

Mission Statement

To Improve the Quality of Life
For Those Who Live and Work in The District

29 March 2010

Dear Councillor

You are hereby invited to a meeting of the **Licensing Sub-Committee** to be held in **Committee Room 2**, Civic Centre, Portholme Road, Selby on **Thursday 8 April 2010** commencing at **10:00 am**.

AGENDA

1. Election of Chair

To elect a councillor to act as Chair of the meeting.

2. Introductions

3. Disclosure of Interests

To receive any disclosures of interest in matters to be considered at the meeting in accordance with the provisions of Section 117 of the Local Government Act 1972, and Sections 50, 52 and 81 of the Local Government Act 2000 and the Members' Code of Conduct adopted by the Council.

4. Guidance of Procedure for Hearing Licensing Applications

5. Minutes

To confirm as a correct record the minutes of the proceedings of the meeting of the Licensing Sub-Committee held on the 14 January 2010 (pages 5 to 6 attached).

6. Section 35(3)(a) Application for a Premises Licence for Mace, Millgate Service Station, 142, Millgate, Selby, YO8 3LL

To determine the application received for a Premises Licence in respect of the above named premises (pages 7 to 39 attached).

J Lund
Deputy Chief Executive
29 March 2010

Disclosure of Interest – Guidance Notes:

- (a) Councillors are reminded of the need to consider whether they have any personal or prejudicial interests to declare on any item on this agenda, and, if so, of the need to explain the reason(s) why they have any personal or prejudicial interests when making a declaration.
- (b) The Democratic Services Officer or relevant Committee Administrator will be pleased to advise you on interest issues. Ideally their views should be sought as soon as possible and preferably prior to the day of the meeting, so that time is available to explore adequately any issues that might arise.

[Please note that the papers relating to the applications have been circulated to councillors of the Licensing Sub-Committee only, who should return the agenda to Democratic Services at the conclusion of the meeting to enable the papers to be destroyed confidentially].

Enquiries relating to this agenda, please contact Jade Hibberd on:

Tel: 01757 292078
Fax: 01757 292020
Email: jhibberd@selby.gov.uk

The Chair introduces him/herself, the other members of the panel, the Clerk to the panel and any officers present.

The Chair will ask the parties to introduce themselves, and provide details of any witnesses they will be calling. If more than one interested party, the Chair will ask whether a representative can be appointed to speak on their behalf.

The Clerk summarises the hearings procedure, any time limits for speakers and any additional information to be produced by the parties.

The Licensing Officer gives a summary of his report and any representations received.

The Chair asks for questions for the licensing officer from members, and then the Applicant, responsible authorities, interested parties and officers.

The Applicant or their representative makes a brief opening statement and may call witnesses relevant to the application.

The Chair asks for questions for the applicant from members, and then responsible authorities, interested parties and officers.

Responsible Authorities or their representative makes a brief opening statement and may call witnesses relevant to the application.

The Chair asks for questions for the responsible authorities from members, and then the applicant, interested parties and officers.

The Interested Parties or their representative makes a brief opening statement and may call witnesses relevant to the application.

The Chair asks for questions for the interested parties from members, and then the Applicant, responsible authorities and officers.

The Chair asks the responsible authorities or their representative if they wish to sum up their case, without adding any new evidence.

The Chair asks the interested parties or their representative if they wish to sum up their case, without adding any new evidence.

The Chair asks the applicant or their representative if they wish to sum up their case, without adding any new evidence.

The Chair confirms with all parties that they have had an opportunity to say all they wanted to say in relation to the application.

The Clerk advises the meeting that the panel will retire to deliberate and reach a decision.

Meeting reconvenes

The Chair announces the decision of the committee.

Meeting Closes.

SELBY DISTRICT COUNCIL

Minutes

Minutes of the proceedings of a meeting of the Licensing Sub Committee held on 14 January 2010, in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 10:00 am.

PRESENT:

Councillor K Ellis
Councillor Mrs S Ryder
Councillor Ruth Sayner

OFFICERS:

Lorna McShane - Solicitor to the Council
Tim Grogan - Licensing Enforcement Officer
Ken Robinson - Democratic Services Manager

ON BEHALF OF THE APPLICANT:

Mr S Gibson

Public: 2

1. ELECTION OF CHAIRMAN

It was resolved:

That Councillor Sayner be elected as Chairman for the duration of this Licensing Sub-Committee.

2. INTRODUCTIONS

The Chairman introduced herself and the other Members of the Licensing Sub-Committee.

For the benefit of all present, the Clerk summarised the Hearings Procedure, as appended to the agenda.

