohol or snacks during the hours of 23.00 and 5.00am. Extending the hours of the sales of alcohol and snacks has the potential to attract people from outside the area especially those travelling by car. There has already been a complaint made about cars congregating on the site in the early hours of the morning. Over the last couple of years the site has been attractive to youngsters who have congregated in their cars on the forecourt and have generally made a nuisance by playing loud music, shouting and more dangerously driving without any due care and attention around the petrol pumps.

Noise during nighttime hours is much more noticeable.

I have enclosed the letter I sent to Cheshire East relating to my concerns over the original application to extend operating hours.

I have already raised concerns in 2010 about congestion on the forecourt which has a direct impact on the main A6 trunk road:-

The site itself could be moving by default to becoming more of a fast food outlet and convenience store. Rontec was formed in 2011 to acquire Total UK and is a consortium of companies including Snax 24, Investec and Grovepoint Capital. I notice from the internet that Rontec and Shell have caused outrage in a number of areas, and have used their power to push through plans even though there has been considerable amount of objection at a number of their sites by reclassifying their petrol forecourt shops as convenience stores. The site in Disley itself has very little parking, there are only a few bays which from a health and safety point of view are in a very dangerous position for both cars and pedestrians. The bays are located near the exit to the car wash, entrance/exit to the site and the jet wash is located in this region aswell. It is a difficult site for cars to park up in, the pedestrian path across the forecourt must break all health and safety requirements..

Planning permission was initially granted for the prime purpose of providing local people with fuel supplies. a forecourt shop was then added where people can pick up a paper, milk and bread when paying for their fuel supplies, car wash facilities have also been added to the site.. The site is small,

but has a considerable amount of facilities on offer. I have raised my concerns about a number of minor bumps in this area on the A6 and the congestion at busy periods and felt the site needs to be looked at before any more additional facilities are added. At busy times the traffic is waiting on the A6 trunk road because of congestion on the forecourt.

Any increase in facilities whether that is during daytime or nighttime hours is likely to cause more vehicles to stop on the A6 trunk road especially large vehicles who tend to park on the pavement. As in previous correspondence this restricts the visibility of traffic leaving the forecourt which is already difficult, it means customers are having to take chances by pulling out with limited visibility. Any parking on the road/pavement during nighttime hours would be just as dangerous as during daytime hours because even though the road is quieter, traffic tends to be travelling faster. In my life time I have seen a substantial amount of accidents on this short stretch of road. In recent years a considerable amount of money has been put into making this stretch of road safer for motorists, this has mainly been measures to stop overtaking, speeding and parking. There are times when lorries are parked on both sides of the road while the drivers/passengers use the shop/cash machine facilities, making it extremely difficult for through traffic, motorist leaving the site and impossible for pedestrians to get a clear view when crossing the road. This stretch of road is extremely dangerous for children to cross because of the number of bends and restricted visibility.

I have enclosed copies of correspondence that I have submitted to Disley Parish Council/Cheshire East Council regarding this issue. At the time of writing there was an exceptional demand for both the car and jet wash due to the hosepipe ban. I understand that the garage itself is responsible for the forecourt. Since writing, I have noticed that there have been a number of occasions that staff have had to cone off the entrance to the forecourt because of traffic waiting on the main A6 trunk road, this was the result of congestion on the forecourt. As I have previously mentioned, when permission was granted originally it was a very different road, I wonder whether planning permission would be granted today! Not long after raising my concerns with Disley Parish Council/Cheshire East there was an accident involving a car pulling out of the petrol station site and a motorcyclist travelling along the A6. I don't know who was at fault and can only presume that the limited visibility when leaving the petrol station was a contributing factor. The petrol station is also on a stretch of the A6 that is in a 40mph zone.

The predictions are that this stretch of road through Disley will only get worse with the construction of the new Hazel Grove/Poynton by-pass.

The unclear plans for the site raise concerns about unfair competition.

Other business in Disley have to go through a lengthy consultation period with planning, highways, environmental agencies, local councils and residents in Disley and costs. Disley has tried to maintain the feel a rural village with a strong village community and somehow a 24hour service station does not seem to fit in with its objectives. **Is this facility right for Disley?** Any increase in facilities is bound to affect the already struggling shop keepers in Disley, Rontec quote that they sell an extensive convenience shop range and in the larger shops this includes the sale of fruit and vegetables, and Snax 24 speaks for itself. A recent case of interest involved Rontec who have now classified two of their petrol stations as convenience stores when challenged over the sale of alcohol at two of their Total petrol stations in Yorkshire! Are they trying to change the nature of their petrol stations before there is any change in the law? Are they not required to apply and submit a planning application for the primary change of use? Of course without knowing the full details it is difficult to understand, but is it not up to the planning authorities to decide and grant planning consent for the change of primary use of a site, not Rontec themselves? There must be different regulations surrounding petrol filling stations, fast food outlets and convenience stores, eg:- surely the average stop at a convenience store is longer, therefore requires proper parking facilities, while a petrol filling station has to accommodate customers who are only making a short stop and quite often find

themselves held up with large queues at the checkouts while the forecourt becomes congested!

The moral issue of the sale of alcohol at petrol stations:-

The petrol station already has a license to sell alcohol within specified hours. Do we really want to encourage any more antisocial behaviour from the sale of alcohol or encourage people to drink and drive by selling it 24/7? The recent view regarding the sale of cigarettes could also be applied to alcohol-if it is not on show then people are less likely to buy it! The sale of alcohol at petrol stations is a real conflict of interest and raises moral issues, **we all have a duty of care**. There have been a lot of issues recently regarding the sale of alcohol at petrol stations and whether alcohol should be sold in petrol stations at all, these concerns have been raised by the police and safe driving campaigners. Whilst the site in question appears to be away from any local parks and the village centre, plans have been granted for a large business/residential development on the old Harcostar/Fibrestart site between Lower Greenshall Lane and Red House Lane. The petrol station is only a short walk from the proposed development site via Lower Greenshall Lane. I have enclosed plans showing how close the site will be, it is well known that antisocial behaviour appears to happen not far from the site where the alcohol was purchased!

Litter:-

Over the years during Winter and Spring the litter behind both the Total Petrol Station and the Purple Pakora has become a blight on the area, and is unsightly from Lower Greenshall Lane, this is not as obvious when the trees put on leaves and there is some ground coverage. I understand that there has already been a complaint raised with the environmental office at Cheshire East in April 2011 regarding this area, and I understand that someone from Disley Parish Council has been out too observe the site themselves, so they will have noticed that there is a considerable amount of litter behind the petrol station. I can't criticise the forecourt as it is always kept tidy, the problem lies with what you can't see. The increase in snack facilities has the potential to increase the amount of litter and ultimately the amount of vermin as well. Also, the grass verges along the A6 in this area contain a large amount of litter, (I don't think this has all come from the petrol station) this is just a result of any lack of respect for the environment. It is very easy the wind down the car window and throw out your litter. It is quite interesting that the government is looking at this problem at the moment. The sale of alcohol and especially snacks is probably only going to increase this eyesore. It would be impossible during the hours of darkness to monitor the responsible disposal of litter.

I object strongly to the removal of the conditions referred to in their application, as this has the potential for Rontec to change to use of the site completely without applying for permission case by case for further facilities on the site or change of use. This is not in the spirit of a village environment. They are using the old planning laws where restrictions were not put in place to evolve the site as they have done in other areas. I would strongly recommend that any embedded restrictions are firmly kept in place, especially where the sale of alcohol is concerned, and the consumption of alcohol on site. Any removal of the embedded restrictions in Annex 2 sets a precedence and it is likely that other business in the area will also apply to sell alcohol 24/7. Only last week Disley saw first hand the effects of antisocial behaviour along the A6, this was at approx 21.30 and involved a group of young adults who were a little worse for wear, from what I assume would be from the effects of alcohol! After a dispute between themselves, one proceeded to push all the recycling bins over along the A6, while another walked up the middle of the A6 (I can only presume that they did live locally). When confronted by residents over their actions, one of them behaved in a very threatening manner.

It has become obvious from the recent cases that Rontec Investments have been involved in that they are using the Total brand to put profits above any moral responsibilities and local residents quality of life and enjoyment of their properties.

I have great concerns for the staff who would have to man and manage the petrol station during nighttime hours. It can be extremely difficult dealing with customers who have just been refused age related sales at 4 O'clock in the afternoon, it must be even harder at 4 O'clock in the morning. Disley has recently seen a case of three men in balaclavas entering the Co-op in Disley for their takings and local banks been held up over the last few years! Is it fair on staff to put them in such a vulnerable position and is it fair on local residents who also find themselves getting up in the early hours of the morning when disturbed by rowdy behaviour just to check on the situation.

