

Central Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ

**This meeting
may be filmed.***



**Central
Bedfordshire**

please ask for Celina Jagusz

direct line 0300 300 4034

date 21 March 2019

NOTICE OF MEETING

LICENSING SUB-COMMITTEE

Date & Time

Friday, 5 April 2019 10.00 a.m.

Venue at

Council Chamber, Priory House, Chicksands, Shefford

Richard Carr
Chief Executive

To: The Members of the LICENSING SUB-COMMITTEE:

Cllrs D Bowater, K Collins and T Nicols

[Named Substitutes: R D Berry, J Chatterley, Dalgarno, Mrs A L Dodwell,
P A Duckett, P Smith, T Swain, N Warren and R D Wenham]

All other Members of the Council - on request

**MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS
MEETING**

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AGENDA

1. **Election of Chairman**

To elect a Chairman for the hearing.

2. **Apologies for Absence**

To receive apologies for absence and notification of substitute Members.

3. **Members' Interests**

To receive from Members any declarations of interest.

4. **Procedure for the Hearing of Applications under The Licensing Act 2003**

To note the procedure for hearing applications under the Licensing Act 2003 (copy attached).

5. **The Four Licensing Objectives**

To note the four Licensing Objectives (copy attached).

Report

Item Subject

6. **Variation to a premises licence MRH Stotfold Service Station, 67 Arlesey Road, Stotfold, Hitchin SG5 4HB**

The applicant wishes to extend off sales of alcohol to 24 hours a day and include late night refreshment on the licence 23.00hrs to 05.00hrs every day. 19 objections have been received from interested parties. The Sub-Committee is asked to consider whether the variation application should be granted.

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Procedure for the hearing of applications The Licensing Act 2003

The Licensing Act 2003 (Hearings) Regulations 2005

**Public Protection
Central Bedfordshire Council
Priory House
Monks Walk
Chicksands
Shefford
SG17 5TQ**

0300 300 8000

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**Licensing Sub-Committee Procedure for
Determining applications under the Licensing Act 2003**

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Introduction

- 1.1. The Licensing Act 2003 has placed local authorities at the centre of the decision making process for regulating the sale and supply of alcohol, provision of regulated entertainment and late night refreshment.
- 1.2. This document and the procedures detailed herein are based upon the guidance issued by the Local Government Regulation Service and with regards to the provisions of:
 - the Licensing Act 2003;
 - the Guidance issued by the Secretary of State for Culture, Media and Sport on 7 July 2004 under section 182 of the Licensing Act 2003; and
 - The Licensing Act 2003 (Hearings) Regulations 2005 (as amended).
- 1.3. This guidance is intended for all concerned in any way whatsoever with a hearing before a licensing panel (Licensing Sub-committee, the Licensing Committee or Council, as may be the case) in relation to the determination of applications under the Licensing Act 2003.

2. General Principles

- 2.1. All Members sitting on the determination of an application will always:
 - promote the right of all parties to have a fair hearing;
 - only have regard to such of the four licensing objectives that are subject to a relevant representation, namely:
 - the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm;
 - have regard to the Licensing Act 2003 and any relevant secondary legislation;
 - have regard to the Council's Statement of Licensing Policy;
 - have regard to the Guidance issued by the Secretary of State for Culture, Media and Sport under section 182 of the Licensing Act 2003;
 - treat each application on its own merits; and
 - undertake its decision-making responsibilities honestly and fairly, in an open, transparent and accountable way.

PRE-HEARING

3. Licensing Panels

- 3.1. Generally, hearings will take place before a Licensing Sub-committee consisting of three Members of the Licensing Committee, although, to avoid unnecessary adjournments, a fourth Member may attend as a substitute Member.
- 3.2. If, for any reason whatsoever, it is not possible to have a matter determined by a Licensing Sub-Committee, the matter would be heard by the Licensing Committee. A Licensing Committee must consist of between ten and fifteen Members and at least one half of those Members must attend for a hearing to proceed before the Licensing Committee.
- 3.3. In the highly unlikely event of it not being possible, for any reason whatsoever, to have a matter determined by either a Licensing Sub-committee or the Licensing Committee, the matter would be heard by Council.

4. Timescales for Convening a Hearing

- 4.1. Most hearings under the Licensing Act 2003 must normally take place within 20 working days from the last date in which representations can be made. There are exceptions to this rule.
- 4.2. Exceptions:
 - 4.2.1. A hearing must take place within 10 working days of the Authority receiving notification of a review of the premises following a closure order;
 - 4.2.2. A hearing must take place within 7 working days from the day after the end of the period within which the police can object to a temporary event notice;
 - 4.2.3. A hearing must take place within 5 working days beginning the day after the end of the last day for the police to object to an interim authority notice.
- 4.3. Hearings may be dispensed with where all relevant persons agree a hearing is unnecessary.

5. Notice of Hearing

- 5.1. Generally 10 clear days notice will be given of a hearing. There are exceptions to this rule.
- 5.2. Exceptions:
 - 5.2.1. 5 days notice will be given of a hearing for a review of a premises licence following a closure order;
 - 5.2.2. 2 days notice will be given of a hearing following police objection to an interim authority notice;
 - 5.2.3. 2 days notice will be given of a hearing following police objection to temporary events notice.

6. Persons to be Notified of a Hearing

- 6.1. The following persons must be notified of a hearing:
 - 6.1.1. Any applicant for any licence, provisional statement or review;
 - 6.1.2. Premises user who submitted a temporary event notice;
 - 6.1.3. Any person who has made relevant representations;
 - 6.1.4. Any Responsible Authority; and
 - 6.1.5. Where an application is made for a review, the holder of a premises licence or club premises certificate.

7. Contents of Notice

- 7.1. The notice of a hearing must contain:
 - 7.1.1. The date, time and place of the hearing;
 - 7.1.2. The procedure to be followed at the hearing;
 - 7.1.3. The right of a party to attend and to be assisted or represented by any person whether legally qualified or not;
 - 7.1.4. Any points upon which the authority considers that it will want clarification from a party at the hearing;
 - 7.1.5. The right of the party to provide additional information to provide any clarification sought by the Authority;
 - 7.1.6. The consequences of failing to attend the hearing or not being represented at the hearing;
 - 7.1.7. Any information the Licensing Authority has received in support or opposition of the application.

8. Hearings to be open to the public

- 8.1. Hearings will generally be open to the public as the Licensing Authority is committed to taking decisions in an honest, accountable and transparent way, but on occasions a licensing panel may find it necessary to exclude a party or parties, the public and press from all or any part of a hearing.
- 8.2. A panel will only pass an exclusion resolution where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public. Such decisions will be made on an individual basis.
- 8.3. The panel's deliberations, which do not form part of the hearing, will be conducted in private. The announcement of the panel's decision is part of the hearing and will generally be open to the public, subject to any exclusion resolution.

9. Failure to attend the hearing

- 9.1. No party is obliged to attend a hearing, although the Licensing Authority encourages all parties to attend hearings to make their application or representation, as may be the case.
- 9.2. Regardless of whether a party attends a hearing or not, the matter will generally be heard and determined by the licensing panel (the Council, the Licensing Committee or a Licensing Sub-committee). At the hearing, the panel will consider any application, representation or notice made by an absent party in the same way as it will of any application, representation or notice made by a party that attends the hearing.
- 9.3. If, however, the hearing is adjourned to a specified date, all parties will forthwith be notified of the date, time and place to which the hearing has been adjourned.

10. Disruptive behaviour

- 10.1. Any person who disrupts a hearing by the Council, the Licensing Committee or a Licensing Sub-committee of a matter under the Licensing Act 2003 may be required to leave the hearing.
- 10.2. It is for the panel hearing the matter to decide whether such person will be permitted to return to the hearing, but should they be allowed to do so, this may be on such conditions as the panel may specify.
- 10.3. If a disruptive person is a person who has a right to address the panel, then that person may, before the end of the hearing (i.e. before Stage 25 of the following procedure), put in writing any information they would have been entitled to give orally, had they not been required to leave the hearing.

SUB - COMMITTEE AGENDA

11. Licensing Sub-Committee agenda

- 11.1. The Licensing Sub-Committee Hearing shall be commenced in accordance with the Licensing Sub-Committee agenda. Any Committee matters shall be addressed at this stage.
- 11.2. The Licensing Sub-Committee Hearing procedure shall take over at the point at which the agenda item is called to be heard.
- 11.3. The Sub-Committee agenda shall deal with the issue of exclusion of press and public for the Licensing Sub-Committee Hearing.

HEARING PROCEDURE

12. Opening the Hearing

- 12.1. The Licensing Sub-Committee Hearing shall be formally opened by the Chair.
- 12.2. The Chair shall introduce Members of the licensing panel (a Licensing Sub-committee, the Licensing Committee or Council), officers present and all other parties present.
- 12.3. The Chair shall explain the procedure to be followed at the meeting and the nature of the decision to be taken by the panel.

13. Licensing Officer's Report

- 13.1. The Licensing Officer presents his / her Report, including an outline of the application, the representation(s) and any points upon which the Licensing Authority has given notice that it required clarification; and identifies anything relevant in the legislation, the Council's Statement of Licensing Policy and the statutory guidance issued by the Secretary of State for Culture, Media and Sport.
- 13.2. Members of the panel may ask questions of the Licensing Officer with regards to the Report.

14. Licensing Authority's request(s) for clarification

- 14.1. If points of clarification have been asked for, the Chair invites the Licensing Officer or relevant party to provide necessary information.
- 14.2. Members of the panel may ask questions with regards to the further information provided.

15. Presentation of Case / Submissions from Parties

- 15.1. In the order of Applicant, Responsible Authority and Interested Party (or in the case of a review the relevant person), each party shall be invited to undertake the following:
 - 15.1.1. Set out their case;
 - 15.1.2. Call Witnesses in support of their case (provided notification of the witnesses has previously been given to the Council);
 - 15.1.3. Introduce documentary evidence in support of their case (provided notification of the documentary evidence has previously been given to the Council); and
 - 15.1.4. Respond to any questions asked of them by Members of the Licensing Panel.
- 15.2. At the Sub-Committee and Chair's discretion each party may ask questions of other parties by directing them through the Chair.

- 15.3. The Sub-Committee shall have the absolute discretion to restrict the number of witnesses and documents that any party can introduce, or the time spent on submissions or oral evidence, to ensure the proper running of the hearing.
- 15.4. Any witnesses that any party is seeking to call that have not previously been notified to the Council, in advance of the hearing, shall only be allowed with the consent of all other parties at the hearing. The Sub-Committee shall have the sole discretion to refuse to allow any witnesses to be heard, even where the consent of all parties has been given. In reaching the decision the Sub-Committee may consider any circumstances they believe to be relevant, and will have regard to the relevance of the evidence to the matters before the Committee.
- 15.5. Any documents that any party is seeking to adduce that have not previously been notified to the Council, in advance of the hearing, shall only be allowed with the consent of all other parties at the hearing. The Sub-Committee shall have the sole discretion to refuse to allow any documents to be adduced, even where the consent of all parties has been given. In reaching the decision the Sub-Committee may consider any circumstances they believe to be relevant, and will have regard to the relevance of the evidence to the matters before the Committee.

16. Modification or Withdrawal of Application or Representation

- 16.1. The Chair shall ask the applicant whether the applicant wishes to modify the application (e.g. by way of withdrawing a licensable activity and / or reducing the times asked for and / or volunteering additional steps to promote the licensing objectives).
- 16.2. The Chair shall ask each party making a representation whether such party would like to withdraw their representation.

17. Closing Submissions

- 17.1. The Chair shall invite each of the parties to present a closing submission to the Sub-Committee.
- 17.2. The Chair shall invite the Licensing Officer to make any final representations.
- 17.3. At the end of the Closing Submissions the Chairman may ask the Legal Advisor if there is any clarification or points they wish to make.

18. Legal Advice

- 18.1. The role of the Legal Advisor is to provide Members with advice on:
 - Questions of law;
 - Matters of practice and procedure;
 - The options available to the sub-committee in making their decision;
 - Whether information or evidence is relevant to the licensing objectives;
 - Any relevant case law or guidelines.

18.2. The hearing shall be directed by the Chair and assisted by the Legal Advisor as appropriate and necessary.

19. Committee Decision in Relation to Procedure

19.1. The Sub-Committee shall be entitled to vary the order and procedure for the hearing, at its absolute discretion.

20. Determination of the Application

20.1. After all representations have been heard, the Chair will inform all parties that the panel will retire in private to determine the matter.

20.2. Either the panel will retire alone to a private room or all parties, officers and members of the public will be required to leave the room, although the panel may invite their legal adviser to join them for the purpose of providing only legal advice - the details of which will be disclosed upon the hearing reconvening.

20.3. Should the sub-committee need to ask any further questions of any party, all parties shall be invited to return for the purposes of asking and answering questions.

20.4. Where the hearing is for:

- a review of a premises licence following a closure order;
- a personal licence by holder of a justices licence; or
- a counter notice following police objection to a temporary event notice.

The Sub-Committee must make its determination at the conclusion of the meeting.

20.5. For all other hearings the determination must be made within 5 working days of the hearing. The Sub-Committee will generally announce the determination at the end of the hearing.

20.6. The Sub-Committee may consider adding any conditions necessary in order to promote one or more of the four licensing objectives:

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

20.7. All decisions shall be made in line with the general principles as detailed in Appendix A, the range of options available for determining each type of application.

20.8. The Sub-Committee shall complete the decision notice as shown at Appendix B.

20.9. The hearing will reconvene and the Chair will either:

- announce the Sub-Committee determination including reasons for the determination; or
- advise those persons present that the Sub-Committee has not reached a decision, but will make a determination as soon as it can and, in any event, within five working days. All parties will then be notified forthwith of the decision.

POST HEARING

21. Record of Proceedings

- 21.1. The authority shall ensure that a record is taken of the hearing.
- 21.2. The record shall be kept for a period of six years from the date of the final action on the matter.

22. Irregularities

- 22.1. Proceedings shall be rendered void due to a failure to comply with the procedures set out in this document.
- 22.2. Any failure to comply with the Hearing Regulations shall not render the process or the decision void.
- 22.3. Where the Authority considers any person to have been prejudiced from the irregularity it shall take such steps as it considers fit to remedy the irregularity, before reaching its determination.
- 22.4. Clerical mistakes may be corrected by the Authority.

23. Decision Notices

- 23.1. The Authority shall provide a written notice of its determination as soon as practicable after the hearing and within 5 working days.

24. Appeals

- 24.1. An appeal against the determination of the Authority must be made to the appropriate Magistrates Court within 21 days of the date of delivery of the decision.

25. Closing the Hearing

- 25.1. The Chair shall thank all parties for attending and draw the hearing to a close.
- 25.2. Should there be another hearing to be heard the Sub-Committee shall begin the procedure again.

