

**North Hertfordshire District Council
Licensing Act 2003
Decision Notice**

Date of Hearing	Tuesday, 21 September 2010										
Members of Panel	Councillors D. Barnard, M. Muir and M. Weeks										
Applicant(s) Name	Christopher John King and Susan Gardner										
Premises Address	Westmill Filling Station, Bedford Road, Hitchin, Herts. SG5 2UG										
Date of Application	27 July 2010										
APPLICATION FOR GRANT	<p>This is an application for the grant of a Premises Licence under Section 17 of the Licensing Act 2003.</p> <p>The Sub-Committee has read the material presented to it and has listened to all the evidence and submissions. The Sub-Committee has considered the National Guidance and the Statement of Licensing Policy and has come to the following decision:</p> <p>1. The application is <u>approved</u> subject to the conditions and hours as are set out below.</p> <p>1. <u>OPENING HOURS</u></p> <p>The permitted opening hours are:</p> <table style="margin-left: 20px;"> <tr> <td>Monday to Friday</td> <td>0700hrs to 2000hrs</td> </tr> <tr> <td>Saturday</td> <td>0800hrs to 2000hrs</td> </tr> <tr> <td>Sunday</td> <td>0900hrs to 2000hrs</td> </tr> </table> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activity applied for is:</p> <ul style="list-style-type: none"> • PART M - Supply of alcohol <p>The hours during which the licensable activities may take place are:</p> <p>PART M - Supply of alcohol</p> <table style="margin-left: 20px;"> <tr> <td>Monday to Saturday</td> <td>0800hrs to 2000hrs</td> </tr> <tr> <td>Sunday</td> <td>0900hrs to 2000hrs</td> </tr> </table>	Monday to Friday	0700hrs to 2000hrs	Saturday	0800hrs to 2000hrs	Sunday	0900hrs to 2000hrs	Monday to Saturday	0800hrs to 2000hrs	Sunday	0900hrs to 2000hrs
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CONDITIONS DEEMED NECESSARY FOR THE PROMOTION OF THE LICENSING OBJECTIVES	<p>The Sub-Committee recognises that conditions will <u>only</u> be imposed on a licence where conditions are necessary for the promotion of one of the four licensing objectives. The Sub-Committee will only impose conditions on a licence where relevant representations have been made and it considers that it is necessary to impose conditions as a result of these representations.</p> <p>The Sub-Committee has decided not to impose any conditions of its own volition.</p>										

<p>CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES</p>	<p>The conditions recommended by the Police Authority were accepted by the applicant and therefore form part of the application. The Sub-Committee agrees the conditions as proposed.</p>
<p>CONDITIONS PROPOSED BY APPLICANT</p>	<p>This licence will be subject to conditions, that are consistent with the terms offered by the applicant, in order to promote the licensing objectives of the Prevention of Crime and Disorder and the Protection of Children from Harm.</p> <ol style="list-style-type: none"> 1. The Premises Licence Holder and Designated Premises Supervisor (DPS) will implement a “Challenge 25” policy. 2. Staff will only accept a driving licence photo card, passport or Validate UK PASS accredited card when checking age and identification of persons believed to be under twenty-five (25) years of age. 3. The Premises Licence Holder and Designated Premises Supervisor (DPS) will ensure signs are displayed at prominent locations in the premises highlighting the “Challenge 25” and ID policy. 4. The Premises Licence Holder and Designated Premises Supervisor (DPS) will ensure that signs are displayed at prominent locations in the premises highlighting that sales of alcohol will not be made to persons under eighteen (18) years of age or persons purchasing alcohol on behalf of persons under eighteen (18) years of age. 5. All signage that is required will be displayed where alcohol is on display, at the sales counter and in the windows of the premises so as to be clearly visible from the outside. 6. The Premises Licence Holder and Designated Premises Supervisor (DPS) will ensure that written training records relating to staff will be kept and made available for inspection upon request by Police Licensing Officer, Police Officers, Police Community Safety Officers, Local Authority Licensing Officers and Trading Standards Officers. 7. The Premises Licence Holder and Designated Premises Supervisor (DPS) will instigate ongoing training for all staff in relation to the legislation governing underage sales, proxy purchasing and the “Challenge 25” and ID policy. 8. The Premises Licence Holder and Designated Premises Supervisor (DPS) will ensure that a Refusals Book is maintained and kept at the premises at all times. 9. The Premises Licence Holder and Designated Premises Supervisor (DPS) will ensure that the Refusals Book is used to record attempted underage purchases and proxy purchases of age restricted products. In addition to this a record will be made

	<p>on each occasion an age check is requested.</p> <p>10. The Refusals Book will be made available for inspection upon request by Police Licensing Officer, Police Officers, Police Community Safety Officers, Local Authority Licensing Officers and Trading Standards Officers.</p> <p>11. The Premises Licence Holder and Designated Premises Supervisor (DPS) will ensure that the premises are equipped with a closed-circuit television (CCTV) system, the recordings of which are of a standard that is to the satisfaction of Hertfordshire Constabulary.</p> <p>12. The Premises Licence Holder and Designated Premises Supervisor (DPS) will ensure that viewable and un-edited copies of recordings from the CCTV system can be provided to Police no later than twenty-four (24) hours after request. All recordings will be kept for a minimum of twenty-eight (28) days.</p> <p>13. Persons are not allowed to enter or exit the premises with alcohol in any unsealed container.</p>
EFFECT OF FAILING TO COMPLY WITH CONDITIONS EXPLAINED TO 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.
STATUTORY GUIDANCE CONSIDERATIONS	The Sub-Committee has taken into account the Guidance issued under section 182 of the Licensing Act 2003 (March 2010 version) in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision: 1.16, 2.47, 5.23, 5.24 and 5.25.
LICENSING POLICY CONSIDERATIONS	The Sub-Committee has taken into account the North Hertfordshire District Council's Statement of Licensing Policy in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision: 5.1 and 5.2.
RATIONALE FOR DECISION	The Sub-Committee consider that the primary use of the premises is not as a garage, based on the footfall figures provided, and therefore decide that s.176 Licensing Act 2003 does not apply at this point in time. The Sub-Committee felt that footfall figures, rather than sales figures, provided the prime indicator of the true use of the premises by the community.
COMMENCEMENT DATE	This licence will come into effect from the date of this decision.
RIGHTS OF REVIEW	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.