
APPLICATION FOR VARIATION OF PREMISES LICENCE – MARGATE FILLING STATION 292 NORTHDOWN ROAD MARGATE

To: **Licensing Sub-Committee – 10th February 2016 at 10 a.m**

Portfolio Area: **Regulatory Services**

By: **Regulatory Services Manager**

Classification: **Unrestricted**

Ward: **Cliftonville West**

Summary **To consider this application for a variation of a Premises licence in the light of objections which have been received.**

For decision

1.0 **Introduction and Background**

1.1 Application has been made by Motor Fuel Limited for variation of a premises licence which includes late night refreshment and the supply of alcohol off the premises. A copy of the existing premises licence is appended at Annex 1.

1.2 The Operating Schedule, showing the proposed variation to hours is appended at Annex 2. A map of the area showing the location of these premises is at Annex 3.

2.0 **General Points**

2.1 These premises were granted a premises licence in November 2006. The premises licence was last varied in September 2015 when the hours for the supply of alcohol were extended from 8 a.m to 11 p.m to 6 a.m to 11 p.m daily. The designated premises supervisor is Chitravadivelu Tharmaseelan.

2.2 Applicants for variation of a premises licence are required, as part of the licensing procedure, to display a public notice which provides information to the public regarding the manner in which objection may be made. Similarly public notice of the application should be published in a local newspaper circulating in the vicinity of the premises. These requirements appear to have been complied with. No public objections have been received.

2.3 The applicant is further required to give notice of the application to responsible authorities. Representations have been received from the Police which are at Annex 4.

2.4 The Licensing Sub-Committee will be aware that it must carry out its functions under the 2003 Licensing Act to take steps which are appropriate for the promotion of the licensing objectives. The Licensing objectives are:- the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm. In carrying out its licensing functions, the Licensing Sub-

Committee must also have regard to its statement of licensing policy and the Guidance issued under the Act.

2.5 The four licensing objectives are the matters the Licensing Sub-Committee must address when considering whether to grant or refuse the application. Each application should be considered on its merits. Reasons must be given for any decision made by the Sub-Committee.

2.6 The application should be determined within twenty working days beginning with the day after the end of the period during which representations may be made. Representations had to be made by the 18th January.

3.0 **Options**

3.1 Grant the application with conditions consistent with the Operating Schedule accompanying the application.

3.2 Grant the application with different conditions.

3.3 Refuse the application.

4.0 **Corporate Implications**

4.1 **Financial**

4.1.1 None.

4.2 **Legal**

4.2.1 There is a right of appeal to a Magistrates' Court within 21 days of the date of the decision of the Licensing Sub-Committee with regard to the grant/refusal of a licence or any of the conditions attached to it.

4.2.2 The Licensing Sub-Committee must pay proper attention to the applicant's rights under the provisions of the Human Rights Act 1998, which gives further effect in the United Kingdom to the fundamental rights and freedoms contained in the European Convention on Human Rights. The Licensing Sub-Committee must have proper regard to the rights of the individual applicant when making decisions that affect them. However, it also has to have regard to the safety and protection of the public and therefore to ensure that the right balance is found and think hard about how it can cause the least possible harm to individuals, bearing in mind its duty to ensure the protection of the public.

4.3. **Corporate**

4.3.1 None.

4.4 **Equity and Equalities**

4.4.1 Not relevant.

5.0 **Recommendation**

5.1 The instructions of the Sub-Committee are requested.

Contact Officer:	Philip Bensted Regulatory Services Manager, ext 7630
Reporting to:	Penny Button, Head of Neighbourhood Services, ext 7425

Annex List

Annex 1	Premises licence
Annex 2	Operating schedule
Annex 3	Map of the area
Annex 4	Police representations

Background Papers

Title	Where to Access Document
None	N/A

Corporate Consultation Undertaken

Legal	N/A
Finance	N/A