

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

Date of Hearing	Wednesday, 1 May 2013
Members of Panel	Councillors D. Barnard, J. Green and M. Rice
Applicant(s) Name	Velauthampillai Paheerathan
Premises Address	Westmill Filling Station, Bedford Road, Ickleford, Hitchin, Herts SG5 2UG
Date of Application	4 March 2013
APPLICATION FOR VARIATION	<p>This is an application for variation of a Premises Licence under Section 34 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>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> <p>Monday to Sunday 0700hrs to 0700hrs the following morning</p> <p>2. <u>LICENSABLE ACTIVITIES</u></p> <p>The licensable activity applied for is:</p> <ul style="list-style-type: none"> • PART J - Supply of alcohol <p>The hours during which the licensable activity may take place are:</p> <p>PART J - Supply of alcohol</p> <p>Monday to Sunday 0700hrs to 2300hrs</p>
CONDITIONS DEEMED APPROPRIATE 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 appropriate 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 appropriate to impose conditions as a result of these representations.</p>

	<p>The following conditions are each considered appropriate by the Sub-Committee to promote the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder.</p> <p>The condition(s) are:</p> <ol style="list-style-type: none"> 1. Those provided by the applicant. 2. Alcohol on the premises shall not be on public display between 2300 hours and 0700 hours the following morning. 3. Service will be through the night hatch between 2200 hours and 0700 hours the following morning.
CONDITIONS PROPOSED BY THE RESPONSIBLE AUTHORITIES	None.
CONDITIONS PROPOSED BY APPLICANT	No additional Conditions.
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	<p>The Sub-Committee has taken into account the Guidance issued under section 182 of the Licensing Act 2003 (October 2012 version) in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision:</p> <p>1.17, 2.1, 2.3, 2.18, 2.19, 2.24, 9.38, 10.11 and 10.12</p>
LICENSING POLICY CONSIDERATIONS	<p>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.</p> <p>5.1, 5.9, 6.6, 9.1, 12.2 and 12.7</p>
RATIONALE FOR DECISION	<p>The Sub-Committee have considered the application, the representations and the submissions at the Hearing.</p> <p>The Sub-Committee decided that the supply of alcohol should be restricted to 0700 hours to 2300 hours. The other person referred to previous incidents of public nuisance late at night, and that the facility is likely to be attractive to late night revellers seeking alcohol. The selling of alcohol after 2300 hours is likely to affect the levels of noise and activity in the area, and is to be restricted for the prevention of public nuisance and crime and disorder. For those</p>

	<p>reasons, the alcohol must also be kept out of sight of customers after 2300 hours.</p> <p>The Sub-Committee decided that, as the sales of petrol and other goods from the filling station are distinct from the supply of alcohol, it would not be appropriate to restrict the opening hours. No licensable activities would be carried out after 2300 hours.</p> <p>Following the applicant's submission, the Sub-Committee decided it reasonable to require the night hatch to be used for service between 2200 hours and 0700 hours, rather than the 2000 hours and 0700 hours referred to in the application.</p>
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 any other person, likely to be affected by 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.