Licensing Sub-Committee Checklist
Procedure for determining applications under the Licensing Act 2003

Item				
1.	Chair to introduce Sub-Committee, Committee Administrator, other Officers and all Parties present.			
2.	Chair to explain procedure for hearing to all parties.			
3.	Licensing Officer to introduce application, including details of the premises, application, objections, references to the Licensing Objectives and Policy and Statutory Obligations.			
4.	Chair to invite Sub-Committee to ask any questions of the Licensing Officer, in relation to the report provided.			
5.	Chair to ask Licensing Officer whether there are any points requiring Clarification.			
Steps 6 to 9 to be completed for each party in the order of Applicant (A), Responsible Authority (RA) and Interested Party (IP) or Relevant Person (RP). The chair will invite each party to:		A	RA	IP/ RP
6.	Set out their case			
7.	Call Witnesses in support of their case (provided notification of the witnesses has previously been given to the Council);			
8.	Introduce documentary evidence in support of their case (provided notification of the documentary evidence has previously been given to the Council); and			
9.	Respond to any questions asked of them by Members of the Licensing Panel.			
Repeat steps 6 to 9 for each party				
10.	At the Sub-Committee and Chair's discretion each party may ask questions of other parties by directing them through the Chair.			
11.	Chair asks Applicant if they wish to modify or withdraw their application in any way.			
12.	Chair to invite closing submissions from applicant, responsible authorities and interested parties.			
13.	The Sub-Committee will retire into private to consider its decision.			
14.	Chair will announce the decision of the Sub-Committee and the reasons for the decision. The Chair will advise all parties of their right of appeal.			

Appendix 'A'

Options for determining applications

Determination of application for premises licence

- To grant the licence
- To grant with the addition of conditions necessary to promote any of the licensing objectives
- To exclude from the scope of the licence any of the licensable activities to which the application relates
- To refuse to specify a person in the licence as the premises supervisor
- To reject the application

Determination of application for variation of a premises licence

- To grant the variation
- To modify the conditions of the licence – this includes altering or omitting any existing condition or adding any new conditions
- To reject the whole or part of the application

Determination of application for review of a premises licence

- To modify the conditions of the licence – this includes altering or omitting any existing condition or adding any new conditions
- To exclude a licensable activity from the scope of the licence
- To remove the designated premises supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

Appendix 'B'



CENTRAL BEDFORDSHIRE COUNCIL

DECISION NOTICE

LICENSING ACT 2003

DECISION OF THE LICENSING SUB – COMMITTEE

Date of Hearing	
-----------------	--

Applicant's Name:	
Premises Address:	

Application for:	
------------------	--

Reasons for Hearing:	
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Members of the Licensing Sub-Committee:	
---	--

Applicant:	
Person(s) Appearing on Behalf of the Applicant:	

Objector(s):	
Person(s) Appearing on Behalf of Objector(s):	

Other Persons Present:	
------------------------	--

If appropriate:

<u>COMMENCEMENT DATE</u>
This licence will come into effect from:
<input type="checkbox"/> The date of this decision
<input type="checkbox"/> The end of the period for appeal.

FINDINGS OF FACT
The Sub-Committee made the following findings of fact:

DECISION
The Sub-Committee have decided that the application should be:

Granted (as set out in the application)

Refused

Amended to include the following conditions:

1.

2.

- The Sub- Committee considers the additional conditions necessary for the promotion of the licensing objectives.
- All Licences are granted subject to the mandatory conditions imposed by the Licensing Act, 2003.
- In coming to its decision, the Sub-Committee has taken into account:
 - The Licensing Act Section 18, which states that it must take such steps it considers necessary for the promotion of the licensing objectives;
 - The Secretary of State’s Guidance issued under section 182 of the Licensing Act 2003; and
 - Central Bedfordshire Council’s Licensing Policy
 - The merits of the application and the representations (including supporting information) presented by all parties.

REASONS FOR DECISION
The reasons for the Committee’s decision are as follows:

Prevention of Crime and Disorder

Public Safety

Prevention of Public Nuisance

Protection of Children from Harm

General – all four licensing objectives

<u>Irrelevant Representations</u>	
The Sub-Committee determined that the following representations were irrelevant: Not applicable.	
<u>Representation</u>	<u>Reason Representation was Considered Irrelevant</u>
1.	
2.	

<u>Right of Review</u>
At any stage, following the grant of a premises licence, a responsible authority, such as the Police or an interested party, such as a resident living in the vicinity of the premises may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The review is a request for the Council to look at the existing licence and decide whether its conditions are adequate to meet the four licensing objectives defined under the Licensing Act 2003.

<u>Effect of Failing to Comply with Conditions (Explained to Applicant)</u>
The Sub-Committee has explained to the applicant the effect of failure to comply with any of the conditions attached to the licence or certificate is a criminal offence, which upon conviction, would result in a fine of up to £20,000 or up to six months imprisonment or both.

<u>Right of Appeal</u>
Applicants or any person who has made a relevant representation who is dissatisfied with this decision or the imposition of any condition or restriction has the right of appeal to the Magistrates Court within 21 days of the date on which they are notified of the decision.

Signed: _____
 [Name]
 Chair of Licensing Sub-Committee

Date: _____

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The Four Licensing Objectives

To promote the following Licensing Objectives:

- 1. Prevention of crime and disorder**
- 2. Public safety**
- 3. Prevention of public nuisance**
- 4. Protection of children from harm**

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Central Bedfordshire Council



Licensing Sub Committee

5 April 2019

**Variation to a premises licence MRH Stotfold Service Station, 67
Arlesey Road, Stotfold, Hitchin, SG5 4HB**

Report of:	Head of Public Protection (susan.childerhouse@centralbedfordshire.gov.uk)
Function of:	Licensing Committee of a licensing authority
Public/Exempt:	Public
Wards Affected:	Stotfold and Langford
Premises location:	The premises is a petrol station with a grocery shop on site surrounded by residential properties.
Ward Councilors:	Cllr John Saunders, Cllr Brian Saunders & Cllr Steven Dixon
Applicant:	Malthurst Petroleum Limited, Gladstone Place, 36-38 Upper Marlborough Road, St Albans, AL1 3UU
Applicant's agent	Winckworth Sherwood LLP, Minerva House, 5 Montague Close, London, SE1 9BB

Purpose of this report

The applicant wishes to extend off sales of alcohol to 24 hours a day and include late night refreshment on the licence 23.00hrs to 05.00hrs every day. 19 objections have been received from interested parties. The Sub-Committee is asked to consider whether the variation application should be granted.

RECOMMENDATIONS

The Sub-Committee is asked to either:

- 1. Grant the application as applied for**
- 2. Grant the application with conditions or amendments to the licensable activities/times of the licensable activities**
- 3. Reject the application**

Application

The current licence

1. The current premises licence authorises;
 - sales of alcohol off the premises Monday to Saturday 08.00hrs to 23.00hrs and Sunday 10.00hrs to 22.30hrs with
 - nonstandard timings of 08.00hrs to 22.30hrs Good Friday and 12.00hrs to 15.00hrs and 19.00hrs to 23.00hrs on Christmas Day.

See Appendix A.

The details of the present application

2. The applicant has applied;
 - to extend the licensable hours for sales of alcohol to 24 hours a day.
 - add a new licensable activity, late night refreshment to the premises licence.
 - to remove any embedded conditions/restrictions. However, there are none.
 - remove the following condition from Annex 2 of the premises licence; 'Outside of permitted hours for the sale of alcohol, all alcohol within the trading area is to be kept behind shutters/screens/grills.'
 - to amend the plan attached to the premises licence to allow sales of alcohol and late-night refreshment anywhere within the premises.

Please see Appendix B for a copy of the variation application.

Representation

3. 19 objections have been received. 17 are from residents either living on Arlesey Road or The Gardens. 1 is from Stotfold Town Council and 1 is from a local councillor.

4. The objectors raise several issues. However, the ones relevant to the licensing objectives are nuisance from either light or noise, nuisance from litter and an anticipated increase in crime and disorder.

Relevant objective	Number of objections relating to
Noise (Prevention of public nuisance)	16
Litter (Prevention of public nuisance)	16
Lights (Prevention of public nuisance)	6
Crime & Disorder	4

Please see appendix C1 to C19 for a copy of the objections.

Petition

5. There has also been a petition submitted which raises concerns over the extreme proximity of the residential properties with little protection against air, noise and light pollution. Concerns have been raised about litter broken glass which the residents feel is attributable to the premises. They are concerned that the garage will become an easy target for crime during the early hours and fear that anti-social behaviour will increase. The petition has 101 signatures.

Consultation

6. The consultation period ran from 23 January 2019 to 20 February 2019.

7. No representations were received from the responsible authorities.

Responsible authority	Comment
Police	No representations
Fire	No representations
Environmental Health	None
Health & Safety	None
Planning	None
Child Protection	None
Public Health	No representations
Trading Standards	No representations

Guidance

8. In accordance with the provisions of the Licensing Act 2003 and the Councils scheme of delegation, all applications with relevant representations must be determined by a sub-committee.
9. When determining the application, Members should only consider issues, which relate to the licensing objectives, which in this case are:

The Prevention of Public Nuisance The Prevention of Crime and Disorder

10. The sub-committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. (Sections 7.1 and 7.3 refer to the relevant licensing objectives).
11. Members should not allow themselves to pre-determine the application or to be prejudiced in favour or opposed to the representations and shall only determine the application having had an opportunity to consider all relevant facts.

Other relevant information

12. The current times authorised on the premises licence were the times authorised under the 1964 Licensing Act Justices' Off Licence. An application was received on 22 July 2005 to convert that licence to a premises licence under The Licensing Act 2003 no amendments to the licensable activities or times were requested at that time.
13. Late night refreshment is the sale of hot food and drink is applicable between the hours of 23.00 and 05.00. As the garage has not previously been open at these times, late night refreshment was not previously required.
14. There are no embedded conditions/restrictions on the current premises licence.
15. If the application is granted as applied for, the condition 'Outside of permitted hours for the sale of alcohol, all alcohol within the trading area is to be kept behind shutters/screens/grills.' would become irrelevant as the premises would be open 24 hours a day and the sales of alcohol would always be permitted.
16. The plan attached to the current premises licence stipulates a specific area where alcohol will be made available for sale.
17. The premises is located in a residential area. There are residential properties on either side of the premises and to the rear of the premises on the boundary. The Fox and Duck Pub is 0.1 miles away. Etonbury Academy is 0.5 miles away. Please see Appendix D1 to D3 for maps of the area.

Options for consideration

Option A: Grant the licence as sought

Option B: Grant the licence with conditions (may include restrictions on licensable activities/hours)

Option C: Reject the application

Corporate Implications

Legal Implications

18. Licensing applications are considered pursuant to specific legislation, explained within the report.

19. Any decision made by the Sub-Committee could be the subject of an appeal to the Magistrates Court by the license applicant or by an objector to the application.

Financial and Risk Implications

20. There are no direct financial implications for the Council.

21. All Council members are aware that any licensing matter decision which is unreasonable or unlawful could be open to challenge and could result in reputational damage and potential financial penalty.

22. The report details the options available to the Sub-Committee in determining the application/s and recommends a decision/s which could be reached. Any decision taken by the Sub-Committee has a risk of appeal to the Magistrates Court.

Equalities Implications

23. To ensure that any decision does not unfairly discriminate, public authorities must be rigorous in reporting to Members the outcome of an equality impact assessment and the legal duties.

24. Public Authorities must ensure that decisions are made in a way which minimises unfairness and without a disproportionately negative effect on people from different ethnic groups, disabled people, women and men. It is important that Councilors are aware of this duty before they take a decision.

Appendices

- Appendix A:** The Current Premises Licence
- Appendix B:** The Variation Application
- Appendix C1 to C19:** Objections from interested parties
- Appendix D1 to D3:** Maps of the area local to the premises

Background Papers (open to public inspection)

The Licensing Act 2003
The Live Music Act 2012
The Deregulation Act 2015
Central Bedfordshire Council Licensing Policy
(on website)

Report author(s): Nicola O'Donnell

Licensing Compliance Officer

nicola.odonnell@centralbedfordshire.gov.uk

Appendix A



**THE LICENSING ACT 2003
CENTRAL BEDFORDSHIRE COUNCIL
PREMISES LICENCE
PART A**

Premises licence number	2000257
--------------------------------	---------

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
MRH Stotfold 67 Arlesey Road	
Town Stotfold	Post code SG5 4HB
Telephone number 01462 832120	

Where the licence is time limited the dates
Not applicable

Licensable activities authorised by the licence
Supply of alcohol

The times the licence authorises the carrying out of licensable activities
Supply of alcohol – Off the premises
Monday to Saturday 08:00hrs to 23:00hrs. Sunday 10:00hrs to 22:30hrs. Seasonal variations and non standard timings - Good Friday 08:00hrs to 22:30hrs. Christmas Day 12:00hrs to 15:00hrs then 19:00hrs to 22:30hrs.

The opening hours of the premises
No restrictions.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
Off the premises.

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Malthurst Petroleum Limited
Gladstone Place
36-38 Upper Marlborough Road
St Albans
AL1 3UU

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

762360

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Karthick Nagappan



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol



Issued by:  Council

This licence is effective from the 30th January 2019

Dated the 30th January 2019

A handwritten signature in black ink, appearing to be 'Susan Childerhouse', with a long horizontal line extending to the right.

**Susan Childerhouse
Head of Public Protection**

Annex 1 - Mandatory conditions

Mandatory conditions where licence authorises supply of alcohol

- 1) No supply of alcohol may be made under the 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 the premises licence must be made or authorised by a person who holds a personal licence.

All relevant mandatory conditions as per current legislation (see attached sheet)

Annex 2 - Conditions consistent with the Operating Schedule

a) General – all four licensing objectives (b, c, d, e)

See below

b) The 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 on site. Copies of recordings will either be recorded on good quality video tape or digitally on to CD/DVD or other equivalent medium.

Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.

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.