3. DECLARATION OF INTEREST

None received.

4. APPLICATION FOR A PREMISES LICENCE FOR MACE, MILLGATE SERVICE STATION, SELBY

In attendance and entitled to speak on this application were:

Mr S Gibson representing the applicants.

Tim Grogan (Licensing Officer) gave a summary of his report. He advised that the application was for a Premises Licence for the sale of alcohol set out in the summary of the report.

The application was for premises known as Mace, Millgate Service Station, 142 Millgate, Selby. The applicant had requested that alcohol could be sold from 06.30 – 23.00 Monday to Saturday (inclusive) and 07.00 – 23.00 (Sunday).

The Licensing Officer outlined the decision options open to the Committee together with options available for possible appeals.

Mr Gibson advised the sub committee that the premises were primarily used as a shop by the local community. He submitted details of sales figures for the period September to November 2009 which indicated that 37% of customers purchased fuel and 63% were shop customers. The granting of a licence would allow the applicants to provide an improved service to the local community. The applicants ran similar premises in other areas of Northern England and were fully aware of the need to prevent the purchase of alcohol by those under 18.

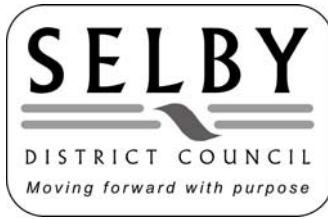
Councillors and the Licensing Officer questioned the applicant's representative on the information submitted.

After the applicant's representative and the Licensing Officer confirmed that they had received a fair hearing the Sub-Committee adjourned to debate their decision.

Resolved:

That consideration of the application be deferred until 8 April 2010 to enable the primary use issue to be resolved.

The meeting closed at 11.02am



Public Session

Agenda Item No: 6

Title: Section 35(3)(a) Application for a Premises Licence for Mace, Millgate Service Station, 142, Millgate, Selby YO8 3LL

To: Licensing Act 2003 Sub-Committee

Date: 8th April 2010

Service Area: Customers and Business Support

Author: Tim Grogan

Presented by: Tim Grogan

1. Summary

- 1.1 To seek the determination by the Licensing Sub-Committee regarding the eligibility or otherwise for a Premises Licence in respect of Mace, Millgate Service Station, 142, Millgate, Selby. The Licensing Act 2003 defines excluded premises and prohibits the sale of alcohol from such premises. Excluded premises include those which primary use is the retail of petrol etc. The Sub-Committee is asked to determine whether an application in respect of the premises in question can be considered.
- 1.2 Application reference: TAG/MSS
- 1.3 Name of Applicant: David Simpson Penny and Anne Louise Penny
- 1.4 Type of authorisation applied for: The nature of the application is to grant a premises licence for Mace, Millgate Service Station, 142, Millgate, Selby YO8 3LL. The applicant requests that the licence be granted for the sale of alcohol from 06:30 – 23:00 Monday to Saturday (inclusive) and 07:00 – 23:00 Sunday.

2. Background

2.1 A copy of the application for a Premises Licence is attached at Annex 1.

3. Promotion of Licensing Objectives

3.1 The applicant proposes to operate as a responsible and effective manager of the premises in order to promote the licensing objectives and this detail is contained in section P of the Premises Licence Application at Annex 1.

4. Consultation

4.1 Consultation was carried out by the applicant in accordance with section 13, and section 17(5) of the Licensing Act 2003 and Regulation 42, parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in the local newspaper giving details of the application and serving a copy of the application on all responsible authorities. The applicant has complied with all statutory requirements.

5. Summary of representations made by Responsible Authorities

5.1 No representations were received from any Responsible Authority.

6. Summary of representations made by interested parties

6.1 No representations were received from any Interested Parties.

7. Legislation covering garages

7.1 The Licensing Act 2003 requires that licences be acquired for premises selling or supplying alcohol.

7.2 The following is an extract from Section 176 of the Act:

- (1) No premises licence, club premises certificate or temporary event notice has effect to authorise the sale by retail or supply of alcohol on or from excluded premises.
- (2) In this section 'excluded premises' means
 - (b) premises used primarily as a garage or which form part of premises which are primarily so used
- (3) For the purpose of this section
 - (c) premises are used as a garage if they are used for one or more of the following:
 - (i) the retailing of petrol
 - (ii) the retailing of derv
 - (iii) the sale of motor vehicles
 - (iv) the maintenance of motor vehicles

7.3 Section 182 of the Licensing Act 2003 states that the Secretary of State must issue Guidance to Local Authorities on the discharge of their functions under this Act. Amended guidance was laid before Parliament on 28th June 2007 and came into force on that date.

