

**LICENSING ACT 2003
APPLICATION FOR A NEW PREMISES LICENCE
SPALDWICK SERVICE STATION, HIGH STREET, SPALDWICK, PE28 0TD
(Report by Head of Community)**

1. INTRODUCTION

1.1 To consider and determine this application for a new premises licence for Spaldwick Service Station, High Street, Spaldwick, PE28 0TD taking into account the policy considerations detailed in paragraph 2 of the report and the representations detailed in paragraph 5.

1.2 Licensing Matters Ltd acting on behalf of the owners Petrogas Group UK Ltd, is seeking a new premises licence to permit:

Late Night Refreshment (indoors)

Mon – Sun 23:00 to 05:00

Supply of alcohol (off the premises)

Mon – Sun 00:00 to 23:59

Hours premises are open to the public

Mon – Sun 00:00 to 23:59

1.3 A copy of the application and plan are attached as Appendix A.

2. GENERAL DUTY/ POLICY CONSIDERATIONS

2.1 The Sub-Committee's is reminded that the licensing authority must carry out its functions under the Act with a view to promoting the licensing objectives which are –

- (a) the prevention of crime and disorder,
- (b) public safety,
- (c) the prevention of public nuisance, and
- (d) the protection of children from harm.

2.2 The licensing authority must also have regard to –

- (a) its statement of licensing policy, and
- (b) any statutory guidance issued under Section 182 of the Licensing Act 2003.

3. BACKGROUND

3.1 The application describes the premises as being a brand new forecourt and service station which is currently under construction. It is located on High Street, on the outskirts of Spaldwick, close to the A14.

- 3.2 The Petrogas Group own over 60 forecourts nationally with alcohol sales. This is 1 of 2 service stations currently being developed in the area that will be flagshop stores under the Applegreen brand.
- 3.3 The part of the premises where alcohol is to be sold will be a full convenience store selling all types of products such as household goods, toiletries, fresh and frozen foods etc., Alcohol will be sold as part of the convenience offering but will be located in a designated 'shop within a shop' to ensure maximum supervision of customers.
- 3.4 In addition to the convenience store, the service station will include a Greggs, Subway & Costa Coffee franchise and a large restaurant area for customers to consume food.
- 3.5 There are currently two existing Premises Licences for this location:
- HDC/PRE00587 issued in December 2011. In 2015 the premises was damaged by a fire.
 - A temporary 'portakabin' was subsequently licenced HDC/PRE00682.

Both licences have been maintained by the applicant. The times and activities applied for in this application remain unchanged to both existing licences. Copies of the existing licences are attached at Appendix B.

4. LICENSING OBJECTIVES ADDRESSED BY THE APPLICANT

- 4.1 The operating schedule submitted by the applicant in Section 18 of the application addresses the four licensing objectives. Paragraphs 8.38-8.46 and Section 10 of the government guidance refer to the operating schedule and licence conditions. The applicant has proposed measures in support of the licensing objectives. These include but not limited to, the use of the 'Challenge 25' policy, use of CCTV, keeping a refusals and incident register, and staff training. Full details of these measures can be found in the application form at Appendix A. Proposals made are normally translated directly into conditions that will be attached to the premises licence.

5. REPRESENTATIONS

- 5.1 During the period for the receipt of representations, no representations were received from the Responsible Authorities. Two representations were received by the licensing authority from 'other persons'. The representations have been attached in their entirety as Appendix C. Not all matters raised within the representation may be relevant matters for consideration under the Licensing Act 2003.
- 5.2 A person who has submitted a relevant representation is entitled to address the Licensing Sub-Committee at the hearing and ask questions of any other party appearing at the hearing.

6. ACTION BY THE LICENSING AUTHORITY

- 6.1 The Licensing Authority has a duty under the Licensing Act 2003 by promoting the Licensing Objectives. Each objective has equal importance. In carrying out its licensing functions, the Licensing Authority must also have regard to its Statement of Licensing Policy, any Statutory Guidance under the Licensing Act 2003 and is bound by the Human Rights Act 1988. The Council

must also fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in its district.

7. OPTIONS

- 7.1 Having regard to the representations and supporting documentation contained and attached to this report and any other information presented at the hearing, the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are to grant the licence subject to conditions, modified as necessary, to exclude a licensable activity, or to reject the application. Conditions are modified if they are altered, omitted or any new condition added (Licensing Act 2003 section 18(4) & (5)).

8. RECOMMENDATION

- 8.1 That Members determine the application on its individual merits.

BACKGROUND INFORMATION

Licensing Act 2003.

Guidance issued under section 182 of the Licensing Act 2003.

The Council's Statement of Licensing Policy.

Contact Officer: Christine Allison, Licensing Manager
☎ 01480 387075