Because of all the new European regulations coming in over the next few years regarding petrol stations, maybe a convenience store would be more appropriate on this site, but is that not up to the local authorities to decide?

I know this letter is a little lengthy, but it is unlikely that I will be able to attend any of the meetings regarding this issue so I thought that I had better put all my concerns in writing.

And to conclude:-I still believe that everybody deserves a respite from everyday noise especially during nighttime hours, and have a right to the enjoyment of their lives and property (in fact, it is in the Human Rights Act 1998) and hope that this will be considered within this application.

Your sincerely

11th August 2010

Disley Parish Council
19 Buxton Road
Disley
Stockport
Cheshire
SK12 2BB

Dear Sir/Madam

I am writing to you as a concerned resident of Buxton Road East, Disley.

I understand that yesterday there was another incident outside the Total Petrol Station in Disley, I have no details of the incident, but over the last few years there have been a number of minor bumps at this spot. The reason I felt the need to write to you is that over the last few months from the sound of the traffic there have been a number of near misses, this can be picked up because of the sounding of horns or the noise from traffic breaking hard.

This is an extremely busy stretch of road, and I would like to bring a couple of my concerns to your attention regarding safety issues:-

Quite often now, there is stationary or slow moving traffic on the A6 traffic as vehicles are waiting to move off the road onto the garage forecourt. This situation is made worse by the fact that the forecourt at times is very congested with people queuing to use the jet wash or larger vehicles maneuvering around the pumps. This stops the traffic from flowing freely off the A6 onto the garage forecourt. This is a particular problem if the traffic is coming from Disley towards Newtown as visibility is poor and traffic tends to speed up as it enters into a 40mph zone and is then faced with stopped or the slow moving traffic.

When leaving the petrol station visibility is limited with the bends in the road. Again this situation is made worse by traffic parked on the A6, especially larger vehicles making it very difficult to get a clear view and drivers having to take risk when pulling out.

I have not spent time observing the situation and I am no expert in road safety, but there are a few things that could be considered to make it safer for drivers and garage customers:-

- Making the forecourt one way.

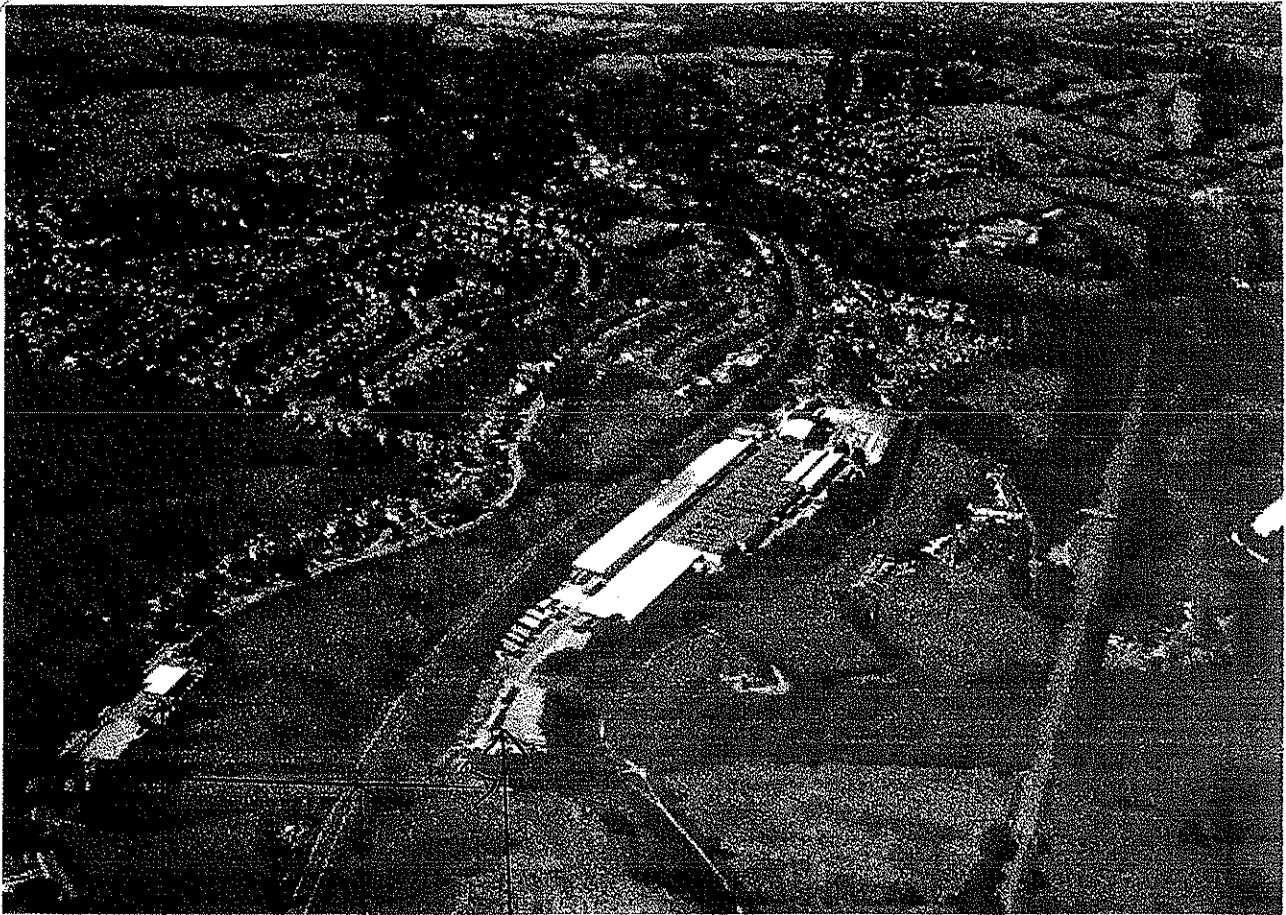
- Reducing the height of the hedge, making visibility better for traffic entering and leaving the forecourt, in the past the hedge had always been kept low.
- Changing the speed limit to 30mph.
- Reducing the number of facilities and services on offer at the petrol station. At present there is obviously fuel on sale, but there is a car wash, jet wash, air, car vac, shop and soon there could be the re-installation of a cash point, all this in a very limited area, this would help in reducing the amount of congestion.

I hope you will find this useful as I am only writing as I do not wish to see anyone hurt, when simple measures could improve the safety. Over the years, this part of the A6 has seen its fair share of accidents and some fatalities.

I was not sure if I should send this to yourselves or the highways agency, but I am sure you will pass this on to the correct department for me as required.

