

Representation made by the Local Authority 20th December 2018

I am an officer authorised under the Licensing Act 2003.

I refer to the application made for a new premises licence in respect of 'Forge Filling Station, Wormbridge, Hereford, HR2 9DH.

The application applies for the sale of alcohol 0800 hours until 2130 hours daily.

The authority does **object in total to the grant of the licence for 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;
- the sale of motor vehicles,
- the maintenance of motor vehicles

The applicant has produced data concerning sales between May & October 2018. It is noted that on 4th July a new till system was installed.

The authority has taken a number of snap shots of that data which has shown the following:

13/07/18	Diesel Sales	46.97%	£1637.97
	Unleaded petrol	22.02%	£ 769.44
	Red diesel	6.38%	£ 222.99
	Total	75.37%	£2630.40
	Total Sales		£3494.38
	Other sales		£ 863.98
25/08/18	Diesel Sales	42.84%	£1833.85
	Unleaded petrol	26.85%	£1148.59
	Red diesel	12.14%	£519.54
	Total	81.83%	£3501.98
	Total Sales		£4280.26
	Other sales		£ 778.28
01/10/18	Diesel Sales	55.25%	£2204.02
	Unleaded petrol	20.27%	£ 808.54
	Red diesel	5.53%	£ 220.46
	Total	81.05%	£3244.02
	Total Sales		£3989.04
	Other sales		£ 745.02

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.

Based upon the figures provided the primary use of the filling station is that of a garage and therefore Section 176 applies.

The authority therefore is concerned that based on the information provided 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