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

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

Outside of permitted hours for the sale of alcohol, all alcohol within the trading area is to be kept behind shutters/screens/grills.

c) Public Safety

d) The prevention of public nuisance

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

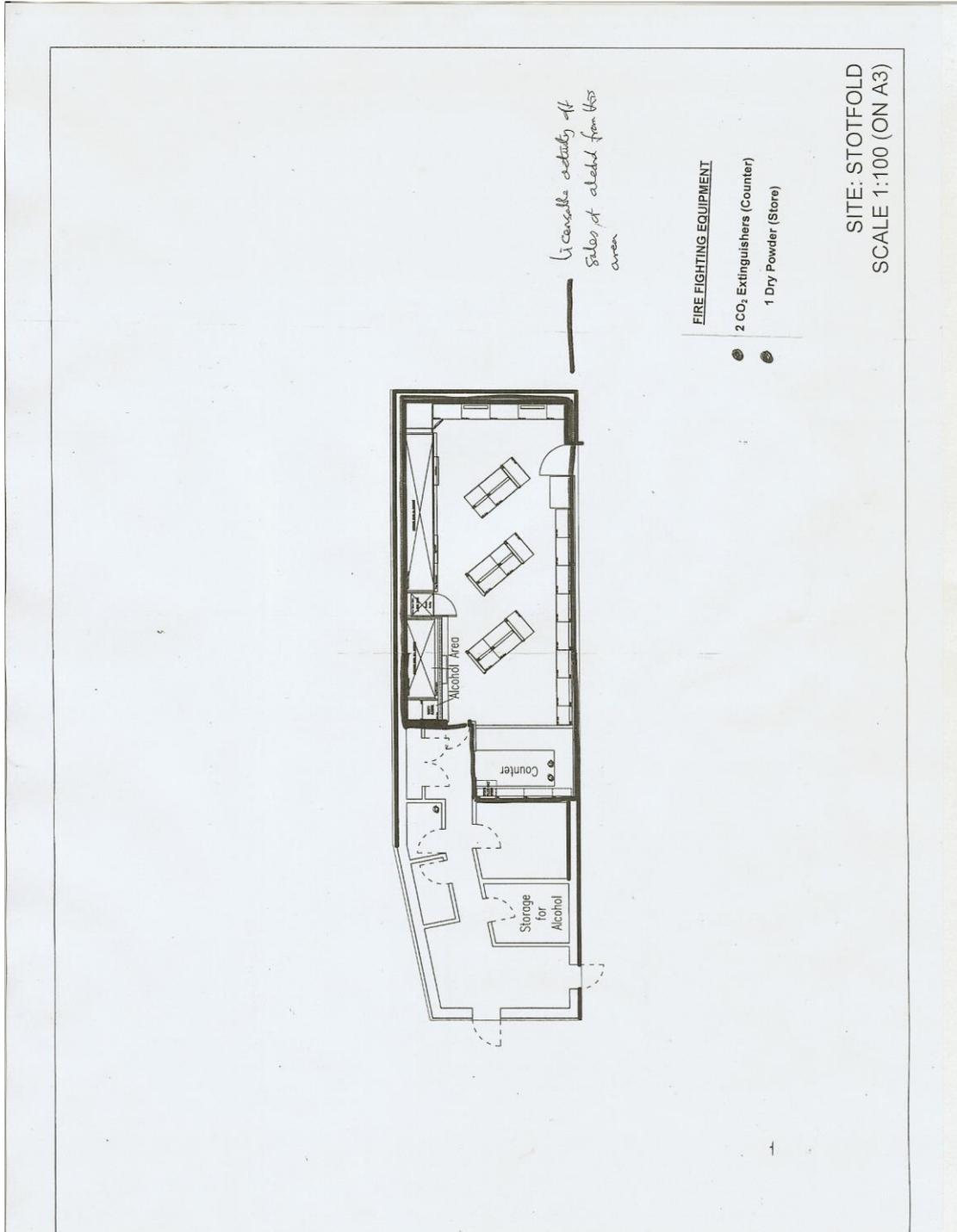
e) The protection of children from harm

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 that complies with any mandatory condition that may apply to the licence.

Annex 3 - Conditions attached after a hearing by the licensing authority

Not applicable.

Annex 4 – Plans





**THE LICENSING ACT 2003
CENTRAL BEDFORDSHIRE COUNCIL
PREMISES LICENCE SUMMARY
PART B**

Premises licence number	2000257
--------------------------------	---------

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
MRH Stotfold 67 Arlesey Road	
Town Stotfold	Post code SG5 4HB
Telephone number	01462 832120

Where the licence is time limited the dates
Not applicable

Licensable activities authorised by the licence
Supply of alcohol

The times the licence authorises the carrying out of licensable activities
Supply of alcohol – Off the premises
Monday to Saturday 08:00hrs to 23:00hrs. Sunday 10:00hrs to 22:30hrs. Seasonal variations and non standard timings - Good Friday 08:00hrs to 22:30hrs. Christmas Day 12:00hrs to 15:00hrs then 19:00hrs to 22:30hrs.

The opening hours of the premises
No restrictions.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Off the premises.

Name, (registered) address of holder of premises licence

Malthurst Petroleum Limited
Gladstone Place
36-38 Upper Marlborough Road
St Albans
AL1 3UU

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

762360

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Kathrick Nagappan

State whether access to the premises by children is restricted or prohibited

Not applicable

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22 JAN 2019

Appendix B

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Malthurst Petroleum Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 2000257

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description MRH Stotfold 67 Arlesey Road			
Post town	Stotfold	Postcode	SG5 4HB

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£21,500

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)			
Current postal address if different from premises address	Gladstone Place 36-38 Upper Marlborough Road		
Post town	St Albans	Postcode	AL1 3UU

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD MM YYYY
| | | | | | | | | |

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)
A petrol forecourt store located at 67 Arlesey Road, Stotfold, SG5 4HB to be varied as follows:

1. Extension of the hours for the sale of alcohol to 24 hours daily.
2. The provision of late night refreshment between the hours of 2300 and 0500 daily.
3. To remove any embedded conditions/restrictions in the premises licence.
4. To remove the following condition from Annex 2:

'Outside of permitted hours for the sale of alcohol, all alcohol within the trading area is to be kept behind shutters/screens/grills.'
5. To make alterations to the premises.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 5)</u>		
Tue					
Wed			<u>State any seasonal variations for performing plays (please read guidance note 6)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	0000	0500	Please give further details here (please read guidance note 5) The provision will take place inside the premises but customers may leave the premises with items purchased.		
	2300	2400			
Tue	0000	0500			
	2300	2400			
Wed	0000	0500	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
	2300	2400			
Thur	0000	0500			
	2300	2400			
Fri	0000	0500	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
	2300	2400			
Sat	0000	0500			
	2300	2400			
Sun	0000	0500			
	2300	2400			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)					
Mon	0000	2400						
Tue	0000	2400						
Wed	0000	2400						
Thur	0000	2400						
Fri	0000	2400						
Sat	0000	2400						
Sun	0000	2400						
						Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

The premises sell alcohol and other age restricted products.

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	0000	2400	
Tue	0000	2400	
Wed	0000	2400	
Thur	0000	2400	
Fri	0000	2400	
Sat	0000	2400	
Sun	0000	2400	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Any embedded restrictions in the premises licence.

The following condition from Annex 2 of the premises licence:

'Outside of permitted hours for the sale of alcohol, all alcohol within the trading area is to be kept behind shutters/screens/grills.'

The sale of alcohol is currently restricted as follows:

0800 to 23:00 Monday to Saturday
1000 to 2230 Sundays
0800 to 2230 Good Friday
1200 to 1500 and 1900 to 2300 Christmas Day.

The above restrictions/conditions will be removed as a result of the variation.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

The existing conditions are to remain unchanged apart from the removal of the following condition:

'Outside of permitted hours for the sale of alcohol, all alcohol within the trading area is to be kept behind shutters/screens/grills.'

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.

- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	22 January 2019
Capacity	Solicitors duly authorised on behalf of the Applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
Ref: EMF/29898/63/RPB			
Winckworth Sherwood LLP			
Minerva House			
5 Montague Close			
Post town	London	Post code	SE1 9BB
Telephone number (if any)	0207 593 5155		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) efinlay@wslaw.co.uk			

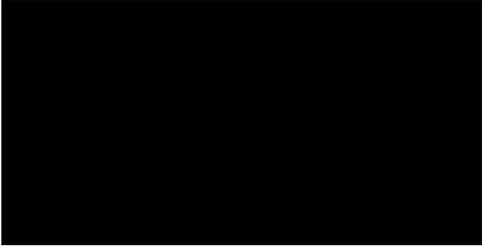
Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to

make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol,

- provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.



Dunstable Offices

Receipt

Transaction Date: [REDACTED] Operator: [REDACTED] Machine: [REDACTED]

Account Details

CAN	Reference	Payment of	Transaction Amt	VAT Amt	Rate
00525	4191855-680302-11	M - Miscellaneous Income	£190.00	£0.00	0%
Variation Application - LPRM 2000257 (MRH Stotfold)					

Payment Details

MOP	Payment Ref	Payment Amt
[REDACTED]		£190.00

APACS Payment Details

**** Customer Copy ****

Sale PLEASE DEBIT MY ACCOUNT

Transaction Type: [REDACTED]

Date / Time: [REDACTED]

Auth Code: [REDACTED]

Card Number: [REDACTED]

Ref: [REDACTED]

Card Type: [REDACTED]

MID: [REDACTED]

TID: [REDACTED]

Card Amount: £190.00

Please keep this copy for your records

Total Amt Paid: £190.00

VAT Number: GB946817286

Appendix C1

Application by MRH Stotfold
67 Arlesey Road
SG5 4HB

With regard to the above application by the garage which is in close proximity to The Gardens , we would like to highlight our objections and concerns regarding the proposal to extend to 24 hour opening with the inclusion of 24 hour sale of alcohol plus late night refreshments between the hours of 23.00 to 05.00. We feel that the A1 services which is but a mile away already offers these facilities so there is no necessity for a garage in a residential area to do likewise.

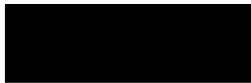
A football club is in the process of development directly opposite this garage and there is a pub down the Arlesey Road. Therefore we feel sure that after closing time people will filter from both establishments for an alcoholic top up and a snack, causing increased disturbance to our neighbourhood .Cars accessing the garage and popular cash point already park on the Arlesey Road and The Gardens making it hazardous to exit from the junction and there will be increased noise nuisance from the cars and occupants at night.

People already congregate on the wall outside the garage so we have no doubt that this will become even more of a meeting place especially with the youngsters who find little else to do in Stotfold.

Rowdy behaviour and littering will increase as 'not for consumption on the premises ' is a very loose term indeed. It will encourage disruptive drunken behaviour which is not acceptable. Crime will increase and public safety will be compromised with no gain to the community.

Trusting our comments/Objection will be considered .

Regards.



Address: [Redacted] The Gardens
Stotfold
SG5 4HD

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Appendix C2



The Gardens
Stotfold
Hitchin
Herts SG54HD
1. 2. 2019.

Dear Sir or Madam,

Ref M.R.H. Stotfold Petrol Filling Station SG54HD.

I understand this company has applied to stay open overnight to sell alcohol and refreshments. The noise and traffic on this site is bad enough throughout the day, but, overnight is not acceptable. Please advise if you require any further forms to be filled in.

Yours faithfully



[Redacted]

The Gardens
Stotfold
Hitchin
Herts SG5 4HD
31st January 2019

Dear Sir or Madam

Ref M&H Petrol Station Ashley Road Stotfold.

Further to my telephone call this morning I now enclose copies of the neighbours information that indicates that the Petrol Station has applied to remain open overnight to sell alcohol.

Everyone I have spoken to feels there is a lot of noise through the day and the last thing we want is for it to continue during the night.

None of us has heard from the council so we are not sure if this will happen over licencing laws, but definitely do not want it.

We hope you can clarify it soon in case there is a time limit for appeals.

Yours faithfully
[Redacted]

[Redacted]

Dear Neighbour

I'm not sure if you are aware of the application submitted to central Bedfordshire Council to extend the Arlesey road petrol stations opening hours and sale of alcohol to 24hours.

I only know this as I stumbled over the noticed attached to a lamppost on the Arlesey Road outside number 55 whilst walking the dog! Notice attached.

I live next door but one to the garage and I have not had any consultation correspondence from CBC directly. Neither has my neighbour who lives next door to the garage. So I have assumed nobody else has had any notification either.

With all the additional building works already approved on the Arlesey road this will only add to the increase in traffic, noise and god know what else in the small hours of the morning!!

Please can you share this with your Neighbours as I have not been able to leaflet everybody

Many thanks



Licensing Act 2003
Application to vary a Premises Licence

Name of Applicant: Malthurst Petroleum Limited

Address: MRH Stotfold, 67 Arlesey Road, Stotfold, SG5 4HB.

Licensing Authority: Central Bedfordshire Council

Licensing Authority Address: Licensing Section, Central Bedfordshire Council, Watling House, High Street North, Dunstable, LU6 1LF
(where a record of the application may be inspected during normal office hours).

Licensing Authority Website: www.centralbedfordshire.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 sale of alcohol to between the hours 0000 and 2400 daily for consumption off the premises.
2. The provision of late night refreshment between the hours of 2300 and 0500 daily.
3. To vary the licence conditions.
4. To make alterations to the premises.

Any person or responsible authority (as defined by the Licensing Act 2003) may make representations to the Licensing Authority no later than 19 February 2019.

Any representations made to the Licensing Authority must be in writing. It is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is an unlimited fine.

Winckworth Sherwood LLP
Minerva House, 5 Montague Close,
London, SE1 9BB. WS
Ref: EMF/29898/63/RPB.
Solicitors and authorised agents for the applicant.

Dated: 22 January 2019

0300 300 8301

07 FEB 2019

Public Protection

■ The Gardens

Stotfold

SG5 4HD

2 February 2019

To whom it may concern

Re Malthurst Petroleum Ltd

I am strongly against the granting of this licence variation. There is enough litter generated from the premises already. Recently somebody had emptied an ashtray and other detritus onto the footpath outside the premises. Although there is a litter bin it is not in a good position and not emptied regularly.

Living in The Gardens, we get enough rubbish blowing in and serving more food, especially at night, will cause more litter from people eating in their cars and throwing the rubbish out of the windows along with the loud noise from car radios. There is also the drinking of alcohol and cans thrown already.

The Gardens is a quiet cul de sac and we do not need all this extra disturbance, especially into the early hours of the morning.

There is also the suggestion of an unnecessary footpath from the new housing site proposed along Arlesey Road into the Gardens which would become a short cut to the petroleum site and all the rubbish and noise of people having been to the petroleum site. Many of the residents of The Gardens are elderly and so not need this sort of disturbance. We already have several vans and cars parked at the bottom end of the road, all belonging to one property, creating a hazard and there could be an influx of more with people eating and drinking in their cars as there is no parking planned for this variation.

I frequently have difficulty walking on the footpath outside the petroleum station with delivery trucks and other such vehicles parking on the footpath to buy cigarettes and newspapers etc. This will become worse.

Children walk/cycle by these premises to go to the school, and stop to buy snacks. Their purchases might not be checked carefully. Who might be hanging around and potentially cause harm to these pupils, this could become a 'meeting' place for undesirables.

I hope some of these points will be considered rather than the monetary needs of the proposers who have not considered the area.

