



HILLINGDON  
LONDON



# Notice of Hearing

## Licensing Sub-Committee

**Date:** THURSDAY, 23 MARCH  
2017

**Time:** 2.00 PM

**Venue:** COMMITTEE ROOM 5 -  
CIVIC CENTRE, HIGH  
STREET, UXBRIDGE UB8  
1UW

**Meeting  
Details:** Members of the Public and  
Press are welcome to attend  
this meeting

### Councillors on the Sub-Committee:

Dominic Gilham, Chairman of Licensing  
Committee (Chairman)

David Yarrow

Lynne Allen

### Important Information

On receipt of this notice, you **MUST** notify  
the Committee Clerk (contact details  
below) by the following date:

### Monday 20 March 2017

If you don't notify you may lose your right  
to speak at the hearing. When notifying  
you must confirm:

- 1) Whether you intend to attend or to be  
represented by someone at the  
hearing;
- 2) If you consider a hearing to be  
unnecessary and;
- 3) Whether to request that another  
person attends (other than your  
representative) as a witness

**Published:** Wednesday, 8 March 2017

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***Putting our residents first***

Lloyd White

Head of Democratic Services

London Borough of Hillingdon,

3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW

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When present in the room, silent mode should be enabled for all mobile devices.

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# Agenda

## CHAIRMAN'S ANNOUNCEMENTS

### Hearing Protocol

- 1 Apologies for Absence
- 2 Declarations of interest in matters coming before this meeting
- 3 To confirm that the items of business marked Part I will be considered in Public and items marked Part II will be considered in Private
- 4 Matters that have been notified in advance or urgent

### Part I - Members, Public and Press

	<b>Title of Report / Address of application</b>	<b>Ward</b>	<b>Time</b>	<b>Page</b>
<b>5</b>	Application for the grant of a Premises Licence	Eastcote & East Ruislip	2PM	3 - 42

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## Order of Proceedings

The Chairman of the Sub-Committee will open the hearing by introducing the Councillors, explaining the purpose of the proceedings and the general procedure. The Chairman will then check that there are no additions or alterations to the list of those appearing at the hearing.

**Introduction by the Council's Licensing Officer**



**The Applicant/Licence Holder (if present)**



**Responsible Authorities (if present)**



**Other Parties (residents etc...)**

The Licensing Officer will introduce the report and will outline the matter before the Sub-Committee, giving any relevant background information. The Sub-Committee may ask questions of the officer.

The Applicant, licence holder or the person representing him/her will be invited to address the Sub-Committee. They will be allowed sufficient time to present his/her case. The Sub-

Responsible Authorities will be invited to address the Sub-Committee and will be allowed sufficient time. The Sub-Committee may ask questions of the Responsible Authorities.

Other parties will be invited to address the Sub-Committee. Where there are a number of parties making similar representations the Chairman will expect the parties to nominate a spokesperson to make the representations and all will be allowed sufficient time. The Sub-Committee may ask questions of the Other Parties.

### **DISCUSSION LED BY THE SUB-COMMITTEE**

The Chairman will lead the discussion. This will be a chance for all parties to provide comments on any submissions that have been made to the Sub-Committee.



**Closing remarks from Each Party**



**Sub-Committee Deliberates**



**Chairman announces the Decision**

The Chairman will invite the Responsible Authorities and Other Parties to make brief closing remarks on the application. The Applicant / licence holder makes the final closing remarks.

The sub-committee will remain in the room to deliberate and make their decision, with only the Legal Advisor and Clerk to the Committee remaining. All other present will be asked to leave the room.

Parties may return to the room when invited to do so and the Chairman will announce the decision. The Chairman will remind the Applicant / licence holder that the decision will be sent to them in writing. There can be no further questions or statements.

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## APPLICATION FOR THE GRANT OF A PREMISES LICENCE: MALTHURST PETROLEUM LIMITED

<b>Committee</b>	Licensing Sub-Committee
<b>Officer Contact</b>	Jhini Mukherjee Licensing Officer Ex 01895 277230 (7230)
<b>Papers with report</b>	<p><b>Appendix 1</b> - Officer's Recommendation</p> <p><b>Appendix 2(a)</b> - Application for the grant of a premises licence including proposed plan</p> <p style="padding-left: 20px;"><b>2(b)</b> - Email from solicitor informing further amendment following the submission of the application to include 'late night sales through the night-pay window'</p> <p><b>Appendix 3(a)</b> - Representation from the Statutory Authority</p> <p style="padding-left: 20px;"><b>(b)</b> - Representations from Interested parties</p> <p><b>Appendix 4</b> - Photographs with index</p>
<b>Ward name</b>	<b>Eastcote &amp; East Ruislip</b>

### 1.0 SUMMARY

To consider an application for a premises licence in respect of MRH Eastcote, High Road, Eastcote, Pinner, HA5 2ET with representations received from **two** interested parties and **one** from a Statutory Authority.

