



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)

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