Yours faithfully

APPENDIX - 6



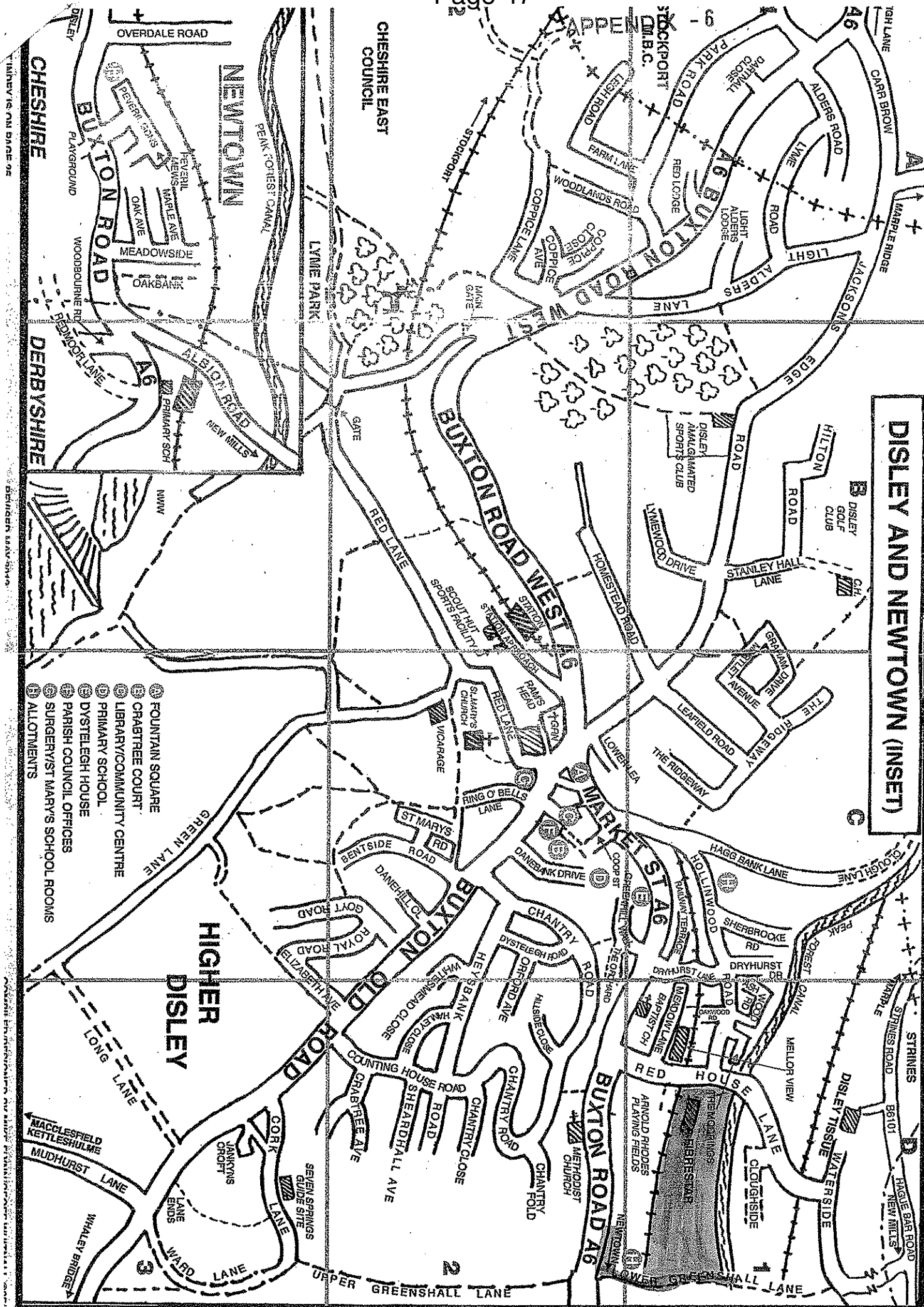
Disley Service
Station.



✓ Harcostar / Fibrestar site



Lower Greenshall lane



Thursday, 7 June 2012

Government, citizens and rights**Human rights**

Anyone who is in the UK for any reason has fundamental human rights which the government and public authorities are legally obliged to respect. These became law as part of the Human Rights Act 1998.

Human Rights Act

The Human Rights Act 1998 gives further legal effect in the UK to the fundamental rights and freedoms contained in the European Convention on Human Rights. These rights not only impact matters of life and death, they also affect the rights you have in your everyday life: what you can say and do, your beliefs, your right to a fair trial and other similar basic entitlements.

Most rights have limits to ensure that they do not unfairly damage other people's rights. However, certain rights – such as the right not to be tortured – can never be limited by a court or anybody else.

You have the responsibility to respect other people's rights, and they must respect yours.

Your human rights are:

- the right to life
- freedom from torture and degrading treatment
- freedom from slavery and forced labour
- the right to liberty
- the right to a fair trial
- the right not to be punished for something that wasn't a crime when you did it
- the right to respect for private and family life
- freedom of thought, conscience and religion, and freedom to express your beliefs
- freedom of expression
- freedom of assembly and association
- the right to marry and to start a family
- the right not to be discriminated against in respect of these rights and freedoms
- the right to peaceful enjoyment of your property
- the right to an education
- the right to participate in free elections
- the right not to be subjected to the death penalty

If any of these rights and freedoms are breached, you have a right to an effective solution in law, even if the breach was by someone in authority, such as, for example, a police officer.

Exercising your human rights

If you are in a situation in which you believe that your human rights are being violated, it's advisable to see if the problem can be resolved without going to court by using mediation or an internal complaints body.

**...see if the problem
can be resolved**

Fuelling the problem? The sale of alcohol at petrol stations in Wales

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Alcohol Concern Cymru Briefing

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Fuelling the problem? The sale of alcohol at petrol stations in Wales

Alcohol Concern Cymru Briefing

"Drink driving is still one of the major causes of death on our roads. We should avoid placing before motorists even the temptation to consume alcohol behind the wheel."

Clive Wolfendale, Chief Executive of CAIS and former Deputy Chief Constable of North Wales, 2010⁶

of Public Safety has observed that in the majority of alcohol-related crashes an open container is present.¹¹ Such laws have also served as an expression of a more general desire to disassociate alcohol completely from driving.¹²

"Alcohol and cars don't mix, period."

Col. Thomas Davis Jr., Director, Texas Department of Public Safety, 2001¹³

International comparisons

France has recently prohibited sales of alcohol from petrol stations,⁶ although it is presently too early to assess how effective this measure has been in cutting alcohol-related driving accidents and deaths. Likewise, the licensing laws in Scotland prohibit the sale of alcohol from garage forecourts,⁷ but with a significant exemption, namely if it can be demonstrated that the local community is (or likely to become) reliant on the premises as a principal source of either fuel or groceries. This is intended to avoid unfairly disadvantaging local residents who would otherwise have to travel longer distances to purchase their goods. However, and similar to the position in England and Wales, ambiguity in the wording of the legislation has led to conflicting decisions from the courts on appeal.⁸

In the USA, whilst alcohol sales from petrol stations are permitted in some areas, many states have implemented laws that prohibit the possession and consumption of alcoholic beverages in the passenger areas of motor vehicles. Commonly referred to as 'open container laws', these prohibit possession of any open alcoholic beverage container in areas of a motor vehicle that are readily accessible to the driver or passengers whilst in their seats, for example the glove compartment and footwell.⁹ At least one study has shown that states without open container laws experience significantly greater numbers of alcohol-involved fatal crashes than states with such laws.¹⁰ The Texas Department

Alcohol sales from petrol stations in Wales

In May 2010, a snapshot telephone survey of sales staff at petrol stations in eight counties in Wales was commissioned by Alcohol Concern Cymru. Of the 49 respondents to the survey, 16 (33%) confirmed that they sold alcohol from their premises, two of which sold alcohol 24-hours a day. These figures correspond to previous survey research undertaken in England and Wales, which found 31% of petrol stations sold alcoholic drinks as well as fuel.¹⁴

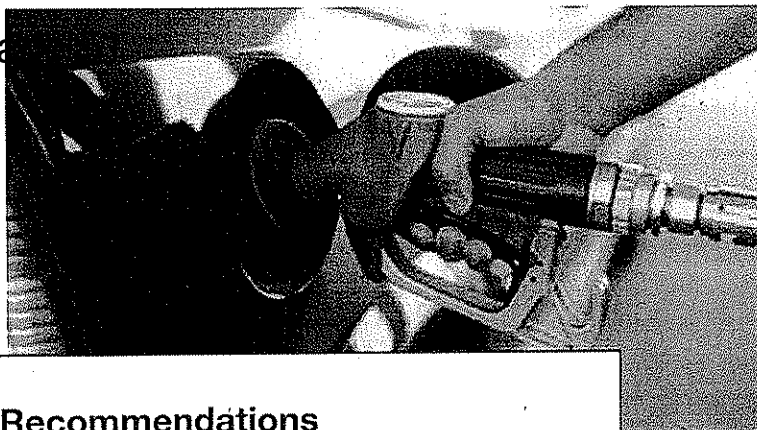
Encouragingly, respondents at 15 of the 16 petrol stations in Wales selling alcohol said they had received specific training regarding selling alcohol to persons under 18-years-old, whilst 13 respondents had received training regarding selling alcohol to persons who are intoxicated. No details were captured about what this training comprises, and it is worth noting that if these figures are generalized to the wider population, this may mean as many as 20% of sales staff at petrol stations have not received training concerning dealing with attempts to purchase alcohol from customers who are intoxicated.

Discussion

There has currently been little research undertaken examining whether, and to what extent, alcohol sales at petrol stations contribute to an increased incidence of drink-driving¹⁵ and more work is

Fuelling the problem? The sale of alcohol at petrol stations in Wales

Alcohol Concern Cymru Briefing



needed. There is, however, a growing body of evidence which demonstrates that the availability of alcohol contributes to increased levels of alcohol-related harm.¹⁶ It therefore follows that alcohol available to be purchased and then immediately consumed either prior to or when driving a motor vehicle, or indeed by passengers within the vehicle, is likely to increase the risk of harm.

"The literature has produced a clear scientific consensus... The most effective (and cost-effective) policies involve controlling the price and availability of alcoholic beverages."

