



LICENSING ACT 2003

Application for the variation of a Premises Licence

Decision Record

APPLICANT:	Motor Fuel Limited
PREMISES:	Determination of an application for the variation of a premises licence in respect of No. 400 High Street, Aldershot
DATE OF HEARING:	23rd May, 2018
MEMBERS SITTING:	Cllrs Liz Corps, A.H. Crawford and J.E. Woolley (Chairman)

DECISION

To grant the variation (in part) and as amended by agreement, subject to:

- The mandatory conditions imposed by the Licensing Act, 2003; and
- Conditions consistent with the premises licence operating schedule, including the conditions listed below under 'Other Conditions'.

Additionally the premises licence to be amended as follows:-

- the permitted hours for the sale of alcohol to be 24 hours a day
- the provision of late night refreshment to be from 23:00 to 05:00hrs each day.

The variation to the premises licence shall take effect immediately.

The Sub-Committee is satisfied, on a balance of probabilities, that these steps are appropriate for the promotion of the licensing objectives of the prevention of public nuisance and the protection of children from harm.

REASONS

In coming to its decision, the Sub-Committee took into account:

- The Licensing Act Section 35, which states that, having regard to relevant representations that are made, the Sub-Committee must take such steps it considers appropriate for the promotion of the licensing objectives;
- The Secretary of State's Guidance issued under section 182 of the Licensing Act 2003, particularly paragraphs 9.42 to 9.44;
- The Council's Statement of Licensing Policy 2010 – 11, particularly paragraph 3.26;
- The written report including all written representations; and
- Oral evidence presented at the hearing.

The Sub-Committee heard representations from the Licensing Officer, the Licensing Authority as Responsible Authority, Hampshire County Council Trading Standards and one of the Interested Parties. The Police did not attend the hearing but their written representations were considered by the Sub-Committee. All of the parties and the Sub-

Committee had the opportunity to ask questions of all the other parties.

The Sub-Committee found as follows:-

That the applicant took over the ownership of the business at No. 400 High Street, Aldershot on 18th December, 2017 and that the premises licence was transferred to them on 15th December, 2017.

There were three occasions prior to July 2017 when there had been test purchase failures conducted by Trading Standards at the premises. These occurred prior to the applicant taking over the business.

Trading Standards had conducted only one test purchase since July 2017 and that test purchase had been passed.

At a visit on 13th March, 2018 by the Licensing Authority and the Police, there were deficiencies with the completion of the refusals log and the training records could not be located. The Licensing Officer explained the conditions on the premises licence to the Designated Premises Supervisor at the time of the visit.

The Interested Party picked up litter daily comprising alcohol bottles, beer cans and Costa coffee cups. The Interested Party accepted that the proposed conditions relating to litter would address his concerns in this area.

OTHER CONDITIONS

(New, amended and deleted conditions consistent with the operating schedule)

AMENDED CONDITION:

Condition 17 of Annex 2 of the premises licence to be replaced with the following condition:

All sales of alcohol must be personally authorised by an individual who has passed the level 2 Award for personal licence holders or suitable equivalent (as accredited by the government for obtaining a personal licence) or a personal licence holder.

NEW CONDITIONS:

1. Sufficient litter bins shall be provided at the premises, including the forecourt exits, to enable customers to dispose of waste.
2. The premises and the public footpaths adjoining the premises shall be cleared of litter on a regular basis and at least once a day.
3. All points of customer access and egress to the premises shall

be closed and kept closed (except in an emergency) between the hours of 23:00 and 05:30am on any day. Any sales during these hours shall be made through a suitable night service hatch.