



Licensing Sub-Committee

Friday, 06 October 2017

Matter for Determination

Title: **Application for a Premises Licence - Spar/Shell Petrol Station, 1-3 Dorset Avenue, Wigston, Leicestershire, LE18 4WB (Licensing Act 2003)**

Author(s): **James Mortell (Licensing Officer)**

1. Introduction

- 1.1 An application has been received for the grant of a premises licence for the Spa/Shell petrol station at 1-3 Dorset Avenue, Wigston.
- 1.2 A total of four representations have been received. Details of the objectors and their representations are contained in appendix 3 and 4 of this report.
- 1.3 No representations have been received from the Responsible Authorities. However, Leicestershire Police have advised that they will not raise an objection based on the revised hours suggested by the applicant.

2. Recommendation(s)

- 2.1 Members are asked to determine whether the application is to be granted or refused.
- 2.2 If the application is to be granted then members are asked to determine whether the application is to be granted in full as requested, or, if not, what hours and regulated activities are to be granted.

3. Information

- 3.1 The application as submitted, advertised and circulated to the Responsible Authority is for the following regulated activities:

Sale of alcohol (for consumption off the premises)

Monday to Sunday
00:00hrs – 24:00hrs

Late Night Refreshment

Monday to Sunday
23:00hrs – 05:00hrs

Hours premises are open to the public

Monday to Sunday
00:00hrs to 24:00hrs

However, the applicants representatives (Lockett and Co) have indicated that their clients are amenable to the application being amended to the following:

Sale of alcohol (for consumption off the premises)

Monday to Sunday
07:00hrs to 22:00hrs

Late Night Refreshment

No application

Hours premises are open to the public

Monday to Sunday

00:00hrs to 24:00hrs

A copy of the full application and the email confirming the amendment can be found at **Appendix 1**.

- 3.2 All of the required advertising and notifications have been undertaken. No representations from the Responsible Authorities have been received other than an observation from the Police which, having considered the revised times for the sale of alcohol and removal of the Late Night Refreshment element, have no objections to the application. Email confirmation of this can be found at **Appendix 2**.
- 3.3 Representations have been received to the application from 4 persons (three from two residential premises nearby and one from the Baptist Free Church opposite the proposed licensed premises.) Copies of the representations can be found at **Appendix 3**.
- 3.4 Each objector has been contacted and advised of the applicants proposed revised hours of operation. A copy of the responses received can be found at **Appendix 4**.
- 3.5 As well as adhering to the mandatory conditions the applicant is asked, on the application form, to describe the steps they intend to take to promote the licensing objectives. The applicant has stated they will take the following steps:

General (All 4 Licensing Objectives)

A suitable And sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

A refusals log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request.

A challenge 25 policy will be operated at the premise, Acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card.

Spirits (with the exception of spirit mixers and pre mixed spirit drinks) will be located behind the counter.

The Prevention of Crime and Disorder

A suitable And sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of

a responsible authority.

Spirits (with the exception of spirit mixers and pre mixed spirit drinks) will be located behind the counter.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

Public Safety

A suitable And sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request by the Police or other relevant officers of a responsible authority.

The Prevention of Public Nuisance

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

The Protection of Children from Harm

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

A refusals log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon request.

A challenge 25 policy will be operated at the premise, Acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card.

Spirits (with the exception of spirit mixers and pre mixed spirit drinks) will be located behind the counter.

- 3.6 A plan of the premises is attached at **Appendix 5**. The premises are still under construction, but are sited opposite the Baptist Church in a residential area. The premises being sited at the junction of Saffron Road and Dorset Avenue.

3.7 **Officers Observations**

The Licensing and Regulatory Committee, and any of its sub panels, have a responsibility, by acting in its capacity as the local Licensing Authority to discharge all of the Council's "licensing functions" as defined under part 2 of the Licensing Act 2003.

When considering and determining the representations set out in the report, the Licensing Panel, acting for the Local Authority, is required by Section 4 of the Licensing Act 2003 to carry out its functions with a view to promoting the four

licensing objectives which are:

1. The prevention of crime and disorder.
2. Public safety.
3. The prevention of public nuisance.
4. The protection of children from harm.

Section 4 of the Licensing Act 2003 also requires the Licensing Authority to have regard to the relevant provisions of the guidance set out in Section 182 of the Act (Secretary of State's Guidance) and the Council's own Licensing Policy.

The Panel may, if it considers it to be in the public interest, or if it considers it necessary for further consideration of any representations made by a party, adjourn the hearing to a specified date or arrange for a hearing to be held on a specified additional dates. This is subject to paragraphs 11 to 13 of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44).

The Panel is reminded of its duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of its decisions and the Authority's responsibility to cooperate in the reduction of crime and disorder in the borough.

The Panel is also reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence and the protection of private and family life.

Section 52(3) of the Licensing Act 2003 sets out that the Authority (the Licensing Authority) must have regard to the application and any relevant representations and take such steps as it considers necessary, if any, for the promotion of the licensing objectives.

The steps which the Licensing Panel may consider necessary are:

1. To modify the conditions of the new licence.
2. To exclude a licensable activity from the scope of the licence.
3. Refuse to specify a person in the licence as the premises supervisor.
4. Reject the application.

Background Documents:

Licensing Act 2003
Revised Guidance issued under s 182 of the Licensing Act 2003 (Revised April 2017)
Appendices 1 -5

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Implications Application for a Premises Licence	
Finance	Not applicable.
James Mortell Licensing Officer	
Legal	The Panel must determine the application in accordance with the provisions of the Licensing Act 2003 and the hearing must be conducted in accordance with the provisions of the Licensing Act 2003 (Hearings) Regulations 2005.
Samuel Ball Senior Democratic Services Officer / Legal Officer	
Corporate Risk(s) (CR)	Not applicable.
James Mortell Licensing Officer	
Corporate Priorities (CP)	Not applicable.
James Mortell Licensing Officer	
Vision & Values (V)	Not applicable.
James Mortell Licensing Officer	
Equalities & Equality Assessment(s) (EA)	Not applicable.
James Mortell Licensing Officer	