Professor Martin Plant, 2009¹⁷

Petrol stations, by their very nature, are strongly associated with driving and attract significant trade from motorists. It is therefore reasonable to argue that sales of alcohol from such premises may increase the number of drink-related road injuries and deaths (although police data does not presently capture where alcohol has been purchased) and may also be potentially damaging to public campaigns that seek to highlight the risks of drinking and driving. The Welsh Assembly Government (WAG), in its substance misuse strategy *Working together to reduce harm*,¹⁸ has identified banning the sale of alcohol at petrol stations in Wales as an effective measure to tackle the inappropriate availability of alcohol, and has also called for a reduction in the current drink-drive limit.¹⁹

Of course, motorists have many opportunities to purchase alcohol from premises other than petrol stations, for example from off licenses and supermarkets. There are also practical difficulties, such as those highlighted above regarding the England and Wales and Scottish legislation, of implementing consistent and effective restriction and bans on such sales. Consideration therefore should also be made to alternative or complimentary measures, such as open container legislation, in order to further reduce rates of drink driving.

Recommendations

Alcohol Concern Cymru makes the following recommendations:

1. It should be a mandatory requirement that drink-drive warnings be displayed at the point of sale at all petrol stations where alcohol is also available for purchase. Such warnings would serve to support ongoing awareness-raising campaigns concerning the dangers of drinking and driving.
2. It should be a condition that any petrol station applying for an alcohol licence must be able to demonstrate that it will either buy-in, or provide themselves, thorough training for staff on responsible alcohol sales practices for its staff.
3. A review of the effectiveness of bans on alcohol sales from petrol stations, and alternative measures undertaken in other countries, should be undertaken to inform discussions about the appropriateness of an equivalent measures being implemented in England and Wales.
4. In recognition of the growth of alcohol as a public health issue, and in order to enable licensing authorities to properly address this, the protection and improvement of public health must be established as a fifth criterion within the Licensing Act 2003 for assessing license applications, including those from petrol stations.
5. The drink-driving blood alcohol limit in England and Wales should be reduced from 80mg/100ml to 50mg/100ml, in line with the North Review,²⁰ on the grounds that drivers are more likely to be involved in an accident the higher their blood alcohol level. This should be accompanied by greater publicity on penalties and highly visible enforcement.

Fuelling the problem? The sale of alcohol at petrol stations in Wales



Introduction

Drink-drive accidents can affect all types of road users, including drivers, passengers and pedestrians. A combination of law enforcement and sustained publicity campaigns has substantially reduced the number of these accidents over the last twenty years. Despite this, as many as one in six deaths on roads in the UK are caused by drivers over the legal alcohol limit.¹ In 2008, there were 5,183 positive or refused breath tests in Wales.²

Driving whilst under the influence of alcohol can impair an individual's judgement and therefore their ability to drive safely.³ Some countries have banned sales of alcohol from garages/petrol stations,⁴ largely as a consequence of the correlation between alcohol consumption and motor vehicle accidents. In England and Wales, however, it remains legal for petrol stations to sell alcoholic drinks, provided they have been granted the appropriate licence.

This briefing paper examines the issue of alcohol sales at petrol stations and makes proposals for future action. It is intended to stimulate and inform a greater public debate on this important issue.

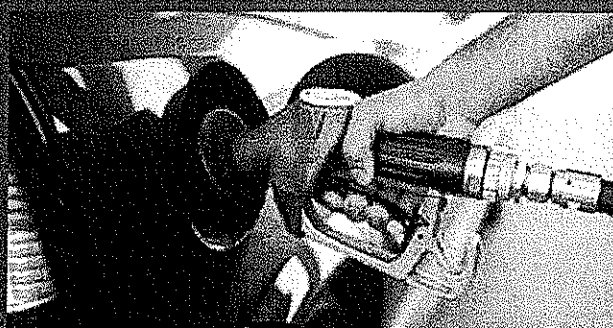
The current legal position

In England and Wales, the Licensing Act 1988 introduced a provision, section 9(4), which disqualified certain premises from obtaining a licence to sell alcohol, namely motorway service areas and premises 'used primarily as a garage'. For

motorway service areas, this represented in effect an absolute prohibition, but for garages (i.e. premises that retail fuel or premises either selling or maintaining motor vehicles) the decision on whether to grant a licence depended on the interpretation of 'primary use'. In order to demonstrate that the primary use was other than that of a garage, the applicant would usually present footfall figures or sales figures classified according to purchases.

Section 176 of the Licensing Act 2003 has largely maintained the situation from the previous legislation, with guidance from the Department for Culture, Media and Sport accompanying the Act stating that the licensing authorities must decide whether or not any premises is 'used primarily as a garage'. Again, the expectation is that the applicants provide evidence to establish the primary use of the garage is not fuel sales.

In practice it appears that the licensing authorities generally will not apply a restriction on the sale of alcohol at petrol stations that also offer a substantial range of groceries for sale. Each individual application is considered on its own merits, and licences may be refused where concerns have been raised by interested parties such as the police. However, as one licensing authority in Wales has informed Alcohol Concern Cymru, frequently such refusals are overturned on appeal to the courts. Clearly, there remain concerns and ambiguity regarding the effectiveness of this particular part of the legislation, particularly around the issue of primary use.



Alcohol Concern Cymru Briefing



APPENDIX - 6

David Quinn – Burntwood Blogger Thoughts & Rants of a Burntwood Blogger

Petrol Station Or Shop?

October 20th, 2011 by dquinn

[Leave a reply »](#)



I've had some interest this week here and on Twitter regarding the apparent nationwide side-stepping by Shell of Section 176 of the licensing act which is designed to prevent petrol stations from selling alcohol. It seems that Shell are applying for premises licenses at a number of UK sites using the argument that their petrol stations are actually shops which happen to sell petrol. A recent application in Lichfield was granted, as was one in Portsmouth [http://www.portsmouth.co.uk/news/politics/anger_as_rowlands_castle_petrol_station_gets_alcohol_licence_1_3151240] and an application in Pool-in-Wharfedale, is being opposed [http://www.wharfedaleobserver.co.uk/news/news_local/9304428.Pool_petrol_station_alcohol_plan_under_fire/] by police.

Shell are arguing, using Barristers at the committee meetings that their petrol stations are actually primarily convenience stores where sales, measured either by turnover or profit (whichever suits the situation it seems) are higher on non-fuel than they are on fuel. The committees are then reminded that in the event of a refusal, Shell will appeal to a Magistrates Court and then, if necessary, to the high court, all at the potential cost to the council and hence the taxpayer.

A case in the high court, Murco Petroleum Limited v Bristol City Council clarified [<http://www.walkermorris.co.uk/content.aspx?id=1231>] the fact that regardless of these sales figures and calculations, the decision regarding the primary business of the premises still rests with the Licensing Committee.

What Shell are doing is not illegal under the current legislation as "As a matter of law, trading figures can be used to determine the issue of primary use under Section 176 (Green v the Justices for Inner London)." (Quoted from the Walker Morris article linked to above), however it appears, in my opinion at least, to be bullying councils with the threat of huge legal costs if they don't get their way.

On a side note, if the sale of fuel is so unprofitable for Shell, and selling booze is so important to them, perhaps they'd be better off running a chain of corner shops instead?

I've posted a couple of press cuttings after the break for anyone who's interested in the coverage of the Lichfield application.

Council grants Shell licence to sell alcohol until midnight

APPENDIX - 6

By Alex Keller
Times Reporter

SHELL has been granted permission to sell booze from its Lichfield premises from 10pm until midnight after a licensing committee determined the outlet is primarily a shop, not a filling station.

Residents living near the outlet at the junction of London Road and Tamworth Road crowded into the meeting of Lichfield District Council's Licensing and Consents Appeals Committee last Thursday.

The fiery hearing - which was awash with legal jargon - was also rocked during an adjournment for the decision, when one of the residents suffered a stroke and had to be rushed to hospital by ambulance.

The family of the lady in question has asked the Mayor not to name her.

Much of the preceding hour of the meeting was filled with discussion over whether the premises are primarily a filling station or a shop as section 131 of the Licensing Act 2003 rules that "premises used primarily as a garage or which form part of premises which are primarily so used" cannot sell alcohol.

A previous hearing last month was adjourned for Shell to produce turnover figures for fuel sales and trade in the shop.

A new panel comprising of Councillor Rita Harwood, Cllr Eric Drinkwater and Cllr Norma Bacon - who acted as chairman - presided over Thursday's reconvened hearing.

In the chamber, Shell barrister Leo Charalambides presented a breakdown of figures from September 1 last year to May 31 2011, showing the total fuel sales to be £1,017,170.51 in litres compared to total shop sales of £206,692.64.