### 2.0 RECOMMENDATION

2.1 As **Appendix 1**.

### 3.0 APPLICATION

The new premises licence application has been made by Malthurst Petroleum Limited for a petrol station forecourt store, MRH Eastcote, situated at High Road, Eastcote, Pinner, HA5 2ET. The application submitted is for a licence to sell alcohol 24 hours a day, 7 days a week and also to include the sale of late night refreshments; i.e. coffee, hot chocolate and a small amount of heated food. The entrance door to the shop will be closed to customers between the hours of 2300 and 0500. Any sales between these hours will be made through the night pay window.

3.1 Type of application applied for

New Premises Licence.

3.2 Description of the premises

The premises is a petrol station forecourt store which will sell a wide range of convenience store goods including 24 hours sale of alcohol and sale of late night refreshments. This site is still under construction at the time of hearing. The plan indicates that the entire premises is being sought for the sale of alcohol and the provision of late night refreshment.

There is a description of the premises available in **Appendix 1** (Officer's Recommendation) and photographs in **Appendix 5**.

3.3 A copy of the application form and premises plan is attached as **Appendix 2(a)**.

3.4 Licensable Activities

<u>Activity</u>		<u>Proposed for new premises licence</u>
Sale of alcohol	Consumption off the premises	x
Supply of Late Night Refreshment	Consumption off the premises	x

3.5 Licensable Activity Hours

	Proposed hours for Premises Licence Alcohol	Proposed hours for Premises Licence Late Night Refreshment
<b>Monday</b>	00:00 - 24:00	23:00-24:00 00:00 -05:00
<b>Tuesday</b>	00:00 - 24:00	23:00-24:00 00:00 -05:00
<b>Wednesday</b>	00:00 - 24:00	23:00-24:00 00:00 -05:00
<b>Thursday</b>	00:00 - 24:00	23:00-24:00 00:00 -05:00
<b>Friday</b>	00:00 - 24:00	23:00-24:00 00:00 -05:00
<b>Saturday</b>	00:00 - 24:00	23:00-24:00 00:00 -05:00
<b>Sunday</b>	00:00 - 24:00	23:00-24:00 00:00 -05:00

3.6 Opening Hours

	Proposed hours for premises licence
<b>Monday</b>	00:00 - 24:00
<b>Tuesday</b>	00:00 - 24:00
<b>Wednesday</b>	00:00 - 24:00
<b>Thursday</b>	00:00 - 24:00

<b>Friday</b>	00:00 - 24:00
<b>Saturday</b>	00:00 - 24:00
<b>Sunday</b>	00:00 - 24:00

### 3.7 Operating Schedule and Conditions

3.8 Section 18 of the operating schedule in **Appendix 2(a)** and the e-mail containing the further amendment to include 'late night sales through the night-pay window' in **Appendix 2(b)** demonstrate the steps the applicant proposes to take in order to promote the licensing objectives.

3.9 A full list of licence conditions which are consistent with the operating schedule as set out in section 18 are contained in **Appendix 1** (Officer's recommendation).

## 4.0 CONSULTATION

4.1 Closing date for representations  
28<sup>th</sup> February 2017.

4.2 Public Notice published in local newspaper  
08<sup>th</sup> February 2017 - Uxbridge Gazette.

## 5.0 REPRESENTATIONS

### 5.1 RESPONSIBLE AUTHORITIES

There was 1 representation from the Statutory Authority relating to S.176 of the Licensing Act 2003 which prohibits the sale of alcohol at motorway service areas and restricts the circumstances in which alcohol may be sold at garages. The representation is contained in **Appendix 3(a)**.