Regards

[REDACTED]

Appendix C4

Arlesey Road
Stotfold
Herts SG5 4HB

Licensing Team
Central Beds Council
Watling House
High Street
Dunstable LU6 1LF

14th February 2019

Ref: Malthouse Petroleum, 67 Arlesey Road, Stotfold
Application to vary licence conditions

Dear Sir,

We moved to this country road property over 20 years ago knowing the garage is NOT a 24 hours a day premises.

We have experienced vandalism late at night by inebriated people, generally young men. Our front wall had part of the top removed; cones were put down the middle of the road and drunks were waving down traffic, and on one occasion a very heavy 2-3 foot cone was thrown over the wall resulting in damage to the tailgate and wing of my car. I foresee that it won't be sober people buying alcohol between midnight and dawn.

I have already reported the problem of light pollution and supplied a photograph to Nicola O'Donnell showing lights shining into the

house. Whilst we accept they are necessary whilst the premises are open, it is not reasonable to have them right throughout the night accompanied by cars stopping and starting, car radios and drunken behaviour.

Regarding the sale of light refreshments, one can only assume it will be those buying alcohol who will need refreshments between midnight and dawn on a road such as this.

Malthouse owns over 150 service stations with many surrounded by retail / industrial units. Here in Stotfold the garage has homes bordering the premises.

Furthermore, for safety reasons we should not be sleeping, yards from the pumps and fuel tanks, when the garage is operating. There is no licence to sell fuel for 24 hours as far as we know and are concerned that will happen in the event the premises alcohol and refreshment licence is approved. Tankers are currently not permitted during the night. We are concerned that may start occurring. Please give these concerns your considerations



Licensing Team
Central Beds Council
Watling House
Dunstable LU6 1LF.

██████████ Arlesey Road
Stotfold.
SG5 4HB.

14th February 2019.

Dear Sir,

Subject - Licence extension etc - to 67 ARLESY
ROAD, STOTFOLD, SG5 4HB.

I live ██████████ to the garage and already the sale of alcohol has had a significant effect on our lives. Those purchasing have consumed on the forecourt and in the street. Our front wall has been damaged by drunkers removing the top covering of the wall, being rowdy and using very noisy bad language. Opposite the garage work is currently underway for the new football club facilities including a licensed clubhouse.

There is the Fox & Duck pub about 400 yards on the same side of the road from the garage. It is inevitable that many who have already consumed alcohol will make use of the garage facilities if available and top up!

If the licence is agreed the excessive light pollution caused to our home right through the night, plus noise and debris would be inappropriate for our country road on the outskirts of STOTFOLD.

Please give my concerns your thoughts

Yours Faithfully



Nicola O'Donnell

From: [REDACTED]
Sent: 05 February 2019 12:03
To: Nicola O'Donnell
Subject: Re: Petrol garage Arleseey Road, Stotfold regarding alcohol licence

Hello Nicola,
Thank you for responding.

I was away on business at lot at the time and used a company car, which is why my own car was on the drive. However, my husband thinks he reported it to the police but cannot be sure. He thinks that was the same night the gang caused a problem at No. [REDACTED] and the police attended there. The insurance company paid all bar the excess for the repairs. My husband cannot remember if the other cone problems were reported to the police and rowdy drunken behaviour is not normally reported as getting police coverage here is difficult. The garage was actually robbed a year or so ago and no police would attend I have been informed.

It is not the street lights that are a problem. It is the lights in the garage. At the rear of the forecourt, one at each far corner, they blaze into our home. I will send a separate email showing a photo of the light from our bedroom. We do not object to those being in during the evening. We are reasonable people and staff have to earn a living. However, to be on all night is not acceptable; it would be unreasonable.

Regards

[REDACTED]
Sent from my iPad

On 5 Feb 2019, at 11:43, Nicola O'Donnell <Nicola.O'Donnell@centralbedfordshire.gov.uk> wrote:

Good Morning Mr & Mrs [REDACTED]

I acknowledge receipt of your email and seek some clarification.

Have complaints been made in the past about the antisocial behaviour?

Please could you also confirm that the street lights that you mention are not currently switched on all night? And you fear that if the application were granted that they will be?

Kind regards

Nicola O'Donnell
Licensing Compliance Officer
Licensing (Public Protection)

Central Bedfordshire Council Watling House High Street North Dunstable Bedfordshire LU6 1LF
Telephone: 0300 300 8307
Email: nicola.odonnell@centralbedfordshire.gov.uk

-
Central Bedfordshire - A great place to live and work – www.centralbedfordshire.gov.uk

-

Information security classification* of this email: **UNCLASSIFIED**

*Information security definitions:

OFFICIAL – Loss could cause some damage to the Authority
OFFICIAL – SENSITIVE – Loss could cause severe damage to the Authority
UNCLASSIFIED – Loss would cause little or no damage to the Authority

From: Licensing Enquiries <Licensing.Section@centralbedfordshire.gov.uk>
Sent: 05 February 2019 11:34
To: Nicola ODonnell <Nicola.ODonnell@centralbedfordshire.gov.uk>
Subject: FW: Petrol garage Arlesey Road, Stotfold regarding alcohol licence

From: Customer Services <Customer.Services@centralbedfordshire.gov.uk>
Sent: 29 January 2019 11:51
To: [REDACTED]
Cc: Licensing Enquiries <Licensing.Section@centralbedfordshire.gov.uk>
Subject: RE: Petrol garage Arlesey Road, Stotfold regarding alcohol licence

Good morning
Thank you for contacting Central Bedfordshire Council.

I have passed your concerns to our Licencing team so as they may advise on the application and note your email below.
If we may be of any further help, please contact Customer Services on 0300 300 8307.

Kind Regards

Will Evans
Customer Service Advisor
Customer Services

Central Bedfordshire Council Watling House, High Street North, Dunstable, Bedfordshire, LU6 1LF
Email: customer.services@centralbedfordshire.gov.uk

Central Bedfordshire - A great place to live and work – www.centralbedfordshire.gov.uk

Information security classification* of this email: **OFFICIAL**

*Information security definitions:
OFFICIAL – Loss could cause some damage to the Authority
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UNCLASSIFIED – Loss would cause little or no damage to the Authority

From: [REDACTED]
Sent: 29 January 2019 11:36
To: Customer Services <Customer.Services@centralbedfordshire.gov.uk>
Subject: Petrol garage Arlesey Road, Stotfold regarding alcohol licence

Dear sir

Had my neighbour not made me aware of the notice stuck to a lamp post we would not have known about the application shown above, even though we live NEXT door to the garage. This is unacceptable.

Currently the garage is not a 24 hour garage, and should not be as it is in a residential area.

In the past there has been a lot of antisocial behaviour caused by people buying alcohol at the garage, sometimes putting the cones out into the road causing a danger to traffic, rowdy behaviour and the worst was when they threw large cones over our front wall leaving my car needing repairs to the tail gate and back wing.

Furthermore, I have complained to the council regarding the awful light pollution and in the past I have sent photos of the problem from the bedroom. The current lights, which I call football lights as they are high and have great intensity, are not appropriate in a residential area and to have them on ALL NIGHT would be to the detriment of ourselves and others around us. The current lights were not there when we moved in, or they have changed the type of bulbs to being more intense in recent years.

Our quality of life is being reduced by all the building about to occur along the Arlesey Road, the road itself is a race track with nothing to slow the traffic, and now a 24 hours premises is being proposed.

We both avidly oppose this.

If people want to shop between midnight and dawn there is already a 24 hour facility at the Tesco garage on the Shefford bypass and a 24 hour garage at the Baldock Services at the A1 roundabout. Please kindly take our concerns into account.

Your sincerely

████████████████████
████████████████████ Arlesey Road

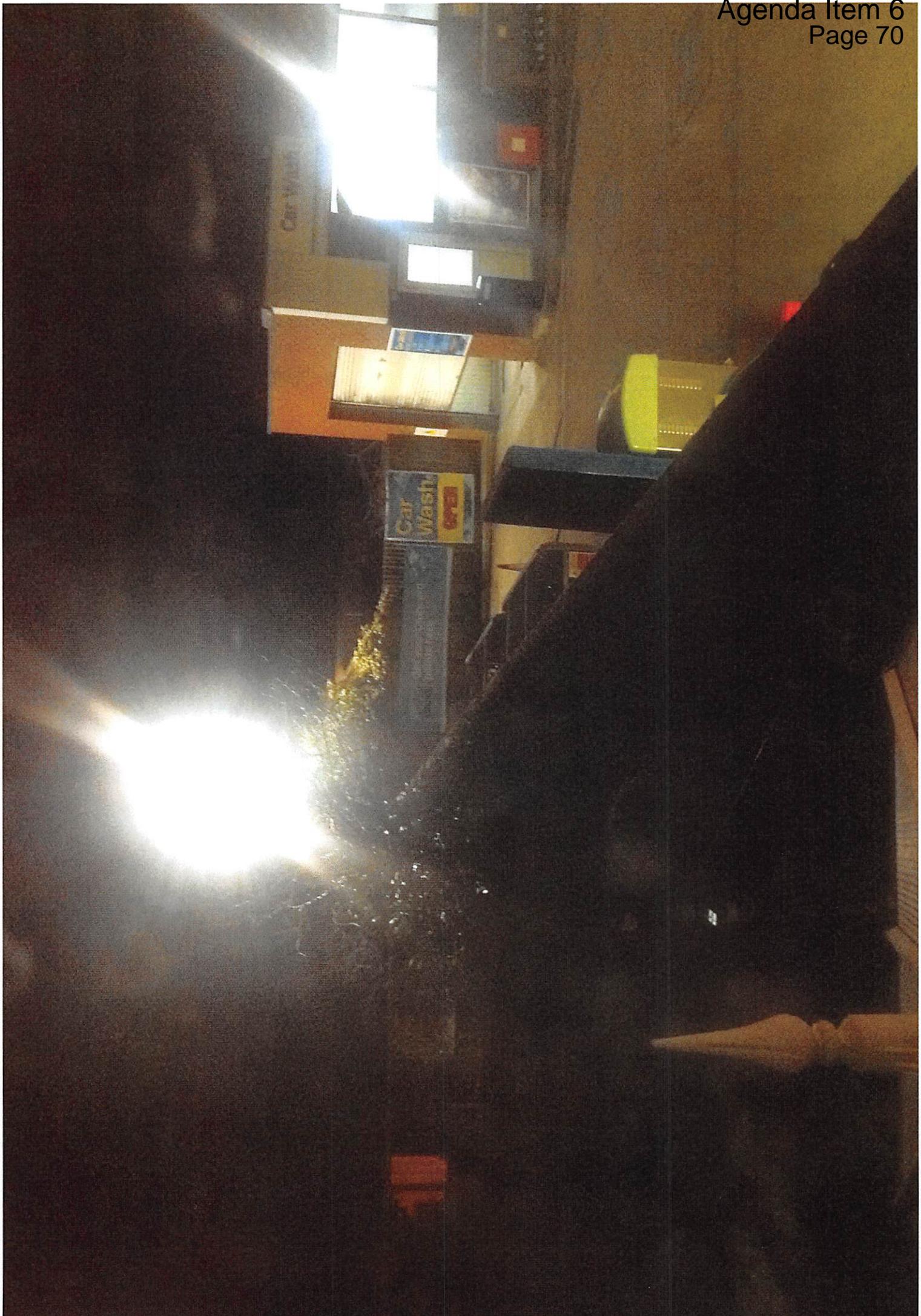
Stotfold

SG54HB
████████████████████

Sent from my iPad

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Thank you



Bedfordshire Council

11 FEB 2019

Public Protection

█ The Gardens

Stotfold Hitchin Herts

SG5 4HD

February 7th 2019

Re Application to vary a Premises licence

MRH Stotfold 67 Arlesey Road Stotfold

Dear Sir

We would like to submit our strong disagreement to the above application to supply alcohol Mon to Sun 00-00 to 24.00

and Late Night refreshments Mon to Sun 23-00 to 05-00.

The garage concerned is in a residential area with houses either side and others close by .

These extended times are not justified in this area and will certainly cause a public nuisance if vehicles are going to be driving in at all hours to buy alcohol. It will not bode well for Public Safety and might well encourage crime and disorder.

Who would need to buy alcohol in the middle of the night and drive off again!! There is a supermarket in Stotfold that sells alcohol, also a large Services selling food a few miles drive away just off the A1 which would satisfy most late night eaters! This is situated away from a residential area.

Yours Faithfully

█

█

█

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Appendix C6

[REDACTED]

[REDACTED] ARLESEY RD,
STOTFOLD,
HITCHIN,
HERTS.
SG5 4HE

Re-application by MRN Stotfold to sell
alcohol 24 Hours.

Dear Sir,

We already have too many beer cans thrown
in our gardens from the ESSO garage.

To grant this license would only
exacerbate this problem. Also I think they would be
sitting over on the new football pitch or the cycle track
half the night with their cars.

Yours Sincerely

[REDACTED]

Central Bedfordshire Council

11 FEB 2019

Public Protection

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[REDACTED]
[REDACTED] ARLESEY ROAD

STOTFOLD

HITCHIN

HERTS

SG5 4HE

To whom it may concern,

I would like to lodge a protest regarding round the clock sales of alcohol from M.R.H. in Stotfold.

I already spend a good amount of my time retrieving empty beer cans from my front-garden and my neighbors front hedge.

24 hour sales of fuel is one thing, but 24 hours of alcohol sales will only add to litter and antisocial behavior.

Yours Faithfully
[REDACTED]
[REDACTED]

P.S. I have lived in Arlessey Road since 1952 and recently the litter problem has worsened.

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Appendix C8

12th February 2019

Licensing Section, Central Bedfordshire Council
Watling House
High Street North
Dunstable
LU6 1LF

Dear Sir/Madam

RE: APPLICATION TO VARY A PREMISES LICENCE

Submitted via;
Winkworth Sherwood LLP
Minerva House,
5 Montague Close,
London,
SE1 9BB
Ref. EMF/29898/63/RPB
Solicitors and authorised agents for the applicant.

This notice, dated 22 January 2019, was brought to the attention of the Town Council on 31st January 2019 and therefore timing did not permit it to be added to the agenda in time for the response date of 19 February 2019 to be met.

The contents were read out in full to councillors and the application considered and voted upon point by point.

Results were that Stotfold Town Council –

1. OBJECT to extension of sales from the existing 0700 to 2300 licence on the grounds **that this premises sits within a residential area** where, particularly during summer months when windows are opened, there is already a degree of disturbance to nearby residents from motor vehicle movements. The current time limits were imposed to protect the amenity of neighbouring residents meaning that any extension would exasperate the existing conflict of interests.
There is the additional concern that these sales may encourage purchasers to congregate and possibly consume their purchases in the vicinity causing further disturbances and littering.
Should the public require night-time services of this kind these are already available, **outside of residential areas**, at the A1(J10) service area, A507 services at Shefford or at the Tesco store in Baldock.