Mr Charalambides successfully argued that in the gross margin - at 22 per cent - no shop sales reached £125,000 and the margin on fuel sales, at 0.065 pence per litre, totalled £465.74, the premises is primarily a shop.

Of the figures, Cllr Drinkwater replied: "It is not a fair comparison."

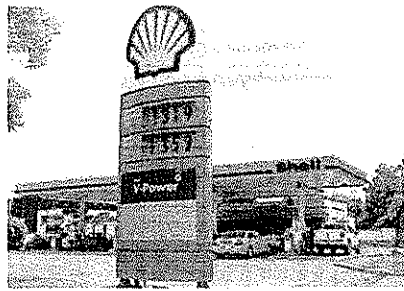
But Mr Charalambides said the statistics had been presented "as the High Court tells us is the best way".

Later, he advised the panel: "If we can't reach an understanding here today, the reality is we will have to go to a magistrates court and possibly the High Court, and I have provided you with all the legal data."

Legally, if a licensing application is turned down by a council, the applicant can pursue the matter with an appeal through the court system.

If the decision is then overturned, the council in question is liable for court costs.

Summing up, the barrister reiterated: "We very strongly deny that our information was misleading or misrepresentative in any way."



Lichfield District Council's licensing committee has determined that Shell's premises on London Road is primarily a shop, not a filling station. Fuel has been sold on the site since the 1960s.

For the residents, John Horton presented objections to the proposal, claiming fuel sales outstripped trade in the shop by a ratio of 50 to one.

"We believe that the premises are primarily a garage and therefore they become excluded premises under the terms of the 2003 Licensing Act," he said.

Mr Horton also endeavoured to present some data compiled by residents - a survey of 134 households in the vicinity of Shell's premises.

The questionnaire asked residents if they considered the outlet primarily a garage or a shop.

There were two abstentions and the remaining 130 households said they believed the premises to be primarily a garage.

But, after objection from Mr Charalambides, Cllr Norma Bacon disclosed the survey as "new evidence" which should have been presented earlier.

In an unrecorded ballot, two out of the three councillors voted that they did not consider the establishment to be an excluded premises and thus granted the new premises licence to sell alcohol from 10pm to 12am.

The licence also extends permission to sell hot drinks and microwave food, from a hatch, from 11pm to 12am.

Lichfield District Council's strategic director of democratic development and local services, Richard King, said the first licence in this case was returned to allow Shell UK Oil Products Ltd to provide more

information.

"Following legal advice, we decided that a fresh panel of councillors would consider the matter and conclude the hearing," he said.

"The panel listened to representations from the applicant and local people. They were informed that neither the police nor the district council's environmental health team had made any objections to the application."

"They also heard that the applicant had agreed to conditions the police requested, and had offered to change the hours for selling alcohol until 12 midnight, rather than the 24-hour alcohol licence it had originally applied for."

"The panel heard evidence that demonstrated the majority of profits from the premises come from shop sales, rather than petrol. The model used to demonstrate this formed part of a high court ruling in a previous case."

"Following careful consideration of all the evidence, the panel decided that it was not an excluded premises and went on to grant the licence."

He added: "Shortly before the panel's decision was announced, and after all the evidence had been heard, a local woman collapsed and an ambulance was called."

"To allow the paramedics to treat the woman and to offer her some privacy it was then agreed that the panel's decision would be announced in a new room."

"We have since contacted the family of the woman who collapsed to find out how she is and to pass on our concern."

[http://www.davidquinn.me.uk/wp-content/uploads/2011/10/Shell_Lichfield_Mercury_2011_07_14.pdf]

Lichfield Mercury 14th July 2011

Cash-strapped protesters drop 'garage' legal appeal

By Alex Keller
Times Reporter

RESIDENTS have dropped a legal appeal against Lichfield District Council over its decision to allow the sale of alcohol at a city garage.

The council's Licensing and Consents Appeals Committee agreed that Shell's premises in London Road are primarily a retail shop rather than a filling station, and was thus eligible to sell booze from 10pm until midnight.

Angry residents claim that fuel sales outstrip shop trade by a ratio of 20 to one and, therefore, Lichfield District Council should not have granted the licence as the premises is a garage - under the terms of the 2003 Licensing Act, alcohol cannot be sold at a petrol filling station.

But alcohol sales have already begun after Shell's barrister successfully argued that the margin on shop sales exceeds that on fuel, and that the premises is primarily a shop.

Protesters clubbed together to raise the £600 necessary to launch an appeal at Burton Magistrates' Court.

An initial session on August 9 scheduled a full hearing for October 16.

But residents have now reluctantly withdrawn their appeal following legal advice.

"To make Lichfield District Council withdraw the licence would be legally a very expensive procedure," said David Edwards, speaking on behalf of the residents.

"In view of the barrister's subsequent opinion, the residents would now need to have considerable funds



Shell successfully argued its premises on London Road is primarily a shop, not a petrol station.

available to cover the costs of their case.

"Residents feel that this is not a worthwhile way to spend hard-earned money and intend to withdraw from the October hearing before more costs are accrued. Residents will have to decide for themselves just how much they will use the garage."

He added: "Thank you to all who contributed. The funds have been used."

Mr Edwards said a similar case was considered recently by Carmock Chase Council for a premises in Rugby.

He said: "The council issued a licence to sell alcohol subject to the proviso that the garage would have to prove that it is primarily a shop."

"It is a pity Lichfield District Council did not do the same thing as Carmock Chase."

Then the onus would have been on the council, not residents, to prove beyond doubt whether it was primarily a garage or a shop.

Richard King, Lichfield District Council's strategic director of democratic development and legal services, said: "Licensing applications are often complex. When determining the application, the Licensing and Consents Appeals Committee were satisfied that Shell UK Oil Products Limited had proved its case. They were supported by qualified officers, who were on hand to make sure all the correct procedures were followed."

[http://www.davidquinn.me.uk/wp-content/uploads/2011/10/Shell_Lichfield_Mercury_2011_09_08.pdf]

Lichfield Mercury 9th September 2011

[<http://twitter.com/intent/tweet?text=Petrol+Station+Or+Shop%3F+http%3A%2F%2Fis.gd%2FDRIJVC>] ⑥

[<http://www.bebo.com/c/share?Url=http://www.davidquinn.me.uk/?p=297&Title=Petrol+Station+Or+Shop%3F>] ⑥

[<http://buzz.yahoo.com/buzz?targetUrl=http://www.davidquinn.me.uk/?p=297&headline=Petrol+Station+Or+Shop%3F>] ⑥

[<http://digg.com/submit?url=http://www.davidquinn.me.uk/?p=297&title=Petrol+Station+Or+Shop%3F>] ⑥

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3F&desc=Petrol+ Station+ Or+ Shop%3F] [http://www.facebook.com/share.php?u=http://www.davidquinn.me.uk/?p=297&t=Petrol+ Station+ Or+ Shop%3F] [http://www.google.com/buzz/post?url=http://www.davidquinn.me.uk/?p=297&imageurl=]

- Previous Entry: Twitter Weekly Updates for 2011-10-08
- Next Entry: Twitter Weekly Updates for 2011-10-22

Posted in Licensing

Tags: alcohol booze licensing Shell

You can follow any responses to this entry through the RSS 2.0 Feed. You can leave a response, or trackback from your own site.

1 comment

Add your comment



dave

December 20, 2011 at 9:03 am

Hi, Well, as a local resident, what as my family done about it? Voted with our feet and we no longer use, or purchase anything from this or any other Shell Garage.

regards,

Dave.

Reply

Leave a Reply

Name (required)

Mail (will not be published) (required)

Website

Submit Comment

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GreenPark 2

Pool-in-Wharfedale e-news

Pool in Wharfedale a historic village on the edge of the Yorkshire Dales.