5.2 There are 2 representations from **Interested Parties**:

<b>Interested Parties</b>	<b>Ground for Representation</b>	<b>Appendix</b>
Ronald van den Hoogen	Nuisance and Crime and Disorder	<b>Appendix 3(b)</b>
Vince Balzan	Nuisance, Public safety and Crime and Disorder	<b>Appendix 3(b)</b>

## 6.0 BACKGROUND INFORMATION

6.1 Designated Premises Supervisor

The proposed designated Premises Supervisor is Nicola Jane Law, a personal licence holder under number PERS 0528 with Fenland District Council.

6.2 Other licensed premises nearby

There is one off-licensed local store within 100 metres which is currently licensed till 23:00 hours from Monday to Saturday and till 22:30 hours on Sundays. There is one public house licensed with terminal hours till midnight on weekdays and till 01:00 at weekends.

Map of the area and photos of the premises and the surrounding area are attached as **Appendices 4 and 5.**

6.3 There has been no recorded Members Enquires for this site.

7.0 **OFFICER'S OBSERVATIONS**

Observations

- This is an application to licence a petrol station forecourt store to sell alcohol 24 hours a day, 7 days a week and also to include the sale of late night refreshments in an area close to and adjacent to private dwellings. The applicant has proposed that the entrance door to the shop will be closed to customers between the hours of 2300 and 0500. Any sales between these hours will be made through the night pay window. The area subject to the application is on the ground floor level overlooked by houses from across the road. It may be noted that the premises is not located in a hotspot area for antisocial behaviour.

The relevant representations received mainly raise the following issues:

- **The prevention of crime and disorder-** Both representations addressed the crime and disorder objective as there are concerns over the sale of alcohol leading to a rise in antisocial behaviour and other crime, such as littering and vandalism to property. S. 182 of the Home Office published guidance refers to the Police as being the main source of advice on crime and disorder but in this case the Police did not raise any objection to this application. Furthermore, our Council's Licensing Policy and the Guidance both indicate that the hours that shops could generally be allowed to sell alcohol was to reflect the trading hours, unless there was a good reason to restrict this.
- **The prevention of public nuisance** - Both the representations received from interested parties refer to the public nuisance objective. The main concerns raised were directly connected to the proposed 24 hours sale of alcohol, 7 days a week. The main view was that the hours of operation were excessive for the location and would cause noise disturbance for residents in the surrounding area. The two representations also mentioned litter and a nuisance being caused by additional traffic outside the premises.
- **The promotion of public safety** - The public safety objective box has been checked in one of the representations but the concerns mentioned relate to 'prevention of crime and disorder' and 'prevention of public nuisance' objectives as above.

- **S.176 of the Licensing Act, 2003** - The representation from the licensing authority include reference to Section 176 of the Licensing Act 2003, relating to the primary use of the premises. S 176 of the Licensing Act 2003 provides that no premises licence 'has effect to authorise' the sale of alcohol from premises primarily used as a garage (i.e. the sale of fuel).

However, in the present case the premises will still be under construction at the time of the hearing and there is likely to be insufficient evidence to prove the primary use of the premises which is why the licensing authority as a responsible authority has recommended certain conditions to the applicant to demonstrate the primary use of the premises after the grant of the licence.

Further information is provided for members below in respect of section 176.

Members will be aware that S.176 of the Act states:

*S. 176 Prohibition of alcohol sales at service areas, garages etc.*

*(1) No premises licence, club premises certificate or temporary event notice has effect to authorise the sale by retail or supply of alcohol on or from excluded premises.*

*(2) In this section "excluded premises" means—.....*

*(b) premises used primarily as a garage or which form part of premises which are primarily so used*

*Under S. 176 (4) (c), premises are used as a garage if they are used for one or more of the following—*

*(i) the retailing of petrol,*

*(ii) the retailing of derv,*

*(iii) the sale of motor vehicles,*

*(iv) the maintenance of motor vehicles*

Though there is no definition of primary use in the Act or the Guidance, the case of *In the Night and Day Convenience store v Miskin Licensing Justices [2002]*, it was stated that "*Primary use given its everyday meaning would have to be a situation in our judgement where the intensity of use by customers to purchase fuel was overwhelming in comparison with other products*"

There are ways to determine primary use, which include assessment of financial turnover and intensity of use by customers; i.e. primary reason for footfall.

## **8.0 Relevant sections of S.182 Guidance**

The Guidance issued by the Secretary of State under S182 of the Licensing Act 2003 states:

- At 5.21: "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;

- the sale of motor vehicles; and
  - the maintenance of motor vehicles.
- At 5.22: "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 s.17(3) and (4) which must accompany the application."
  - At 5.23: "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."