Central Bedfordshire Council

13 FEB 2019

Public Protection

2. OBJECT on the same grounds as in Item 1.
3. OBJECT
4. No comment without sight of alterations proposed.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'C Jh', with a long horizontal flourish extending to the right.

Caroline Jenkins
Assistant Clerk
Dictated by Councillor Alan Cooper, Mayor of Stotfold

Central Bedfordshire Council,
Watling House,
High Street North,
Dunstable,
Beds,
LU61LF

15 FEB 2019

Public Protection

Ref:- Application to vary a premises license

Dear Sir/Madam,

We wish to object to the license application by Malhurst Petroleum Ltd,
MRH Stotfold,
67 Arleseey Rd,
Stotfold,
Beds SG54HB

We have an interest in this application that is greater than the general public because we live in close proximity, less than 300 metres from the location.

The sale and supply of alcohol act 2012 states that its aims are:-

- To ensure the safe, and responsible sale supply and consumption of alcohol.
- To minimize the harm from excessive drinking including crime, disorder, public nuisance and negative public health outcomes.

We feel that the granting of a 24 hour License contravenes the above and would be an irresponsible action for the following reasons.

Concentration of Licensed outlets

Stotfold is a small service town.

It already has 5 public houses, selling alcohol to be consumed at the premises, and 3 shops/convenience stores selling alcohol 7 days a week, 2 of them until 10pm. This does not include the MHR site which already holds a license to sell alcohol until 11pm.

The Stotfold football club with in house facilities has been relocated opposite the MHR site; the clubhouse is under construction now and will include a bar.

The MHR premises are located in a residential area, in fact, it is surrounded by residential houses. The concern is that people will be drawn to this residential area for the further purchase of alcohol and other items. There is also the potential overspill from events from the Fox and Duck public house about 500 metres away, and also from the newly built Stotfold football club opposite.

Crime and disorder

24 hour opening with an alcohol license will draw unwelcome attention and increased footfall at unsociable hours to a residential area.

Noise, littering, and antisocial behavior will increase in the nearby neighborhood.

Litter and glass around the vicinity of the premises is already being cleared away by a concerned neighbour at least twice a week. This will most certainly increase and worsen if the site is open for 24 hours.

The pavement outside the site is in daily use by children going to and from their school about 600 metres away on the same road thereby bringing a risk of injury and a risk to their general safety.

Public Nuisance

Increased noise, light pollution, traffic and traffic noise will all have a negative impact, particularly to residents who live next to the premises, to note again, this is a site surrounded by houses.

I enclose photos of area in question showing the close proximity of the residential houses to the application site and the litter/glass being found already.

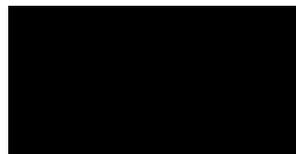
I hope you will take the time to seriously consider our objections and refuse this license application

Our contact details are:-


 The Gardens,
Stotfold
Hitchin, Herts.
SG54HD

Yours Sincerely







Arlesey Road

Esso garage.

New football club.

Fig. 1 Layout



Fig 2 Part of the daily litter collection

Fig. 3 More litter



Fig 4 Typical daily rubbish



At least twice a week there are glass beer bottles, some times broken, purchased from the garage. All this on the public pavement or gully of the road, a definite danger to passing school children.

Fig. 5 Yet more litter



**Application to vary the premises licence at:- Esso garage
67 Arlesey Road
Stotfold. Sg5 4HH
(bearing in mind, the only trade now from 07:00 to 23:00)**

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Appendix C10

Arlesey Road

Stotfold

Herts

SG54HB

Central Bedfordshire Council

15th February 2019

15 FEB 2019

Licensing Team
Central Bedfordshire Council
Watling House
High Street North
Dunstable
Beds LU6 1LF

Public Protection

Dear Sir/Madam

Licensing Act 2003: Application to Vary a Premises Licence

I am writing in response to Malhurst Petroleum Limited's application for a variation to licence for MRH Stotfold, 67 Arlesey Road, Stotfold SG5 4HB (Esso garage) and would like to formally submit our objections to the application.

1. Firstly, we would like to comment on the vagueness of this application to alter the existing license. Some of the statements made are lacking in detail and could be far reaching without giving specific details. We have highlighted some below.
2. The location of the ESSO garage on Arlesey road (SG5 4HB) could be considered unique due to the extreme close proximity of the neighbouring residential properties. The buildings for properties 61 and 63 Arlesey Road and also some in The Gardens to the rear, directly form the petrol station boundaries with little to no screening or protection against noise and light pollution. Please refer to:

Appendix A - Aerial view of ESSO garage showing close proximity of residential housing.

3. Article 8 of The Human Rights Act 1998 covers issues of protection from noise and pollution nuisance and the right to a family life. We believe that by extending the opening times past existing opening times this petrol station would cause sufficient nuisance to be in breach of those human rights in respect of a right to private and family life.
4. We would also like to refer to restrictions imposed on the car washing machine which is only allowed to operate during licensed hours. As a way of reducing noise, doors were fitted to enclose the washing and drying operation. This highlights the sensitivity of noise pollution which was to the detriment of neighbouring properties and was significant enough to consider implementing additional sound proofing and restricted operating hours. The extension of licensed hours to become a 24 hour service will cause nuisance and disturbance to residents including light pollution (flood lights and multiple signage), constant smell of fuel, noise generated by the pumps and from persons attending the premises in the earlier hours. This will have an impact on the quality of life for the immediate neighbouring properties to the point where they would not be able to leave their windows open at night particularly in the summer months.

5. The drawing titled 'MRH STOTFOLD PROPOSED' contains a note stating:

"THE ENTIRE PREMISES MAY BE USED FOR THE SALE OF ALCOHOL AND THE PROVISION OF LATE NIGHT REFRESHMENT"

Additional information is required to establish the extent of the proposed use. We assume the current use class for this property is SUI Generis and therefore does not permit a change to A1, A3, A4 or A5 use class. Further detail and clarification is needed to establish whether a planning application for a change of use is required not just an extension to the existing license.

6. Section K states:

The following request has been made by the applicant:

"The premises sell alcohol and other age restricted products"

Further identification and clarification is required for "other age restricted products" so we may comment and consider the consequences and impact of these products on the neighbouring properties and wider community.

7. Section L states:

The applicant has requested the removal of the following licence condition:

"Any embedded restrictions in the premises license"

The above request looks to be far reaching and further clarification is required. The wider impact of its removal will also need to be considered once further clarification has been provided.

8. Section L states:

The applicant has requested the removal of the following licence condition:

"Outside of permitted hours for the sale of alcohol, all alcohol within the trading area is to be kept behind shutters/screens/grills."

We have real concerns regarding robbery and safety of staff. The garage is in a quiet residential area leaving it vulnerable and an easy target for crime. This is particularly prevalent during the early hours. The garage has previously been targeted by robbers who stole the cash point machine during the night. Even increased CCTV will not guarantee safety of staff and local people. Robberies can cause feelings of vulnerability within a community.

9. Section L states:

The applicant has requested the removal of the following licence condition:

"The sale of alcohol is currently restricted as follows:

0800 to 23.00 Monday to Saturday

10.00 to 2230 Sundays

0800 to 2230 Good Friday

1200 to 1500 and 1900 to 2300 Christmas Day"

We would kindly ask why these restrictions were placed on the existing license. Given that the location and general operations of the petrol station has not changed, are these restrictions still relevant from the issuing of the original license.

10. Section I states:

Referring to late night refreshment taking place indoors or outdoors

"The provision will take place inside the premises but customers may leave the premises with items purchased"

Further clarification of the term 'refreshments' is required so an assessment can be made on the immediate and wider impact on neighbouring properties and the wider community.

Also, we are already experiencing an unacceptable level of litter generated from the garage as can be seen from the attached photos for example a large number of discarded plastic gloves supplied at the petrol pumps. This will most definitely increase with the introduction of fast food.

Introducing more bins will not guarantee that rubbish will be placed in them because people will walk further through the village with their purchase and discard packaging.

One very serious concern is the consistent presence of broken glass along the cycle path opposite the petrol station. Eatonbury Academy is not far from the ESSO petrol station and the cycle path is used everyday by pupils attending the school. Additional sales of alcohol can only contribute to this serious problem.

Please refer to Appendix-B for photographs of existing litter problems

11. The granting of a 24 hour licence at this location is also likely to attract night traffic including Lorries from the bypass seeking refreshments there by increasing noise levels and reducing air quality by pollution throughout the village.

12. Taking a broader view of the potential impact on the local community, we would like to refer to the CBC Community Safety Partnership Strategy 2016 – 2019 (please see below). It highlights the

increase in ASB and the negative impact excess alcohol abuse has on the community and to the person drinking. Approving a 24 hour alcohol licence will only support alcohol abuse and everything associated with it, contradicting your own strategy for tackling this growing issue.

“Drug and alcohol misuse is associated with a wide range of both physical and psychological conditions and consequences affecting the whole of society. Drinking to harmful levels in Central Bedfordshire is increasing with rising rates of admissions to hospital as a result of alcohol.

In Central Bedfordshire, up to a quarter of older adults seen by health professionals have an alcohol problem and about one in three older people with alcohol problems only start drinking excessively in later life. Results from a school survey in Central Bedfordshire showed 5% of year 6 pupils (ages 10-11) reported they have had an alcoholic drink in the last week. This figure increases with age; 2

Protecting our Communities involves dealing with:

- *Anti-Social Behaviour – environmental*
- *Nuisance motorcycles.*

The issue

• *Street drinking is a complex issue which has a negative impact upon the quality of lives of local residents and businesses in Central Bedfordshire. It is classed as ASB predominately due to outcomes from street drinking, such as littering, noise nuisance, abusive and disorderly behaviour. It also has an extremely detrimental impact on the health and well-being of those partaking in street drinking, with at least 12 serious medical conditions being linked to chronic heavy drinking.*

• *Street drinking is a concern to the residents of Central Bedfordshire. Just under 15% of residents surveyed advised the main concern in their area was “people being drunk or rowdy in public places”.*

• *Between October 2014 – September 2015 there were 367 ASB incidents reported to Bedfordshire Police that related to street drinking in Central Bedfordshire. Alcohol related ASB is not currently accurately recorded and it is felt that this number is not a true reflection of the issue in Central Bedfordshire and that accurate recording would raise this number higher.*

“We understand that reducing crime, the fear of crime and dealing with nuisance behaviour is an important element in improving the lives of residents in Central Bedfordshire

Community Safety Aims Community safety aims to reduce crime, disorder, anti-social behaviour (ASB) and other behaviour affecting the local environment, as well as reducing the misuse of drugs, alcohol and other substances, reducing the fear of crime and increasing public confidence in our service.”

13. We feel granting of a 24 hour licence at this location is likely to make the premises an attractive proposition in the early hours to persons on their way home from one of the other drinking establishments nearby, for instance the fox & duck inn and the new football ground club house which is currently under construction. This would increase the risk of incident or disturbance caused by persons attending the premises who are already under the influence of alcohol and congregating in the vicinity. This would make me fear for my personal safety when returning home late.
14. We have a very high concentration of alcohol availability in the village with several pubs & shops open until 11pm. If people do require out of hours alcohol & refreshments there are already establishments nearby with 24 hour licencing (A1 Baldock service , A505 services at Shefford & Tesco at Baldock)

In conclusion:

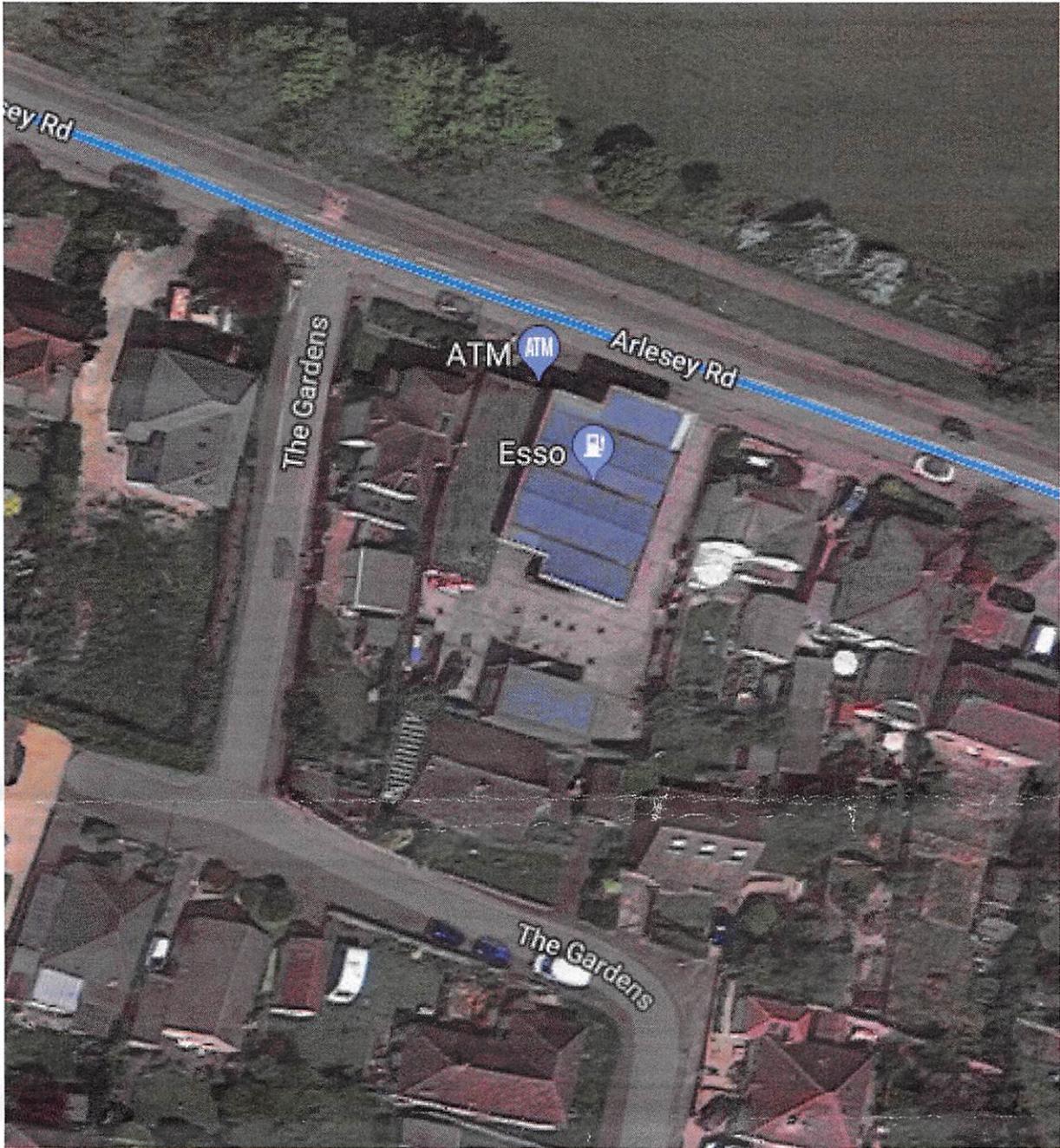
We feel that the application is lacking in specific information and therefore difficult to make a full and meaningful representation of this application considering the sensitive nature of this license alteration. We kindly ask that careful consideration be given as to the impact of 24 hour operations along with alcohol licensing especially with the very close proximity of neighbouring properties. Also, consideration of the wider impact on the local community.