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Village group contacts

Councillors and MP

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Key Telephone Numbers

Local Business Directory

Contact Pool E-News

Application for licence for sale of alcohol at Shell Garage, Pool-in-Wharfedale

The issues raised by Councillor Barry Anderson on behalf of residents of Pool-in-Wharfedale

a) Prevention of crime and disorder

- Given constant initiatives to reduce accidents through alcohol related driving it seems unwise to allow alcohol to be sold at an outlet that primarily serves passing motorists.
- It is proven that crime and disorder is a by-product of alcohol, usually occurring around the premise of sale.
- Drink drive figures are on the increase, the UK has an ever increasing drink problem at every level.
- Society moans and groans about the problems connected to driving and drink, then we allow petrol stations to sell the product that is causing a major problem in the very place all drivers have to visit.
- The sale of alcohol from a petrol station is ironic and contrary to the promotion of safe driving and the government's anti-drink driving campaigns.

b) Prevention of public nuisance

- Residents of Pool are able to obtain alcohol from many establishments in the village and the granting of a license would adversely affect their livelihood in these difficult time.
- Residents feel the village is relatively quiet during the evening despite being bisected by an extremely busy, noisy and dangerous major road. They doubt that most Pool residents' lives will be made more pleasant if this application is approved.
- We live in a society where drinking and driving are no longer acceptable the idea of filling one's car up and then buying alcohol at say 10pm is unnecessary.
- The sale of alcohol and the influence that alcohol has is and should be a major concern around public safety. The recent release of the NHS figures concerning drink related incidents should be enough to concern any decent member of the public.
- The Shell Garage in Pool frequently causes traffic hold-ups on the adjacent major roads. This is because demand exceeds the availability of pumps. Delays at the pumps are increased by drivers who purchase food and newspapers at the garage. The sale of alcohol would exacerbate this problem.
- This could be the thin end of the wedge in that a lot of garages nowadays convert to small convenience stores which this site could have potential for, leading to even greater highways, road safety, noise nuisance, drinking etc. etc.

c) Public Safety

- Loss of revenue to the Village Post Office - many older residents rely heavily on this amenity. Already under threat with Post Office closures, they do not need further threats to their viability - we need to support villages and their residents against large multi-nationals.

APPENDIX - 6

- The junction is very dangerous and the forecourt is at times overloaded and spilling out on to the highway - to encourage other drivers to stop here to purchase alcohol will only increase the problem.
- This junction is also very dangerous for pedestrians and if this encourages further people to seek access to the filling station to top up on alcohol during an evening - this too could prove to be a bad move.
- It takes some time to get served in the garage at times. Residents feel this lack of service is already unacceptable without them adding further lines to entice people in. The place is already choked to the ginnels so there is no room to move when there is a big queue of just 6 to 8 people. In truth the place feels utterly claustrophobic at these times.
- Selling alcohol from 6 in the morning appears a bit unnecessary.
- There are constant long queues for petrol and traffic problems, **already exacerbated by non petrol purchases**. This would worsen were additional folk to be "dropping in" for alcoholic drinks.

d) Protection of children from harm

- The garage is directly opposite to the skate park and playground. Many younger members of the community gather here of an evening - this can only encourage the possible sale to the underage members of our community.
- The pricing structure and type of alcohol being sold as part of the cross-selling of products may entice young adults and children who want to experiment.
- Why should a village petrol station sell liquor at all, given that the binge drinking culture is being discouraged.
- In spite of the law regarding the sale of alcohol to under age drinkers, it is not unusual for adults to be persuaded to purchase drink on their behalf. This would be much easier at an impersonal outlet where it would be much less likely for the shopkeeper to recognise who should or should not be served. The inevitable result would be under age drinking across the road in the skate park and surrounding areas. This observation would be even more relevant if alcohol were to be on sale until 10pm. Local residents adjacent to the garage would not welcome further antisocial and rowdy behaviour fuelled by drink.
- It has been widely publicised that young children are becoming addicted to alcoholic drinks at an early age and as yet there is no evidence to suggest this is occurring at present but it could be beneath the surface awaiting a catalyst that this could prove to be.
- I fear that such a license would give rise to an opportunity to purchase alcoholic drinks especially as it is opposite the children's play area and skate board park with access to fields by the river. If it gets known that young people are buying drinks from the garage drug dealers may target the area and things may get out of hand.
- Recent domestic abuse and physical assault figures put alcohol as a major contributing factor.
- Sales of alcohol from the existing sources are strictly controlled and under age drinking rules vigorously applied. There is no confidence amongst residents that the same conditions will be applied to the Shell Garage where there is a continuous flow of customers. The risk of alcohol for the use of young vulnerable people is self evident.

Designed and maintained by Pool E-News Group

Villagers happy with garage alcohol sale decision

7:00am Monday 24th October 2011

By Jim Jack

A plan to sell alcohol from a garage in Pool-in-Wharfedale has been thrown out by licensing watchdogs.

Shell had wanted to sell drink from its petrol station on Pool Road from 6am to 10pm, seven days a week.

The proposal was opposed by many residents, the Parish Council, ward councillor Barry Anderson and West Yorkshire Police – who feared it could lead to potentially dangerous congestion at an already busy site.

Coun Anderson praised the decision, taken by Leeds City Council's licensing sub-committee, to turn down the application.

He said: "The application received strong objections from many local people, along with the inspector of the Neighbourhood Policing Team, amid concerns about the detrimental effect it could have on the village.

"I'm delighted this application has been turned down.

"The strength of local feeling against it was very strong, so local residents will be pleased with this outcome.

"There were compelling reasons to refuse this application. The petrol station is just that – a petrol station, not a convenience store.

"If alcohol were sold here it would encourage more use of the site, putting pressure on adjacent roads which already get backed up by cars entering and leaving the forecourt.

"There have been a large number of road accidents outside the station this year, one of them fatal.

"Allowing the garage to sell alcohol would just make the situation worse.

"Furthermore, the garage is also very close to a skate park and playground.

"The last thing we need is somewhere close by selling alcohol that could easily fall into the hands of young people, especially near the busy roads."

A Parish Council spokesman said: "We are pleased the application was refused and support the view of the committee that the garage is primarily used for the sale of fuel.

"There is little use of the facility as a convenience store.

"Our primary concern remains that of public safety, as the garage is located at such a dangerous and busy junction."

The issue may yet resurface, however, as Shell have yet to decide whether or not to lodge an appeal.

Are petrol stations allowed to sell alcohol? West Yorkshire Police say no

by Barry Gibson, Huddersfield Daily Examiner **Mar 17 2012**



Apollo service station, Huddersfield Road, Ravensthorpe

POLICE are pursuing a test case against two Huddersfield petrol stations which could have "national implications".

West Yorkshire Police believe it is illegal for any garage to sell alcohol.

Now Kirklees Council will review the licences of the Total petrol stations on Leeds Road in Bradley and Huddersfield Road in Ravensthorpe in a hearing which could have an impact on every garage in the country.

"We're testing the waters with this," Pc Richard Farrand told the Examiner yesterday.

"This has got the potential to go national."

Pc Farrand believes Section 176 of the 2003 Licensing Act bans petrol stations from selling alcohol.

"It prohibits the sale or supply of alcohol from premises that are used primarily as a garage. The thing we want to know is what the primary use is of the Totals at Bradley and Ravensthorpe," he said.

“We’ve asked the company for the sales figures to show what the primary users are. They’ve not provided the figures but the council can adjourn the hearing until they are produced.”

Pc Farrand believes both garages could be trading illegally – even though they each have 24-hour alcohol licences.

“Under Section 176, no licence can be in place so any alcohol sales would be unauthorised,” he said.

Pc Farrand and his colleague Pc Richard Woodhead stumbled across the legal issue after receiving unconfirmed reports that the Total in Bradley was selling alcohol to under 18s.

“We had a complaint from a concerned parent and we carried out a test purchase operation, which they passed. It’s fair to say there’s no evidence of under-age sales there,” he said.

“That was the initial reason that we looked at the Total stations, it made us look at the legislation.”

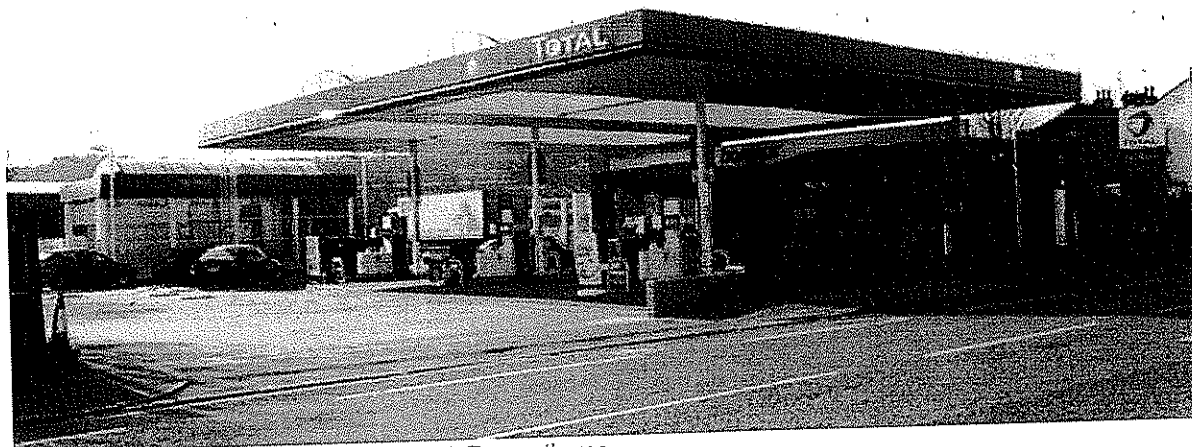
Pc Farrand said he had taken the unusual step of asking for expert legal help at the March 26 hearing.

