

Representation made by the Local Authority 17th October 2017

I am an officer authorised under the Licensing Act 2003.

I refer to the application made for a new premises licence in respect of 'Morrisons Daily Petrol Filling Station, Barons Cross Road, Leominster, HR6 8PN'.

The application applies for the sale of alcohol 24 hours a day, 7 days a week and for the provision of late night refreshment daily between 2300 to 0500 hours.

Whilst the authority does not object to the part of the application for late night refreshment it does **object in total to the sale of alcohol**.

This objection is based upon the fact that Section 176 of the 2003 Act prohibits the sale from premises which are used primarily as a garage, or are part of premises used primarily as a garage. Premises are used primarily as a garage if they are used for one or more of the following:

- the retailing of petrol;
- the retailing of derv;

Historically Morrisons Petrol Station has not been open 24 hours and has closed at around 10 to 11pm opening again the following morning.

The very location of the petrol station, in that it is set back further from the road than the main store, makes the premises less accessible than the main store. Furthermore there are footpaths from residential housing which are opposite the main store again providing easy access.

I make reference to the Section 182 Guidance which at paragraph 5.22 states:

- It is for the licensing authority to decide, based on the licensing objectives, whether it is appropriate for that premises to be granted a licence, taking into account the documents and information listed in section 17(3) and (4) which must accompany the application.

I note that the evidence provided by the applicant is prediction based only and does therefore not demonstrate that the primary use of the premises is anything other than a garage. In fact the name of the premises 'Morrisons Daily Petrol Filling Station' indicates that the premises is a garage selling petrol.

The authority therefore is concerned that based on the information before the authority that to grant a premises licence would mean that it aided and abetted the offence of selling alcohol other than in accordance with a licence, contrary to Section 136 of the act.

Fred Spriggs
Licensing Officer