For reason given above we object to the alterations to the existing license applied for by MRH Petroleum Limited for the premises 67 Arlesey Road, ESSO petrol station.

With kind regards



Appendix A – Aerial view of ESSO garage showing close proximity of residential housing



Appendix B – Photographs of existing litter problems



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Appendix C11

12th Feb. 2019

Licensing Team
Central Bedfordshire Council
Watling House,
High Street North,
Dunstable,
Beds LU6 1LF

Tel: [REDACTED]

[REDACTED] **Arlesey Road,
Stotfold,
Hitchin,
SG5 4HB**

Central Bedfordshire Council

15 FEB 2019

Public Protection

REF:- Application to vary a premises licences.

MRH Stotfold 65 & 67 Arlesey Road, Stotfold, SG5 4HB.

Please find enclosed 3 A4 sheets of photographs.

Dear Sir or Madam,

We were dismayed to see the above mentioned application, taped to the front door of the Esso petrol station. We must state that we do have a vested interest in opposing the application as we live [REDACTED]

We have lived in this house for over thirty years, and during that time, on at least two occasions we have supplied blankets and emergency lighting to the fire brigade, while they cut seriously injured people from their cars, police and ambulances were also in attendance. This was immediately outside the garage. These and many other incidents were proved to be due to drunken driving.

On the field on the opposite side of the road, work has started on building the relocated "Stotfold football club" and its associated buildings, including its licenced club house. So that when it closes of an evening, along with those thrown out at closing time by the pub just a hundred metres along the road, the opportunity to continue their binge drinking and anti-social behaviour would unfortunately be at hand.

On two occasions within the last ten years a number of cars parked in The Gardens, adjacent to our house have been damaged by "Keying"(scraping a key or sharp object across the paintwork), on the last occasion the damage to my wife's car cost in excess of £2,300 to repair. The police lent and installed two covert cctv cameras, for six months they have since been removed, however they recommended that we install our own, which we have done. They also said that they believed it was the work of young people after closing time from the local pub.

We believe the above three paragraphs relate to the first three licencing objectives. Photographs, figs 2 through fig 5 along with the notes, show evidence the breeching of all the licencing objectives are going on now, without it being a 24 hour operation.

Before the garage had its front lighting gantry erected we were contacted by Mid Beds Council in a response to our objection to the gantry and rearrangement of the forecourt. We were assured that the lights would be extinguished by 23:00pm and not switched on again until 07:00a.m. because the garage only had a trading licence for those hours, because it was situated in a residential neighbourhood. Those are the hours the garage still currently trade. We would like you to confirm that this is not a ploy by using you to change their operating hours. The lights from the garage cause a great deal of light

pollution, as figs 6-11 show. The garage is surrounded by residential houses, each of which share boundaries with the garage. Often rubbish is dropped on our side of the 20 inch wall (just right for people to drop their rubbish after either eating, drinking or smoking). We know that for a fact that drugs are taken, and traided outside. Fig. 3 shows some aluminium foil used by a cocaine user, (but we cannot prove this). We do know however that in "The Gardens" alongside our property on some evenings a car or van will pull up for a couple of minutes, until another vehicle pulls up, and within a minute, after the drivers spoken and a transaction made, they drive off in different directions. If however I walk out to my car the other vehicles disappear very quickly. **Please look at the bigger picture.**

Your's faithfully

A solid black rectangular redaction box covering the signature area.



Fig. 1 Layout

Arlesey Road

ESSO garage.

New football club.



Fig 2 Part of the daily litter collection

Fig. 3 More litter



Fig 4 Typical daily rubbish

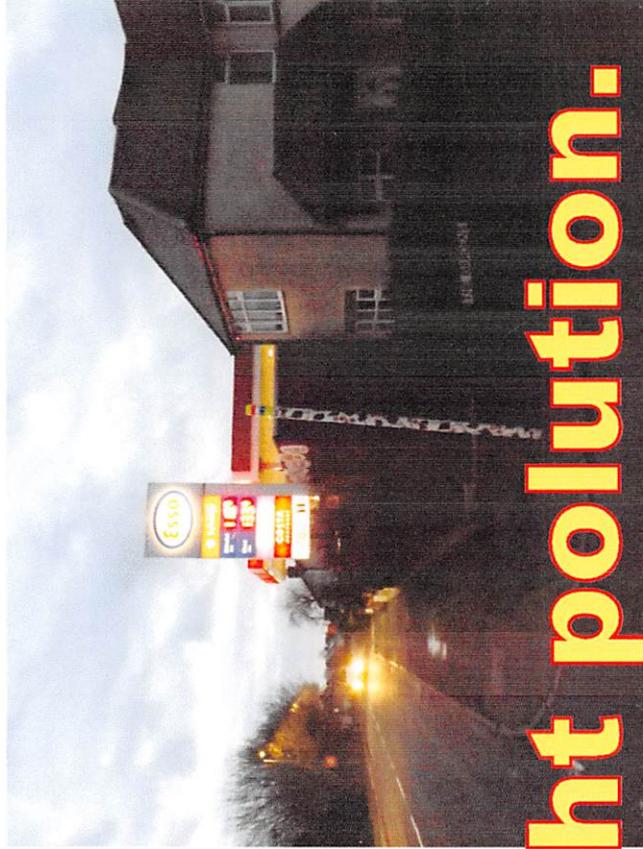


At least twice a week there are glass beer bottles, some times broken, purchased from the garage. All this on the public pavement or gully of the road, a definite danger to passing school children.

Fig. 5 Yet more litter



**Application to vary the premises licence at:- ESSO garage
67 Arlesey Road, Stotfold. Sg5 4HB
(bearing in mind, they only trade now from 07:00 to 23:00)**



Light pollution.



Fig. 6 Bright light

Fig. 7 Bright even in the morning

Fig. 8 from inside. the bedroom window

Figs 6-8 were taken at 07:05 a.m. on 11th Feb. 2019.

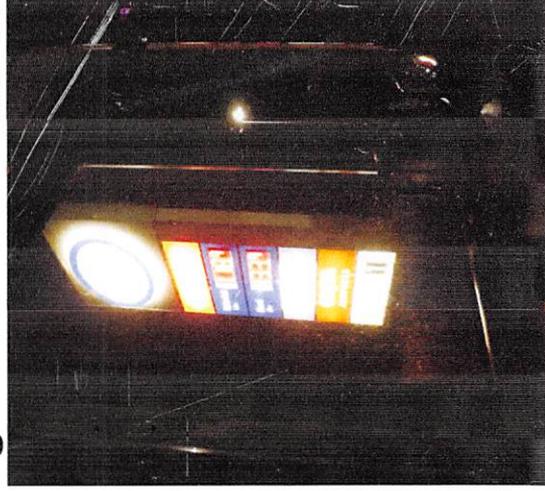
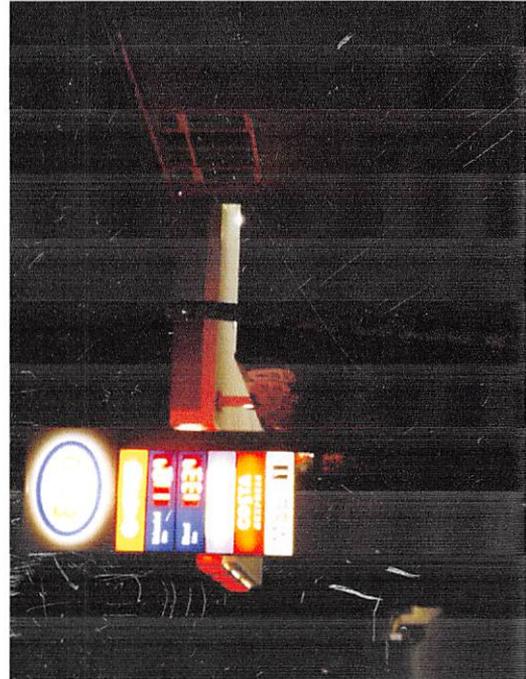
Gantry (let alone forecourt lights) 67 Arlesey Road, Stotfold.

Figs 9-11 were taken at 22:00 p.m. on 11th Feb.2019

Fig. 9 Bright light

Fig. 10 And in the evening.

Fig. 11 Same as above



**MRH Stotfold
SG5 4HB
(Please don't
increase their
hours)**

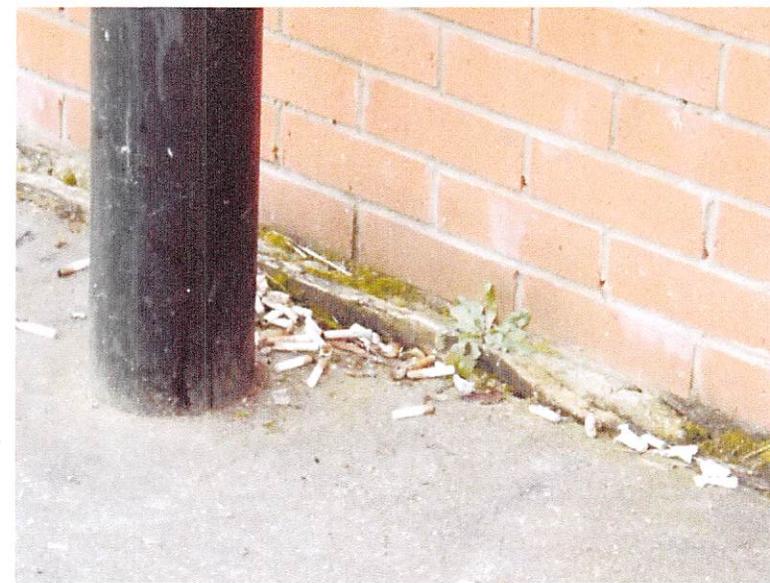


Fig 12 Plenty of evidence of smoking, hidden from staff (on site, even though it is petrol station, this during the day.



Fig.13 Drains getting blocked by litter.

Fig.14 Plenty of hidden area from staff. Fig. 15 Plenty of hidden seating for tobacco and **drugs** (**Oh yes it does go on**). The garage is surrounded by residential properties.

Fig.16



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Appendix C12

Central Bedfordshire Council

Licensing Team

18 FEB 2019

■ The Gardens,

Central Bedfordshire Council

Stotfold.

Watling House, High Street North,

Public Protection

SG5 4HD

Dunstable. Beds LU6 1LF

16 February 2019

Dear Sirs,

Re: Licence Application for MRH Stotfold, 67, Arlesey Road, Stotfold. SG5 4HB (Esso Garage)

I have a very strong interest in this application, because I live in ■■■■■ at the ■■■■ of the Esso Garage, within sight and earshot of the Garage activities.

Hence I express my absolute and vehement objections to the above referenced Application, on the Grounds stated below:

Public Health & Safety:

The intrusion & detrimental effect of **Lighting, noise and odours**, to mine & my neighbour's Residence's, arising from extending the Garage operations, during normal folk's sleeping periods.

The amount of paper litter, cans & bottles dumped adjacent to the Garage on pavements, roads and gardens of Residents in Arlesey Road and in The Gardens, is already a risk to Residents safety and property. The application for change of use and extended hours, would cause a significant increase in this trashing of our quiet environment.

Car parking by Garage visitors is already causing dangerous driving conditions for local residents. (see attached photographs). Having cars parked on Arlesey Road, near the entrance to The Gardens, creates " blind spots" for drivers getting out of, or into The Gardens. Whilst Garage visitors parking car at the top of the Gardens, prevents clear access for larger vehicles, such as Ambulances, Fire Engines, delivery vehicles.

Crime & Disorder:

There are already regular Garage visitors in the evenings, who buy, then consume alcohol in their cars, which are parked in the quiet side road, alongside the Garage - The Gardens. The drinks litter and drugs paraphernalia that is dumped in Residences hedges, is not uncommon. **To extend opening hours, would 100% increase the risk of incidents, disorder and crime, to our quiet community.**

Also, the increased risk of robbery, safety of staff & anxiety to adjacent residents is a serious concern.

Public Nuisance:

The Government, NHS & CBC have acknowledged the rising problems caused by Alcohol, so why provide another source of "out of hours" supply, which would act as a magnet, to those who need a " top up", after leaving the nearby Public House (The Fox & Duck) or the Stotfold Football Club, or any other Public House in the area. The noise disturbance & pollution from loud car engines and voices, in the midnight hours, is not what is needed, if you have to go to work the next day.

With extended opening hours, the use of chilled cabinet's will be intermittent, causing the external Condensing Units to work harder, with subsequent noise effect, to adjacent Residents, during the quiet hours.

Protection of Children from harm:

The sections of Pendleton Way cycle path & the pavements of Arlesey Road, leading to and from the Ezzo Garage are always littered with debris, but most seriously, with fragments of broken glass.

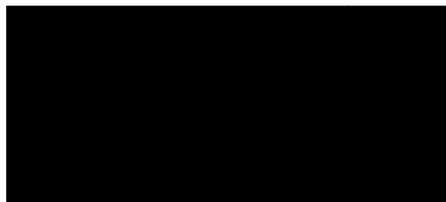
Both the Cycle path and Arlesey Road pavements are used by hundreds of School pupils each day and by users of the Sports Centre in the evening.

The proposed extended opening hours, by visitors with less than ideal care, will increase the risk of accident / injury to Pupils and local residents, who will be using these routes, in the early mornings.

Note:

I am also concerned by the suggested " Change in use " alterations to the premises, which I assume will be a separate Building Regulations application to CBC, by the Applicant ? Has an application for this matter been issued yet ?

Yours Sincerely,





Central Bedfordshire Council

Licensing Team

18 FEB 2019

■ The Gardens,

Central Bedfordshire Council

Stotfold.

Watling House, High Street North,

Public Protection

SG5 4HD

Dunstable. Beds LU6 1LF

16 February 2019

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Yours Sincerely,

[Redacted signature]

[Redacted contact information]

Licensing Team
Central Bedfordshire Council
Watling House, High Street North,
Dunstable. Beds LU6 1LF

Central Bedfordshire Council
18 FEB 2019
Public Protection

■ The Gardens,
Stotfold.
SG5 4HD
16 February 2019

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The proposed extended opening hours, by visitors with less than ideal care, will increase the risk of accident / injury to Pupils and local residents, who will be using these routes, in the early mornings.

