

## Licensing Sub-Committee Report

Subject of hearing: **Motor Fuel Limited, Rowan Road Service Station, 7 Rowan Road, Merton, London, SW16 5JF**

Date: **1 July 2020**

Time: **1.30pm**

Venue: **Virtual Meeting**

### **Special Policy Area (premises licences and club certificates)**

1.1 The premises are not in the special policy area.

### **2. Type of hearing and powers of the sub-committee**

2.1 The sub-committee is required to determine the application by taking such of the steps set out below as it considers necessary for the promotion of the licensing objectives.

2.2 In making their determination the sub-committee must have regard to the Licensing Act 2003, the licensing objectives, guidance issued by the Secretary of State and Merton's Licensing Policy.

2.3 New premises licence: s18

(i) To grant the licence subject to conditions

(ii) To exclude from the scope of the licence any of the licensable activities to which the application relates

(iii) To refuse to specify a person in the licence as the premises supervisor

(iv) To reject the application.

### **3. Hearing papers**

3.1 The applications, notices and representations for determination by the sub-committee are contained in the hearing bundles together with any relevant existing licence. This includes any documents which must be sent to any of the parties to the hearing under Regulation 7(2) and Schedule 3 of The Licensing Act 2003 (Hearings) Regulations 2005. This bundle has been issued to all parties to the hearing.

### **4. Legal advice to the sub-committee**

4.1 A legal officer appointed by the Assistant Director of Corporate Governance and Head of Legal Services will attend the hearing to advise the sub-committee on statutory provision and legal matters.

### **5. Licensing Officer comments**

5.1 This is an application for a new premises licence to sell alcohol for consumption off the premises 24 hours a day, 7 days a week and the provision of late night refreshment from 11pm until 5am the following morning.

5.2 Opening hours are 24 hours a day, 7 days a week.

5.3 The application described the premises as a petrol forecourt.

- 5.4 The operating schedule lists some policies and procedures that could be converted into conditions on the licence should the committee decide to grant.
- 5.5 We have received one representation from the Metropolitan Police objecting to the grant.
- 5.6 The Police have raised Section 176 of the Licensing Act for your consideration which relates to the Prohibition of alcohol sales at service areas, garages etc.
- 5.7 To assist you the statutory section 182 guidance, part 5.22 to 5.24 on page 37 states:
- 5.22 - Section 176 of the 2003 Act prohibits the sale or supply of alcohol at motorway service areas (MSAs) and 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 (diesel);
  - the sale of motor vehicles; and
  - the maintenance of motor vehicles.
- 5.23 - 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.
- 5.24 - If a licence is granted in respect of a premises and the primary use of that premises subsequently changes (for example, the primary use becomes that of a garage rather than a shop) it would no longer be legal to sell alcohol on that premises. If a relevant representation is made, the licensing authority must decide whether or not the premises are used primarily as a garage. The licensing authority may ask the licence holder to provide further information to help establish what the primary use of the premises is.

**For enquiries about this hearing please contact**

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# Parties to the hearing

This document forms part of the notice of hearing.  
The following are parties to the hearing having submitted relevant applications, notices or representations under the statutory provisions indicated:

<b>Applicant</b>	
Motor Fuel Limited	
<b>Statutory Authorities</b>	
Metropolitan Police	
<b>Interested Parties</b>	