“Pc Woodhead and I will be there as normal but we’ve appointed a barrister to put the police case,” he said.

[Comments \(23\)](#)

When is a petrol station not a petrol station? Police apply to Kirklees to ban booze sales at garages

by Barry Gibson, Huddersfield Daily Examiner Mar 27 2012



Apollo service station, Huddersfield Road, Ravensthorpe

COUNCILLORS have ruled that two petrol stations are not petrol stations.

In a national test case, Kirklees Council yesterday decided that garages in Huddersfield and Dewsbury are not garages – and can continue selling alcohol.

West Yorkshire Police had asked councillors to review the licences of the Total petrol stations on Leeds Road in Bradley and Huddersfield Road in Ravensthorpe.

Both business are permitted to sell alcohol 24-hours-a-day.

But officers believe that garages are banned from selling drink under Section 176 of the Licensing Act 2003.

Barrister Oliver Thorn put the case for the police at yesterday's meeting of the council's Licensing Panel at Huddersfield Town Hall.

"The aim of Section 176 is to keep people who are driving vehicles as far away from the temptation of purchasing alcohol as possible," he told councillors.

"Parliament saw fit to limit the sales of alcohol from garage premises to prevent crime."



APPENDIX - 6

Mr Thorn added that the businesses at Bradley and Ravensthorpe were garages.

"An analysis of the cashflow and footfall shows they are garages. That means the businesses are excluded premises," he said.

Mr Thorn told the three-strong panel that the hearing could have wide implications.

"This is a test to see if the police's view of all garages is correct," he said.

"The police have their concerns about other premises. Once something has been allowed to develop in the way that it has, any attempt to deal with it has to start somewhere."

Police carried out three surveys of customers arriving at the petrol stations.

From 2.30pm to 3.30pm on December 6, 2011, officers found 37 drivers buying fuel from the Bradley station, seven motorists using either the shop or the cash machine and two pedestrians going to the convenience store.

[Comments \(9\)](#)

News

STRETTFORD PETROL STATION'S 24/7 BOOZE BID IS WITHDRAWN

Matthew Davis

January 11, 2012



VICTORY... Councillors Steve Adshead, Dolores O'Sullivan and Tom Ross outside New Wolfe Service Station. They campaigned against the station's bid for a 24/7 alcohol licence.

Mecca Bingo: Free Bingo for New Players

[Javascript:Respond.OnOverlayClick(844,2018,374,932,994,'http%3A%2F%2Fmenmedia.co.uk%2Ftrafford%2Fnews%2Fs%2F1470344_stretford-petrol-stations-247-booze-bid-is-withdrawn',",",0,'http://promo.meccabingo.com/media/newbie-room.html?AFF_ID=2978&SUB_ID=MEC4',4)]

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The police have stepped in to halt a garage's bid to sell alcohol round the clock over fears about anti-social behaviour.


An application was submitted to the council by New Wolfe Service Station, in Stretford, for a 24-hour licence, seven days a week.

The bid also included the sale of hot snacks and refreshments from 11pm until 5pm Monday to Sunday.


But police feared the round the clock sale of alcohol would fuel trouble in what is already a problem area.

They negotiated with the Chester Road garage's solicitors and came to an agreement for the application to be revised to sell alcohol between 8am and 11pm.

Neighbourhood Inspector Andy Sutcliffe said: "The area round Lacy Street has had no end of problems, though we have resolved those to a certain degree recently.



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The garage's proposal was put out for consultation and was met with objections by councillors and residents.

TRAFFORD NEWS

They also feared the late night opening times would attract troublemakers and a petition was organised by the Meadows Tenants and Residents Association

Coun Steve Adshead praised the residents for lobbying the council and said it stopped a worrying precedent.

He said: "This is a great result because the proposals were worrying a lot of people.

"The residents had been outraged by plans to effectively have a takeaway open until 5am and alcohol served 24/7.

"It would have been a magnet for anti-social behaviour, attracting the wrong sorts, mindless idiots and we do not want these people hanging around till all hours.

"It was in the wrong location, it may be a main road but it backs into residents streets.

"But our lobbying has paid off and these plans have been scrapped.

"I think without the police's concerns we may not have been successful.

"It is a result for people power. By getting the idea scrapped in our area it could also stop ideas being pursued in other areas which could have seen similar schemes roiled out across the borough."

The council confirmed an licence application was submitted but following police objections has now been revised.

Rontec, which manages the service station, declined to comment.

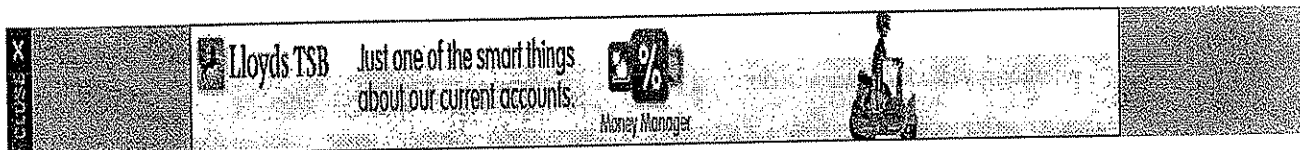
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2F1470344_stretford-petrol-stations-247-booze-bid-is-withdrawn',",",0,'http://promo.meccabingo.com/media/newbie-room.html?AFF_ID=2978&SUB_ID=MEC4',4)]

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[Back](#)**Rontec**[Request FREE Information](#)**In Brief****Description****We're seeking RETAILERS to manage service stations throughout the UK**

Rontec is one of the leading independent service station operators in the UK, we predominantly use the **Total** brand on our forecourts.

We operate over 500 service stations across the United Kingdom delivering high quality fuels, extensive convenience shop ranges and top quality car washes.

We're seeking to develop successful petrol convenience retailers who are ready to commit to a long-term partnership with one of the leading companies in the independent fuel retailing sector.

About Us

Rontec Investments LLP was founded in 2011 to acquire the assets of Total UK and is a consortium of companies comprising Snax 24, Investec and Grovepoint Capital.

Our service station network delivers high quality fuels, extensive convenience shop ranges and offers top quality car washes.

All of our stores stock a range of everyday essentials such as fresh bread, milk, sandwiches and newspapers so you can find whatever you need – whenever you need it. Larger stores also stock fresh fruit and vegetables, a comprehensive range of quality household groceries and alcohol at a selection of sites.

What Will I Do?

As a Commission Operator you will be responsible for the day-to-day operation of your own service station and store. This includes:

- Managing staff and stock
- Ensuring standards of excellence
- Maintaining cash flow
- Being a point-of-reference for customers
- Arranging deliveries
- Achieving sales target

APPENDIX - 6

- Presenting a positive image of the brand

Rontec will source suppliers, as well as setting up organisational systems, so you always have a point of reference. Reporting to the area manager, ultimately you will be responsible for the success of your Rontec service station and the profits generated.

What do I get for my investment?

- Comprehensive logistical support from Rontec
- Nationwide brand marketing
- A well known trademarked brand to trade under
- Constant support from local area manager and head office
- £15,000 stock

Working capital of **at least £20,000 to £25,000** will also be required to fund your business and purchase initial shop stock.

What training will I receive?

As part of our rigorous training programme, you will spend three weeks on an intensive training course. This is a mixture of classroom based and practical store based training, making sure that you get the best start possible.

What can I earn?

Earnings start from £25-30K per annum, although you can earn more.

News

Request FREE Information

First Name:

Last Name:

Email Address:

Telephone Number:

Where would you like to open a franchise?:

--Select--



DISLEY PARISH COUNCIL

Mrs M D Webb
Clerk of the Council
Tel/Fax: 01663 762726
E-Mail: disley.pc@btconnect.com

Council Office
19 Buxton Old Road
Disley
Cheshire
SK12 2BB

13 June 2012
Licensing Department,
Cheshire East Council,
Westfields,
Middlewich Road,
Sandbach,
Cheshire
CW11 1HZ

Re: **Application to Vary a Premises Licence – F021775**
Disley Service Station, 159 Buxton Road, Disley SK12 2HG

Dear Sirs,

Disley Parish Council strongly objects to this application to extend the sale of alcohol to twenty four hours a day, seven days a week and to the removal of embedded restrictions.