## 9.0 Relevant sections of the Licensing Policy

### Licensing Hours

- At Paragraph 21.1 it states that "Prior to the introduction of the Licensing Act 2003, it was believed that fixed and artificially early closing times (established under the Licensing Act 1964) were one of the key causes of rapid binge drinking prior to closing times and one of the causes of disorder and disturbance when large number of customers were required to leave the premises simultaneously".
- At 21.2, "The aim through promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times".
- At 21.3, "Arbitrary restrictions that would undermine the principle of flexibility will therefore be avoided. The four licensing objectives will be paramount at all times and the Council will always consider the individual merits of each case".
- At 21.4, "In accordance with guidance there is no fixed restriction on terminal hours for any particular areas of the borough. Such a restriction could cause the migration of patrons from one area to another and create the circumstances that the legislation is attempting to avoid. Each application will be dealt with on its merits. It is for the applicants to detail in their Operating Schedule exactly what times they intend to open and close the premises and what measures they will take to ensure that they do not cause nuisance or disturbance to their neighbours in the vicinity. The later the terminal hour applied for, the greater will be the need to address the issues of disturbance and nuisance".
- At 21.5, "Shops, stores and supermarkets licensed to sell alcohol will normally be allowed to do so for the full duration of their trading hours. Restrictions may be applied, for example where representations are made indicating the particular premises or patrons of the premises are linked to disorder and or disturbance".

### Licence Conditions

- At 17.1, " Conditions on premises licences and club certificates are determined by:
  - a) The measures put forward on the Operating Schedule
  - b) Mandatory conditions within the Act

c) Measures decided at a hearing by the Licensing Sub Committee"

- At 17.2, "Any conditions attached to licences following relevant representations will focus on matters within the control of the Premises Licence Holder or Club Management Committees. They will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity, as well as patrons of the licensed premises. They will not be used as a means of attempting to attach responsibility to Premises Licence Holders or Club Management Committees for matters outside their reasonable control, such as anti-social behaviour once away from the premises or licensable activity".
- At 17.3, "The Licensing Authority will not impose standard conditions upon every licence issued, however it may have regard to model conditions produced by the Government and/or the Institute of Licensing and it may choose to impose these in appropriate circumstances".

## 10.0 LEGAL CONSIDERATIONS

### LEGAL COMMENTS

Legal considerations relating to garages have been integrated into this Licensing Sub-Committee report.

In accordance with Guidance issued by the Secretary of State under S182 of the Licensing Act 2003, an application for a convenience store on a garage premises should be granted if no relevant representations have been received and the application meets the requirements of S17 of the Licensing Act 2003. If at a later stage it is established that the primary use of the premises is a garage, the prohibition outlined in S176 of the Licensing Act 2003 takes effect. This means the licence holder is no longer permitted by the Licensing Act 2003 to sell alcohol. Subsequent primary usage on the premises can be investigated by the Licensing Authority during inspections/compliance visits.

The Sub-Committee shall carry out its functions with a view to taking steps it considers appropriate for promoting the licensing objectives. The licensing objectives are:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

The Sub-Committee must ensure that all licensing decisions:

- Have a direct relationship to the promotion of one or more of the four licensing objectives
- Have regard to the Council's statement of licensing policy
- Have regard to the Secretary of State guidance
- Must not be subject to a blanket policy to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded

The Sub-Committee is advised that when considering applications for a new premises licence, regard must be had to any relevant representations that are made before taking

such steps (if any) as it considers necessary for the promotion of the licensing objectives. The steps are:

- grant the application
- grant the application subject to conditions the Sub-Committee considers necessary to promote the licensing objectives
- exclude from the scope of the licence any licensable activity(ies) to which the application relates
- refuse to specify a designated premises supervisor
- reject the application

Officers have provided the Sub-Committee with recommendations related to this application. Subject to the above-mentioned factors having been properly considered, the Sub-Committee may depart from the recommendations if there are good reasons for doing so. The Sub-Committee is advised that such departures could give rise to an appeal or judicial review.

In the event that the Sub-Committee is minded to impose the conditions recommended by the Licensing Authority, the Sub Committee is advised that as per the case of ***Green v Justices for the Inner London Area (13 June 1994) QBD (Divisional Court)***, if figures for financial turnover are used for determining primary usage, they must be net of duty and vat.

