

**Item 5      Application for the variation of a Premises Licence –  
Pace Petroleum, 94 Charlton Road, Andover SP10 3JZ**

**1      The application**

- 1.1      The application is by Pace Petroleum Limited for the premises known as Pace Andover, 94 Charlton Road, Andover SP10 3JZ. The premises have traded as a petrol filling station with a forecourt shop for a number of years and currently benefits from a Premises Licence which permits sale and supply of alcohol for consumption off the premises under the terms of the Licensing Act 2003 up to 2300 hours Monday to Saturday and until 2230 hours on Sunday. A copy of the existing licence is attached as Annex 1 to this report.
- 1.2      The applicant has now applied under section 34 of the Licensing Act 2003 for a variation of this licence. This variation application has attracted a representation necessitating the application to be determined at a hearing. The nature of the variation application as submitted is as follows:-
- a)      To vary the times to allow sale of alcohol for consumption off the premises 24 hours a day, seven days a week.
  - b)      To allow the provision of late night refreshment between 2300 and 0500 hours seven days a week.

A copy of the application is attached as Annex 2 to this report.

**2      Background**

- 2.1      The premises are a convenience store attached to a petrol station forecourt located in Charlton Road, Andover. The shop serves the local community and those travelling from further a field.

**3      Promotion of the Licensing Objectives**

- 3.1      The applicant makes the following comments in relation to the steps taken to promote the four licensing objectives:-
- a)      General – none in addition to those steps already in place which includes sprits only located behind the counter, CCTV with recording facilities, full alarm system with panic buttons, fully trained staff with ongoing training regime, 'Challenge 21' trading initiative with PASS accredited proof of age scheme and refusals book. Staff trained in evacuation procedures and use of fire safety equipment.

- b) The prevention of crime and disorder – CCTV, record facility, panic buttons, and checkout manned at all times. Access can be controlled into the premises at staff's discretion by means of electronic shunt locks fitted to the shop door.
- c) Public safety – staff trained in evacuation procedures and use of fire safety equipment.
- d) The prevention of public nuisance – trained staff, alarm system with panic buttons.
- e) The protection of children from harm – spirits only located behind the counter, staff trained in the sale of alcohol, use of PASS accredited forms of ID with passport and picture driving licence, 'Challenge 21' trading initiative, refusals book plus ongoing recorded training scheme.

The measures to promote the licensing objectives are of relevance when considering the representation received.

#### **4 Relevant Representations – Responsible Authorities**

- 4.1 **Environment and Health Service** – The Pollution Team have no comments in relation to the licensing objective of prevention of public nuisance. The Health and Safety team have no comments to make in relation to the licensing objective of public safety.
- 4.2 **Planning Service** – There are no planning restrictions with regard to opening hours or noise attenuation on the planning history for this site. There is a condition on an advertisement consent (TVN.00399/1) for illuminated fascia and free standing signs at the site, granted 12<sup>th</sup> February 1999 that states 'the lighting of the fascia sign and free standing sign shall be extinguished between the hours of 2300 and 0700. Reason: to safeguard the residential amenity of the area between the hours stated'.
- 4.3 **Hampshire Constabulary** – the Police have no objection to the application.
- 4.4 **Hampshire Fire and Rescue Service** – No comments to make.

#### **5 Relevant Representations – Interested Parties**

- 5.1 Mr and Mrs S Whitmarsh – Objection to the extension of hours for the sale of alcohol on the grounds that objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. Objection also suggests that objectives of public safety and protection of children from harm will not be achieved. Comments in final paragraph on first page of letter are possibly not relevant in terms of this application. See Annex 3 to this report.

## **6 Policy Considerations**

- 6.1 It is considered that the following extracts from the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 are relevant.

5.28 - Garages

5.46 – The operating schedule

5.47 – Steps to promote the licensing objectives

5.65 – Considering applications for new and major variations

6.2 – Shops, stores and supermarkets

7.20 – Crime and disorder

7.31 – Public safety

7.38 – Public nuisance

7.47 – The Protection of children from harm

- 6.2 It is considered that the following extracts from the Licensing Authority's own Statement of Licensing Policy are relevant to this application:

Section A: Prevention of Crime and Disorder

Section C: Prevention of Public Nuisance

The Statement of Licensing Policy is enclosed with a copy of this report for Members of the Committee. Additional copies will be provided at the hearing. Copies can also be obtained from the Licensing Section of the Administration Service or downloaded from the Council's website.

## **7 Observations**

- 7.1 The Committee is obliged to determine this application with a view to promoting the four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. In making its decision, the Committee is also obliged to have regard to the national Guidance and the Council's own Statement of Licensing Policy. The Committee must also have regard to all of the representations made and the evidence it hears. The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- a) Grant the application as requested
- b) Modify the conditions of the licence, by altering or omitting or adding to them. (The Committee may where appropriate attach different conditions to different parts of the premises concerned and/or to different licensable activities).

- c) Reject the whole or part of the application (in the case of the latter for example by only allowing some of the licensable activities or permitting them to take place at times other than those requested).

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote one or more of the four licensing objectives:-

- a. Prevention of crime and disorder
- b. Public safety
- c. Prevention of public nuisance
- d. Protection of children from harm

Background Papers (Local Government Act 1972 Section 100D)

Premises Licence variation application for the Pace Petroleum, 94 Charlton Road, Andover and all associated paperwork

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	3		
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