7.4 As a consequence councillors should have regard to all relevant information and it is considered that the following extracts from the Guidance, (though not exclusively) have a bearing upon the application:

5.24 of the Guidance provides that the Licensing Authority must decide whether or not any premises are used primarily as a garage. The approach endorsed so far by the courts is based on intensity of use to establish primary use. For example, if a garage shop in any rural area is used more intensely by customers purchasing other products than by customers purchasing the products or services listed above, it may be eligible to seek authority to sell or supply alcohol.

5.25 of the Guidance provides that where there is insufficient evidence to establish primary use, it is for the Licensing Authority to decide whether to grant the licence and deal with any issues through enforcement action or to defer granting the licence until the primary use issue can be resolved to their satisfaction.

8. Licensing Officer observations

- 8.1 This matter was first heard by the Licensing Sub-Committee on 14th January 2010. At this time the Licensing Department provided the following information.
- 8.2 It was established that in their application the applicants describe Mace, Millgate Service Station as a premises trading as a garage forecourt site as a convenience store retailing a range of convenience products. In addition, a letter was provided claiming that the sales performance of the service station from July to September 2009 reveal the shop to be the predominant reason for customers to visit the site.
- 8.3 However, there was no evidence to demonstrate that the figures formed part of official audited accounts and it was clear that shop sales represented a fifth of the overall sales with petrol the predominant product of purchase. As a consequence of the limited nature of the figures provided, in terms of the short period of time under review and the fact that there was no precise detail of customers who purchased both petrol and convenience products from the shop, the Licensing Department considered that they could not be relied upon.
- 8.4 It was revealed that on the 4th and 15th December 2009 the Licensing Officer had visited Mace, Millgate Service Station to inspect the premises. The shop was described as small and the products offered for sale include; cigarettes, newspapers, crisps, sweets, soft drinks, sandwiches, milk, pet food, oil, toiletries and various tinned foodstuffs. At this time it was found there was insufficient evidence to corroborate the claims made in the application. During both visits it was clear that the majority of customers were purchasing petrol and a member of staff confirmed that only one in ten customers entered the shop to purchase items unconnected to the garage.
- 8.5 It was the considered opinion of the Licensing Department that having regard to all the available evidence Mace, Millgate Service Station is a premises used primarily as a garage.
- 8.6 Mr Gibson, on behalf of Mace, advised that the premises were primarily used as a shop by the local community. He submitted details of sales for the period September to November 2009, which indicated that 37% of customers purchased fuel and 63% were shop customers.
- 8.7 The Sub-Committee resolved that consideration of the application be deferred until 8th April 2010 to enable the primary issue to be resolved.
- 8.8 Since this time Mr Gibson has reported that he will produce updated details of sales, available on the day of the hearing, which will clarify the issue.

- 8.9 Between 14th January and 8th March 2010 the Licensing Officer visited Mace on three occasions and his observations revealed an increasing number of local residents visiting the Service Station to purchase various items.
- 8.10 On 25th March 2010 the Licensing Officer interviewed the manager of Mace, June Cawkill, and she revealed that since the Service Station had become more established as a centre of retail the customer base in relation to local residents purchasing goods as against petrol had increased. Furthermore, she revealed that several customers had made enquiries concerning the purchase of alcohol.

9. Options

- 9.1 The Sub Committee have the following options available to them in making their decision:-
- Option 1:** Grant the premises licence in the terms applied for.
- Option 2:** Grant the premises licence with modified/additional conditions imposed by the Licensing Sub Committee
- Option 3:** Reject the application.
- Option 4:** Defer granting the licence for a specified period until primary use issue can be resolved.

10. Analysis

- 10.1 The following could be the result of any decision made by this Sub Committee:
- Option 1:** This decision has the potential to be subject to legal challenge.
- Option 2:** This decision could be appealed at Magistrates Court by the applicant
- Option 3:** This decision could be appealed at Magistrates Court by the applicant.
- Option 4:** This decision would allow the Sub-Committee to defer the matter in order to resolve the primary use issue.

11. Licensing Objectives

- 11.1 The Licensing Act 2003 has 4 objectives:
- the prevention of crime and disorder

- public safety
- the prevention of public nuisance
- the protection of children from harm.

12. Implications

- 12.1 Community safety and crime: The Sub Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to cooperate in the reduction of crime and disorder in the town.