* I am especially concerned at these proposed changes, as I am a Mobility Scooter user and have had several punctures, caused by glass.

Yours Sincerely,

[Redacted signature]

[Redacted name]

* P.S. Also, very difficult access route for me, with such a small gap left on pavement.

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Appendix C13

■ The Gardens
Stotfold
Beds
SG5 4HD

Licensing Team,
Central Bedfordshire Council
Watling House
High Street North
Dunstable
Beds. LU6 1LF

Central Bedfordshire Council

18 FEB 2019

Public Protection

16 February 2019

Dear Sirs,

Re: Variation of Premises Licence for MRH Stotfold, 67 Arlesey Road, Stotfold, Beds. SG5 4HB - Application for Supply of Alcohol Mon to Sun. 00:00 - 24:00 + Late Night Refreshment Mon to Sun. 23:00 - 05:00.

We are residents of The Gardens which is a no through road. The applicant is situated wholly within a residential area, of which 4 properties share the boundary of the applicant.

To extend the petrol station hours, allowing trade for 24 hours 7 days a week will increase noise pollution and be a public nuisance. Vehicles currently using the applicant's shop and cash machine on the premises park on the main road on top of the T junction to The Gardens often making it hazardous in negotiating turning into and exiting The Gardens. Extending the operating hours will only increase the danger to public safety.

Also extending trading hours will increase crime, disorder and antisocial behaviour; with Bedfordshire Police being the smallest force in the country it is therefore unlikely they will have the necessary resources to attend public disorder offences.

The applicant is situated on a school route to Etonbury Academy the only middle school in the area with many children daily using the premises. Alcohol should not be freely accessible to children. With school holidays there is always a noticeable increase regarding the litter caused by alcoholic cans and broken glass from alcoholic drinks sold in glass bottles on the cycle track which runs adjacent to the applicant between Stotfold to Arlesey. I know because I regularly pick them up and sweep up the glass as I daily use the cycle track and walk my dogs along it.

As you will be aware, the community field opposite the applicant will have its own licensed premises (building work being carried out now) and with other commercial trading venues already selling alcohol/refreshments/food/petrol 24 hours 7 days a week within a small radius to Stotfold it is wholly unnecessary and a disservice to the community as a whole to licence yet another premises.

Yours faithfully,

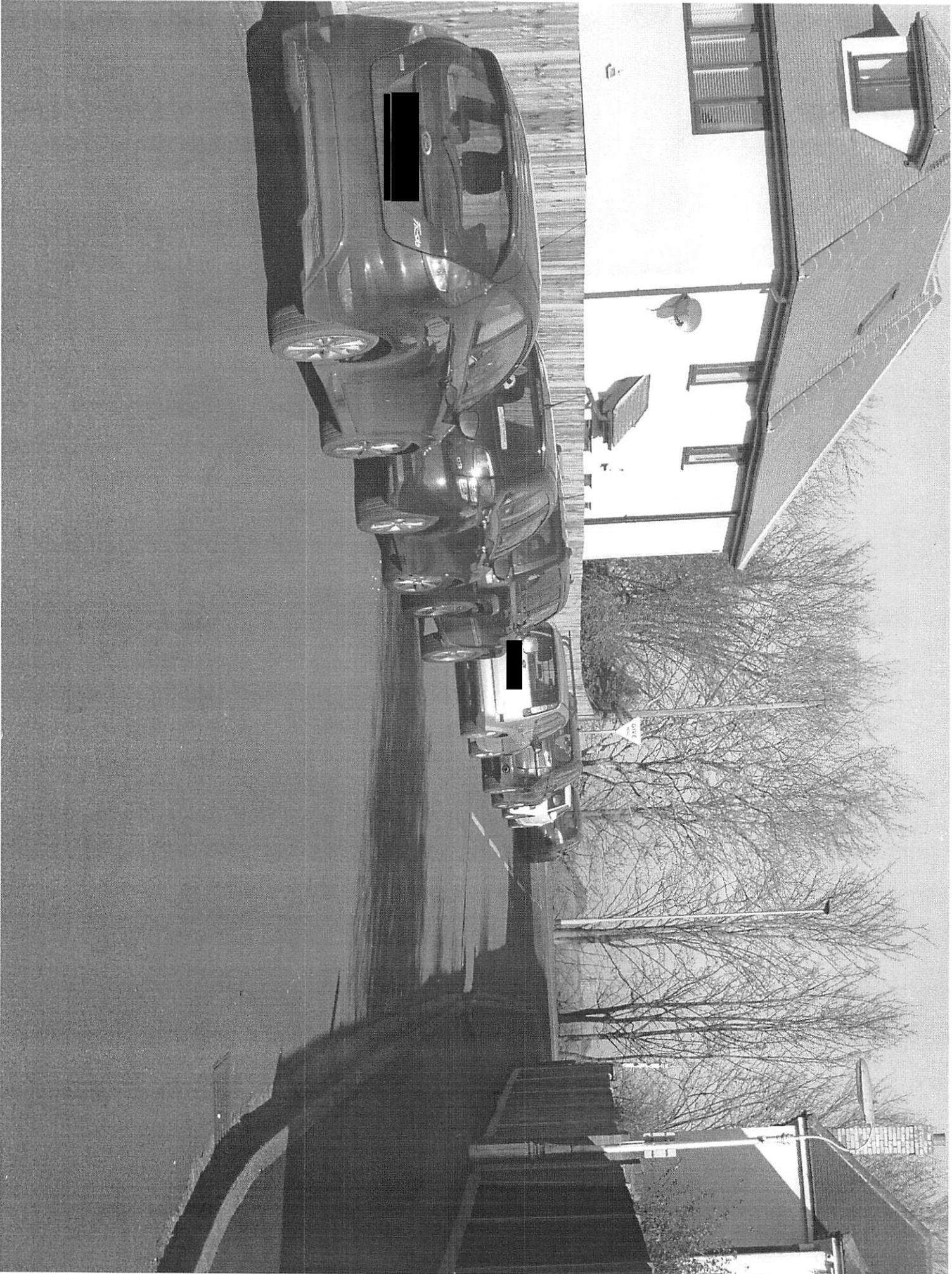
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Central Bedfordshire Council