Disley is a rural village which already has eight licenced public houses, four licenced restaurants and a licensed Co-op late shop and the Parish Council sees no need for any business to provide the sale of alcohol in the village beyond the hours that it is currently available.

Disley Parish Council has worked very hard and at considerable expense to reduce the incidence of anti-social behaviour and underage drinking in the village over the past few years. This includes employing two Police Community Support Officers who have implemented several initiatives including two 'No drinking in public' zones. The Parish Council believes this application represents a retrograde step which does not fit with the government's current alcohol strategy of 'Safe, Sensible, Social'.

Prevention of Crime and Disorder

Disley Parish Council has serious concerns about the potential for further issues of crime and disorder in this area. Recent reports from residents to Cheshire Police and the Parish Council include cars driving around the forecourt at speed late at night, consumption of alcohol in cars parked at the rear of the petrol station with bottles, cans and food wrappings being thrown on the ground or over the fence into a field where horses are grazed. The garage is very close to the Arnold Rhodes playing field which was previously a location where under-age drinkers gathered and caused disruption and criminal damage. As reported above, much work has been done to alleviate alcohol related problems in the village and the Parish Council would not wish this good work to be undone.



DISLEY PARISH COUNCIL

Public safety

There have always been safety concerns at this location in relation to the entrance and exit which are both on a sharp bend and there have been numerous road traffic accidents of varying severity outside the garage over the years.

Also, Disley Parish Council does not consider that the twenty four hour sale of alcohol is conducive to the promotion of public health and safety. In view of the growth of alcohol as a public health issue the protection and improvement of public health should be taken into consideration together with the more random and immediate effects on residents living in the vicinity of the garage.

The garage is in a rural and somewhat isolated location which could leave staff vulnerable and at risk of robbery. There have been several such attacks at the Co-op late shop in Disley in the recent past including an armed robbery and two ram raids in which the cash machine has been stolen. This is despite there being CCTV covering the centre of the village. (See enclosed press articles).

Prevention of Nuisance

The availability of alcohol 24/7 and the fact that the garage will be trading through the night will undoubtedly result in noise nuisance and disturbance for residents living opposite and in the vicinity of the garage.

It is likely to encourage the congregation of young people at this location which again may result in late night nuisance and intimidation for residents.

Protection of Children

The garage is in close proximity to a children's play area and a camping site for Brownies & Girl Guides and the Parish Council believes it to be totally inappropriate and unnecessary that the garage is open beyond the times of other licensed premises in the village.

As previously stated, Disley used to have quite a severe problem with under-age drinking in the village, which gave cause for concern, and has now been addressed. The Parish Council is anxious that this good work should not be overturned.

Licensing legislation

Section 176 of the Licensing Act 2003 states that the licensing authority must decide whether or not the premises are used primarily as a garage.

Disley Parish Council request that the applicant presents footfall or sales figures, classified according to type of purchases, so that 'primary' use may be determined.

Yours sincerely,



Mary Webb,
Clerk of Disley Parish Council

MACCLESFIELD EXPRESS

News

MASKED RAIDERS TARGET DISLEY CO-OP

May 10, 2012

Chat, Make Friends & Play Bingo at Mecca

[Javascript:Respond.OnOverlayClick(844,2018,374,931,994,'http%3A%2F

%2Fmenmedia.co.uk%2Fmacclesfieldexpress%2Fnews%2Fs%2F1493488_masked-raiders-target-disley-co-op',",",0,'http://promo.meccabingo.com/media/newbie-room.html?AFF_ID=2978&SUB_ID=MEC3',1)]

Masked men threatened shop staff with hammers in a terrifying raid.

The Co-op store in Market Street, Disley, was hit at 9.40pm on Tuesday May 8.

Three robbers wearing balaclavas entered the store and threatened a staff.

They demanded access to the safe then made off with a quantity of cash and cigarettes towards Stockport.

The two women who were working were left shaken but unharmed.

The gang were white and wore dark clothing and a black balaclavas.

One of the men was 5ft 7-8ins tall and had a freckly face. Another of the gang was 6ft tall.

Anyone with information should contact DC Sarah Newton at Wilmslow CID on 101 quoting incident number 950 of 8 May 2012. Alternatively information can be given anonymously by contacting Crimestoppers on 0800 555 111.

Chat, Make Friends & Play Bingo at Mecca

[Javascript:Respond.OnOverlayClick(844,2018,374,931,994,'http%3A%2F

%2Fmenmedia.co.uk%2Fmacclesfieldexpress%2Fnews%2Fs%2F1493488_masked-raiders-target-disley-co-op',",",0,'http://promo.meccabingo.com/media/newbie-room.html?AFF_ID=2978&SUB_ID=MEC3',1)]

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MACCLESFIELD EXPRESS

News

CASH MACHINE STOLEN IN RAM-RAID ON DISLEY STORE

Chris Morris

July 21, 2011



The raid caused extensive damage to the front of the store

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[Javascript:Respond.OnOverlayClick(844,2101,390,1008,994,'http%3A%2F

%2Fmenmedia.co.uk%2Fmacclesfieldexpress%2Fnews%2Fs%2F1441545_cash-machine-stolen-in-ram-raid-on-disley-store',0,'http://ad.doubleclick.net/clk;258448707;82648881;d;1)']

A cash machine was stolen from a Co-op shop in Disley after crooks ram-raided the store in the early hours of the morning.

Officers were called to the shop on Market Street at 2.54am today (July 21) after two vehicles rammed into the wall of the premises.

The crooks then made off with the cash machine, a free-standing machine from inside the store, and were spotted heading towards Marple.

It is believed two vehicles, a turquoise Toyota 4Runner and a blue Suzuki panel van, were stolen from the Greater Manchester area for the theft.

The Toyota was later found dumped on Jackson Edge Road in Disley at its junction with Homestead Road, with damage to its front.

Police have been carrying out house-to-house enquiries and want to speak to anyone who could help with the investigation.

Detective Inspector Iain Goodwin said: "Anyone in the area at the time will have been alerted by the sound of the raid. We would urge anyone who may have seen the offence taking place or who saw the vehicles matching the description given, to contact police on 0845 458 0000 quoting incident number 115 of 21 July, 2011.

"Alternatively information can be given anonymously on the independent charity

Crimestoppers number 0800 555 111."

APPENDIX - 7

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Premises Licence Summary

Premises Licence Number:

PR/0346

Premises Details

Postal address of Premises or, if none, ordnance survey map reference or description:

Disley Service Station
159 Buxton Road
Disley
Stockport, Cheshire

Post Town: Disley

Post Code: SK12 2HG

Telephone Number: 01663 763343

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Sale and Supply of Alcohol

The times the Licence authorises the carrying out of licensable activities:

Sale and Supply of Alcohol

Monday to Saturday	08.00 to 23.00
Sunday	10.00 to 22.30
Christmas Day	12.00 to 15.00 and 19.00 to 22.30
Good Friday	08.00 to 22.30

From the end of permitted hours on New Years Eve to the commencement of hours on New Years Day

The opening hours of the Premises:

Not known

Where the Licence authorises supplies of alcohol, whether these are on and/or off supplies:

For consumption off the premises only

Name, (registered) address and telephone number of holder of Premises Licence:

Rontec Watford Ltd
13-14 Esplanade
St Helier
Jersey
JE1 1BD

Registered number of holder, for example company number, charity number (where applicable):

Registered company number: 108486

Name of designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Miss Joanne Louise Bradley

State whether access to the Premises by children is restricted or prohibited:

No

Licence issued on 29th March 2012



.....
Signed by Amanda Hinton on behalf of
Cheshire East Borough Council

Annex 1 - Mandatory Conditions

1. No supply of alcohol may be made under this Premises Licence -
 - (a) at a time when there is no designated premises supervisor in respect of the Premises Licence, or
 - (b) at a time when the designated premises supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under this Premises Licence must be made or authorised by a person who holds a Personal Licence.

LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS) ORDER 2010

MANDATORY CONDITIONS

Condition 4

- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 - Conditions consistent with the Operating Schedule

1. Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means:
 - a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
 - b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
 - c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
 - d. On Good Friday, 8 a.m. to 10.30 p.m.
2. The above restrictions do not prohibit:
 - (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
 - (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
 - (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
3. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

None

Annex 4 - Plans

Please see attached