13. Risk Management

- 13.1 The consequence of certain decisions made by the Licensing Sub-Committee could be appealed at Magistrates Court by the applicant. In addition, any decision which is unreasonable or unlawful could be open to legal challenge resulting in loss of image reputation and potential financial penalty. Please see **item 10 (Analysis)** for details.

14. Recommendations

- 14.1 Councillors determine the application.

ANNEX 1

Copy of the application for a Premises Licence for Millgate Service Station, 142, Millgate, Selby YO* 3LL.

wk/2009 34869

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

25 NOV 2009
L 5445
E190

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We David Simpson Penny & Anne Louise Penny t/a Penny Petroleum
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Mace Millgate Service Station 142 Millgate Selby YO8 3LL			
Post town	Selby	Post code	YO8 3LL

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£15000

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Penny			First names David Simpson		
I am 18 years old or over					<input checked="" type="checkbox"/> Please tick yes
Current postal address if different from premises address		Old Station House Powburn Alnwick Northumberland NE66 4HU			
Post Town	Alnwick			Postcode	NE66 4HU
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Penny			First names Anne Louise		
I am 18 years old or over					<input checked="" type="checkbox"/> Please tick yes

Current postal address if different from premises address		Old Station House Powburn Alnwick Northumberland NE66 4HU	
Post Town	Alnwick	Postcode	NE66 4HU
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year		
2	3	1	2	2	0	9

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year		

Please give a general description of the premises (please read guidance note1)

The premises is to be situated on a garage forecourt site.. The store trades as a convenience store retailing a full range of convenience products, and hopefully including the sale of alcohol for consumption off the premises.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)	
Day	Start	Finish		
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)	
Tue				
Wed				
Thur				<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Tue					
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>		
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) <u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4) <u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give a description of the facilities for dancing you will be providing</u>		
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) The request is the same for all days of the year i.e. 365 days.					
Mon	0630	2300						
Tue	0630	2300						
Wed	0630	2300						
Thur	0630	2300						
Fri	0630	2300						
Sat	0630	2300						
Sun	0700	2300						
						Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name June Cawkill	
Address 141 Abbotts Road Selby North Yorkshire YO8 8AY	
Postcode	YO8 9AY
Personal Licence number (if known) Not yet issued	
Issuing licensing authority (if known)	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)
 N/A

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	0630	2300	
Tue	0630	2300	
Wed	0630	2300	
Thur	0630	2300	
Fri	0630	2300	
Sat	0630	2300	
Sun	0700	2300	
			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

The store operates to a high standard, and will continue to do so should this licence be granted in terms of the sale of alcohol. All staff will be fully trained in their responsibilities with regard to the sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection. All displays of alcohol will be securely covered from the public outside the licensing hours applied for. No alcohol will be accessible to customers during this time. Indeed the store intends to serve through a service hatch from 2300 hours until 0600 hours, thus denying the public access to the store during these times

b) The prevention of crime and disorder

An extensive CCTV system will be in operation to provide security and identify any culprit who is intent in causing trouble in store. There is a monitor on the shop floor as well as a monitor on the Managers office. All images are stored on the hard drive for a period of 30 days after which they can be erased or saved to disc at the request of the police. All current security measures will remain in operation. All staff have been fully trained in this area. Images will be made available to the police or authorised licensing officer from the council on request.

c) Public safety

Staff will be trained to be alert to any potential danger to customers and react accordingly. If they are unable to quickly diffuse the situation without risk to customer or staff, then they are instructed to call the police. All relevant fire procedures are in place for a store of this size.

d) The prevention of public nuisance

Youths will be encouraged to move from the entrance to the store to prevent the potential of causing nuisance to customers, either in requesting they purchase alcohol on their behalf, or general intimidating behaviour. The entrance to the store is also visible from the till point area, and so can be monitored by the staff. CCTV cameras will also pick up any disturbance in this area. Due to this being a proposed forecourt site, no one will be permitted to loiter around the store at all due to the fire risk posed by the petrol.

e) The protection of children from harm

Only photographic ID is accepted (passport, driving licence, proof of age card with PASS hologram). Anyone who appears to be under the age of 21 is challenged to provide ID. If the customer is unable to provide identification then no sale is made. No ID no sale. Any staff member who may be under the age of 18 must call a senior staff member to take over the sale and complete the transaction. If it is known that a customer intends to purchase alcohol to provide to minors then that sale will be refused.


Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	24/11/2009
Capacity	Licensing Agent as appointed by the applicant

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Stewart Gibson
 GP Retail Services Ltd
 Springfield House
 Springfield Road
 Grantham
 Lincolnshire

Post town	Grantham	Post code	NG31 7BG
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Telephone number (if any)	01476 514691
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)
 stewart.gibson@gpretail.co.uk

Consent of individual to being specified as premises supervisor

June Cawkill

[full name of prospective premises supervisor]

of

141 Abbots Road
Selby
North Yorkshire
YO8 8AY

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

A Licence for alcohol consumption off the premises

[type of application]

by

David Simpson Penny & Anne Louise Penny t/a Penny Petroleum

[name of applicant]

relating to a premises licence

[number of existing licence, if any]

for

Mace
Millgate Service Station
142 Millgate
Selby
YO8 3LL

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

David Simpson Penny & Anne Louise Penny t/a Penny Petroleum

[name of applicant]

concerning the supply of alcohol at

Mace
Millgate Service Station
142 Millgate
Selby
YO8 3LL

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

[insert personal licence number, if any]

Personal licence issuing authority

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

June Cawkill

Date

24/11/2009

Millgate Station
142 Millgate
Selby
YO8 3LL

This is an application to add an off licence to an already thriving convenience store on a garage forecourt site.

The store is an average sized convenience store selling a full range of convenience product. Alcohol is an integral part of the convenience store offer, with over 95% of all convenience stores in this country retailing alcohol.

The Convenience Market is extremely competitive with the increased competition in this sector of the large multiples such as Tesco and Sainsbury's. As a result the independent retailer has to constantly strive to develop their business to remain competitive.

The introduction of off licence sales is crucial to allow the independent retailer to compete in this market place.

The site is a convenience store on a garage forecourt site. The figures show sales performance from July 2009 to September 2009 inclusive. The figures clearly show a bias towards the shop being the predominant reason for the customers visit to the site.

Of the 32307 customers who used the store for either petrol sales alone or shop sales alone, we can see that the shop accounts for 22030 customers, with 10277 purchasing petrol alone. This equates to 68.19% vs. 31.81% in favour of the store.

Unfortunately the current till system instore is unable to provide a breakdown of customers who purchased both petrol and items from the store on the same visit, however I would point out the following:

1. It is impossible to determine what the main driving force for this type of customer was in visiting the store. Did they drop in for Bread, Milk and a paper, and decide they might as well fill up with petrol since they were there already? Or did they stop for petrol and decide to pick up a few groceries at the same time? Short of

carrying out a customer survey as they leave the store we can never be sure as to the main reason for visiting the site. Therefore I would submit that the sales figures should be considered in their present format for the purpose of this application.

In terms of the legality of this site to apply for a licence under the 2003 Act, I refer you to the Licensing Act 2003 Section 176 which covers the issue of Forecourt sites applying for a Licence.

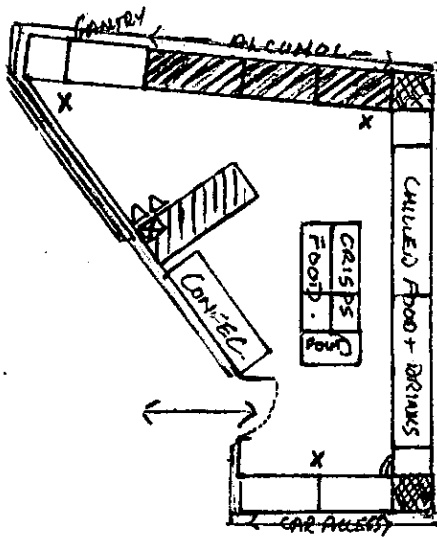
The 2003 Act mainly maintains the position of the 1964 act in that it is for the licensing authority to determine whether the site is eligible to apply for a licence, examining the facts as to whether the site is used primarily as a garage.

I quote from the Paterson's Licensing Guidelines on this matter, page 1211:

"The approach to establishing primary use so far approved by the courts has been based on an examination of the intensity of use by customers of the premises. For example, if a garage shop in any rural area is used more intensely by customers purchasing other products than by customers purchasing non-qualifying products or services, it may be eligible to seek authority to sell or supply alcohol."

Given the above information I would conclude that the store is permitted to apply for an off licence under the terms of the 2003 Licensing Act.

your premises.



MILLGATE SERVICE STATION
 MACE.
 142 MILLGATE.
 SELBY
 YO8 3LL.

SCALE 1:100
 Δ - FIRE EXTINGUISHERS
 X - CAMERAS
 ◐ - SECURITY MIRROR.

blankets, sprinklers and alarms showing
 ed key
 the public
 on the premises

Name: _____

Plan No: _____

Date: _____