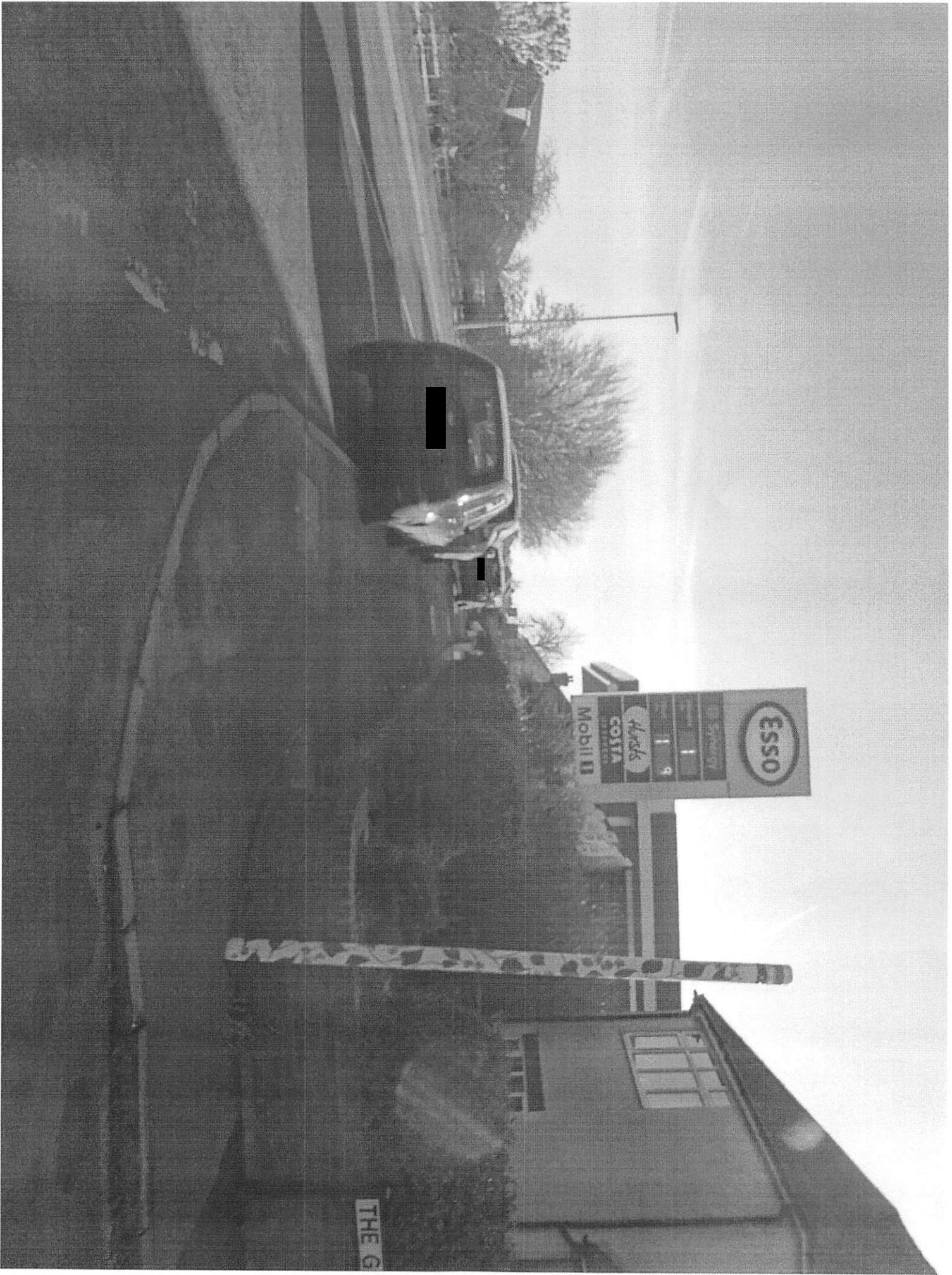
18 FEB 2019

Public Protection



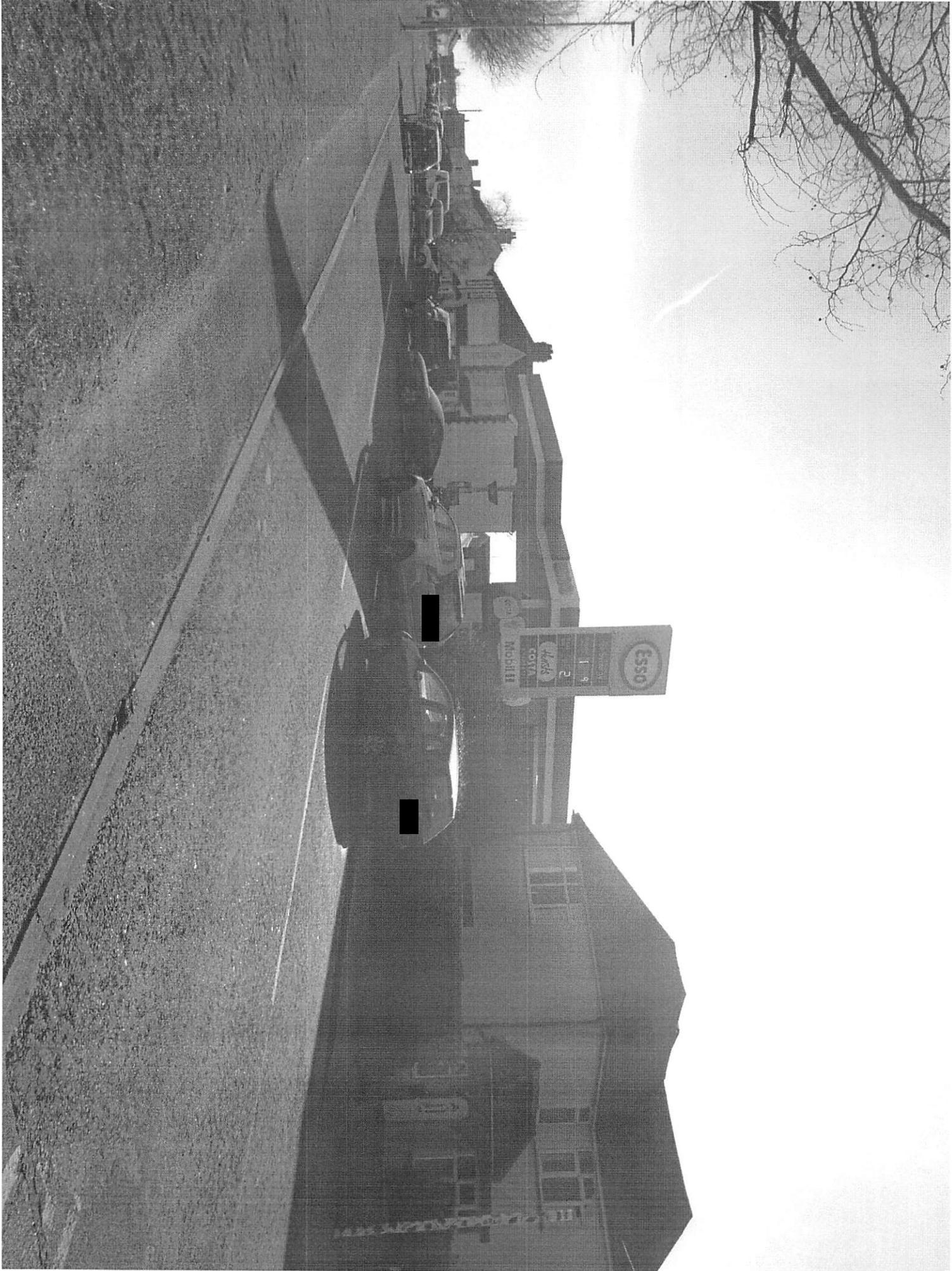




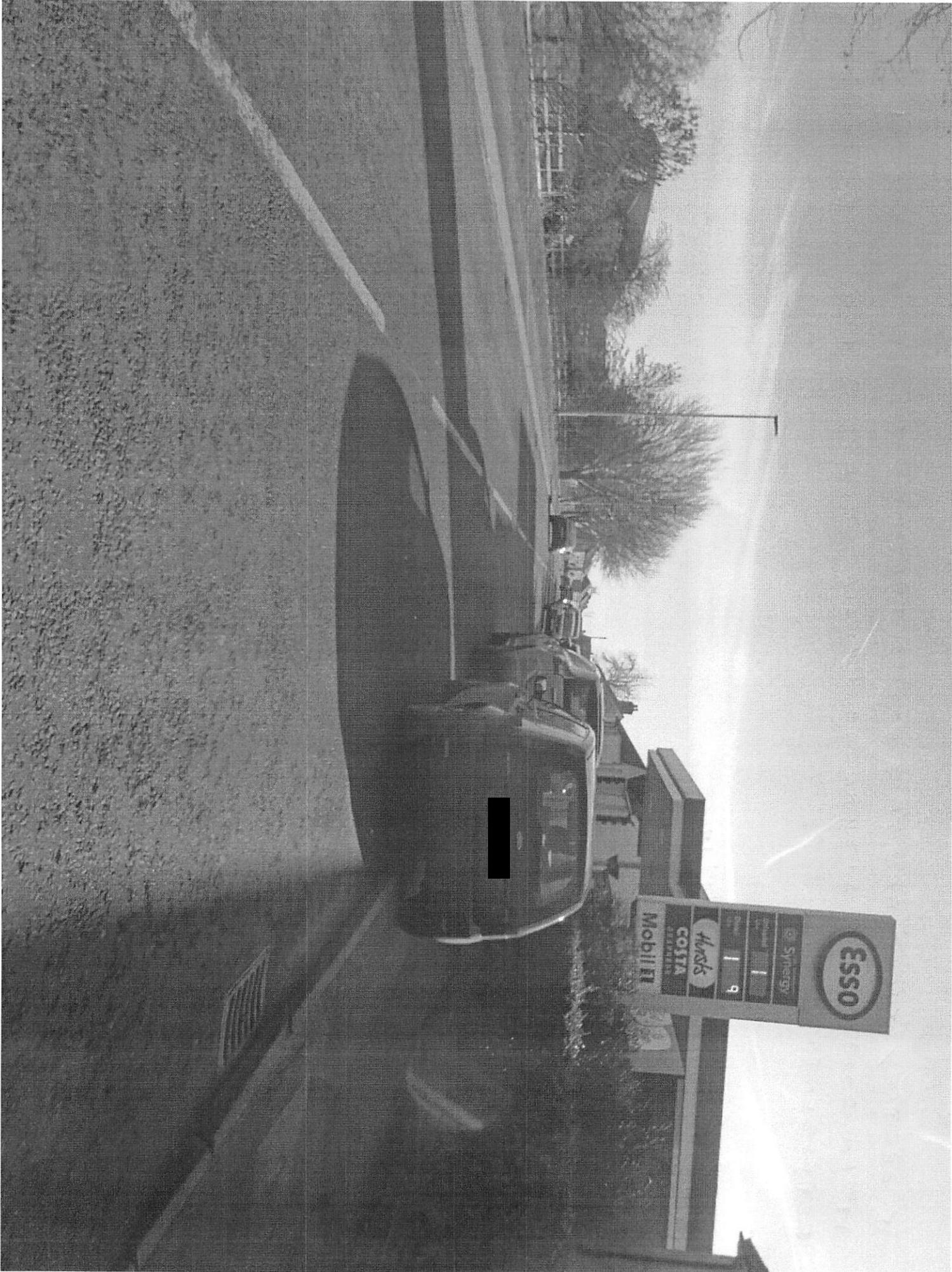












I CERTIFY THESE ARE TRUE COPIES TAKEN BY MYSELF ON SUNDAY
17th Feb. 2019 AS A VISUAL TO PUBLIC SAFETY & PUBLIC NUISANCE
REPRESENTATIONS.

PHOTOS TAKEN 17/2/19



RESIDENT
THE GARDENS

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Central Bedfordshire Council

18 FEB 2019

Public Protection

February 16, 2019

Appendix C14

■ THE GARDENS
STOTFOLD, HITCHIN
HERTS SG5 4HD
UNITED KINGDOM

Licensing Section
Central Bedfordshire Council
Watling House, High Street North
Dunstable LU6 1LF

Dear Licensing Section; Central Bedfordshire Council,

In regards to the application from the ESSO Garage at MRH Stotfold, 67, Arlesey Road Stotfold to open 24 hours.

We strongly disagree with the application. We are in a quiet residential area and feel that this will cause disturbance with traffic noise at all hours of the night plus the lighting of the forecourt lights up the gardens that back on to it which is totally unfair and is unacceptable.

My friend lives at No ■ and has asked me to mention that she is very upset that her garden will be lit up all throughout the night!

Apart from the disturbance to residents, we also feel that this would set a precedent to say that it is ok to 'drink and drive' - in a society where the law is trying to stop such offenders.

With the new football club just down the road, will it also encourage late night disturbances in the area?

Regards,

■
■
■

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Appendix C15

Central Bedfordshire Council

18 FEB 2019

Public Protection

Licensing Section,
Central Bedfordshire Council
High Street North
Dunstable LU6 1LF

10th February 2019

Dear Sir,

Re: Applicant: Malthurst Petroleum Ltd, 67, Arlesey Road, Stotfold SG5 4HB

As a resident of ■ The Gardens, I strongly oppose and challenge the proposed 24 hour extended licence.

It will encourage all night drinking and the associated behaviour which goes with it, litter, noise, disruption to neighbouring residents, potentially on-going through the night.

We need to know what sort of research has been done to indicate that there's a gap in the market, which a 24hr alcohol licence is going to fill. Is this information available for public scrutiny?

The local residents (mostly elderly & retired) deserve more consideration especially bearing in mind the substantial way we contribute to Council Tax. There is no reliable Police presence, in the local area to provide any deterrent to criminal and antisocial disorder.

Yours Faithfully

■ & ■ The Gardens
Stotfold, Hitchin,
Beds, SG5 4HD

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Appendix C16

[REDACTED]
The Gardens
Stoffold
Hitchin
Herts. SG5 4HD

Tel. [REDACTED] mobile [REDACTED]
e-mail [REDACTED]

Central Bedfordshire Council

19 FEB 2019

Public Protection

Licensing Section
Central Bedfordshire Council
Watling House
High Street North
Dunstable
LU6 1LF

18th February 2019

Dear Sirs

Re: Application to vary a Premises Licence, Malthouse Petroleum Ltd, MRH Stoffold, 67 Arlesey Road, Stoffold, SG5 4HB.

I wish to disagree with the application above on the following grounds:

The provision of these services, particularly alcohol, in a predominantly residential area, is likely to encourage disorder, nuisance and littering of the area.

To the north of this site, the home of Stoffold Football Club is currently under construction. The Club will no doubt have an alcohol licence granted and provide services up to midnight.

Other retail outlets are currently available in the Town until 22.00 hours and adequate facilities at the Services area at Junction 10 on the A1 road.

Yours sincerely

[REDACTED]

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Appendix C18

19th February 2019

Nicola O'Donnell
Licensing Compliance Officer
Licensing (Public Protection)
Licensing Section, Central Bedfordshire Council
Watling House
High Street North
Dunstable
LU6 1LF

Dear Nicola,

**RE: APPLICATION TO VARY A PREMISES LICENCE FOR MRH STOTFOLD,
67 ARLESEY ROAD, STOTFOLD SG5 4HB**

My objections mainly follow those of the Town Council and I appreciate they may not all follow exactly the criteria of licensing objections but all are very relevant to objecting to these variations.

I OBJECT to extension of opening from the existing 0700 to 2300 licence to 24 hour opening on the grounds **that this premises sits within a residential area** where, particularly during summer months when windows are opened, there is already a degree of disturbance to nearby residents from motor vehicle movements. The current time limits were imposed to protect the amenity of neighbouring residents meaning that any extension would exasperate the existing conflict of interests.

I have strong concerns regarding the 24 hour sales of alcohol that these sales may encourage purchasers to congregate and possibly consume their purchases in the playing fields opposite the premises causing further disturbances and littering.

This premises is NOT on a main thoroughfare since the by-pass has been in place and I cannot see there is a need for changes, the applicant has not provided any information regarding the need for these changes.

There are hot food premises open during the evenings in the town and if the public require night-time services of this kind they are already available, **outside of residential areas**, at the A1(J10) service area (Extra) and A1 services at Astwick..

In conclusion I object to
extending opening hours to 24 hours
extending the sale of alcohol to 24 hours
adding hot refreshment provision from 11pm to 5am.

I have no objections to alterations to the building should they still be necessary with the rejection of all other variations as stated above.

Yours Faithfully

Cllr Brian Saunders
Central Bedfordshire Council ward member for Stotfold and Langford

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Appendix C19

■ The Gardens
Stotfold
Bedfordshire
SG5 4HD

18TH February 2019

Licensing Team
Central Bedfordshire Council
Watling House
High Street North
Dunstable
Beds
LU6 1LF

Public Protection
20 FEB 2019
Central Bedfordshire Council

Dear Sir/Madam

**RE: APPLICATION TO VARY A PREMISES LICENCE – MALTHURST PETROLEUM
67 ARLESEY ROAD, STOTFOLD, SG5 4HB**

We strongly disagree with Malthurst Petroleum Limited's application to be granted the right to vary their premises licence due to the following reasons:

1. Public safety
2. Public nuisance
3. Prevention of crime and disorder
4. Protection of children from harm

This is a residential area and residential properties directly surround three sides of the perimeter of the petrol station. If the application is approved then we will experience a significant increase in light pollution due to the flood lights being constantly on during the night. There will also be significantly increased noise levels from cars being driven in and out the garage, slamming of doors, loud music being played in cars and peoples' raised voices would also disturb our sleep, and that of local neighbours and their children.

There is not a need for alcohol to be sold beyond the existing hours as this will start attracting and encouraging youths and adults to drink more, or loiter around the area. It is also likely people would be travelling from the surrounding areas to buy alcohol late at night which increases the likelihood of drink-driving, speeding on the road, increased noise levels and increased frequency of traffic late at night, all of which will cause a disturbance to local residents in a residential area.

It is extremely likely to encourage those with anti-social behaviour to the vicinity to purchase alcohol late at night and be disruptive on or around the premises of the petrol station thus affecting the peace and safety of local residents. There would also be an increased risk of car accidents and individuals suffering injuries as a result of this.

The pavement outside of the petrol station is regularly used by pedestrians, and substantially large numbers of school age children walking to the nearby Etonbury Academy School on a daily basis, Arlesey Road being the direct route available to the children of Stotfold. The approval of the licence would lead to a high risk of increased litter and debris that could include broken glass, bottles, cans or other potential health hazards laying along the pavement. This could potentially increase the risk of children or adults injuring themselves.

Questions and concerns

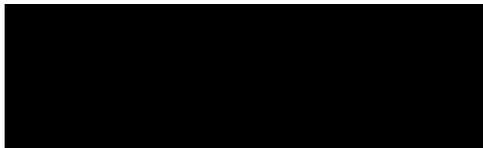
Will the petrol station be employing additional staff? It would be very risky if there was just one member of staff on duty on the premises to monitor the petrol station premises during the hours of the proposed extended licence.

Would these staff be trained to handle thefts, crime, other antisocial behaviour? Ensuring they do not sell alcohol to those under the legal drinking age limit?

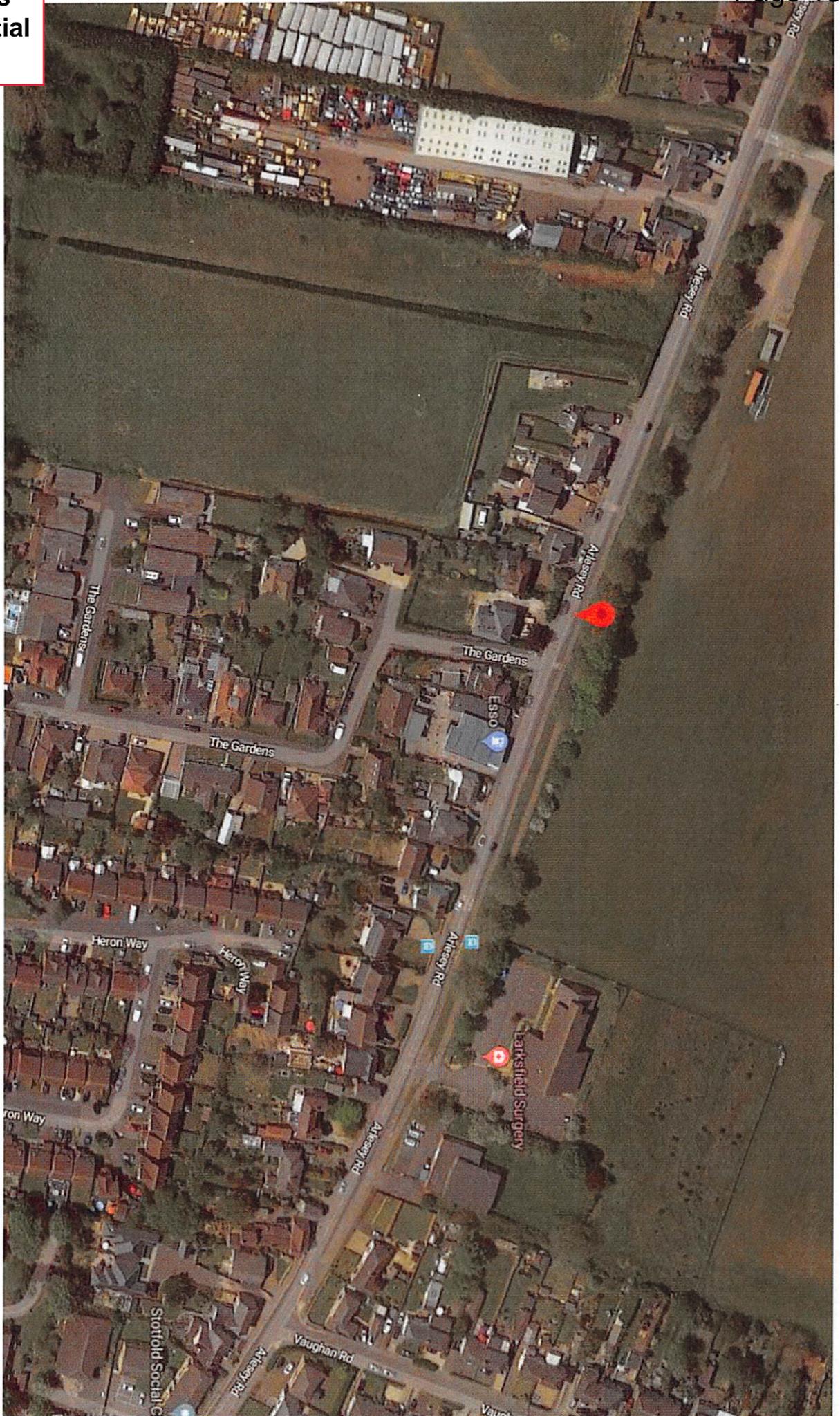
Will their staff training accreditation be verifiable, and open to regular inspection to ensure compliance?

Would increase CCTV be installed in the petrol station? If so, we would not want CCTV cameras positioned so that they are infringing on our privacy by looking into our garden that backs on to the petrol station.

Yours faithfully,



**D1 - Premises
and Residential
Properties**



D1

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D2 - Distance
between Fox &
Duck and
Garage



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D3 - distance
between
School and
Garage



P D3

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