Alternatively, the Sub-Committee may wish to impose conditions based on the intensity of usage (which may be demonstrated by lists of customers classified by usage such as purchase of petrol, purchase of goods from convenience store, purchase of motor maintenance items) as outlined in the case of ***R v Liverpool Crown Court, ex parte Kevin John Goodwin (17 December 1998) QBD (Divisional Court)***. The evidence towards the intensity of use, like customer lists will be of importance to establish if the premises fall within the definition of 'excluded premises'.

## **Appendix - 1**

### **Description of the premises**

The application relates to a petrol forecourt convenience store which has applied for a 24 hours sale of alcohol and sale of late night refreshment which is under construction at the time of the hearing. The premises is located on the north western side of High Road Eastcote and River Pinn is to the north and the residential properties on Flag Walk to the south. The entrance door to the shop will be closed to customers between the hours of 2300 and 0500. Any sales between these hours will be made through the night pay window.

### **Officer's recommendation:**

#### **Conditions Consistent with the Operating Schedule**

- A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
- The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded on good quality video tape or digitally on to CD/DVD or other equivalent medium.
- Any recording will be retained and stored in a suitable and secure manner for a minimum of 14 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
- The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
- The system will display, on any recording, the correct time and date of the recording.

- The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
- The entrance door to the shop will be closed to customers between the hours of 2300 and 0500. Any sales between these hours will be made through the night pay window.

### **Additional Conditions proposed by the Licensing Officer**

- The licence holder shall monitor on a three/six monthly basis and maintain records demonstrating the primary use of the premises (agreement is required on whether primary usage is recorded by transaction or transaction value. If the latter, then the calculation figures must not include VAT and taxes/levies).
- In the event that transaction data demonstrates that the premises are 'excluded premises' pursuant to S176 of the Licensing Act 2003, the premises licence holder will notify the Licensing Authority and will cease trading using the premises licence until such time as the data demonstrates that the premises are not so excluded.
- The data on primary use shall be held for a minimum period of 6 years (to align with Statute of Limitations - but a shorter period can be agreed if required) and shall be made available to the Police and the Licensing Authority within 3 calendar days of a request being made for the information.



\* required information

**Section 1 of 19**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text" value="EMF/29898/116/RPB"/>	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes       No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

* First name	<input type="text" value="MALTHURST PETROLEUM LIMITED"/>
* Family name	<input type="text" value="MALTHURST PETROLEUM LIMITED"/>
* E-mail	<input type="text" value="[REDACTED]"/>
Main telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Include country code.

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is the applicant's business registered in the UK with Companies House?       Yes       No

Note: completing the Applicant Business section is optional in this form.

Registration number	<input type="text" value="00762360"/>
Business name	<input type="text" value="MALTHURST PETROLEUM LIMITED"/>
VAT number	<input type="text" value="GB"/> <input type="text" value="NA"/>
Legal status	<input type="text" value="Private Limited Company"/>

If the applicant's business is registered, use its registered name.

Put "none" if the applicant is not registered for VAT.

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

Is your business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 19**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 19**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

**Confirm The Following**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 19**

**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

A company

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

**Section 5 of 19**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

A petrol forecourt store situated at High Road, Eastcote, Pinner, HA5 2ET.

The store will sell a wide range of convenience store goods.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

<b>Section 6 of 19</b>
<b>PROVISION OF PLAYS</b>
Will you be providing plays?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 7 of 19</b>
<b>PROVISION OF FILMS</b>
Will you be providing films?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 8 of 19</b>
<b>PROVISION OF INDOOR SPORTING EVENTS</b>
Will you be providing indoor sporting events?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 9 of 19</b>
<b>PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS</b>
Will you be providing boxing or wrestling entertainments?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 10 of 19</b>
<b>PROVISION OF LIVE MUSIC</b>
Will you be providing live music?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 11 of 19</b>
<b>PROVISION OF RECORDED MUSIC</b>
Will you be providing recorded music?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 12 of 19</b>
<b>PROVISION OF PERFORMANCES OF DANCE</b>
Will you be providing performances of dance?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 13 of 19</b>
<b>PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE</b>
Will you be providing anything similar to live music, recorded music or performances of dance?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 14 of 19</b>
<b>LATE NIGHT REFRESHMENT</b>
Will you be providing late night refreshment?

Yes

No

### Standard Days And Timings

#### MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

#### TUESDAY

Start

End

Start

End

#### WEDNESDAY

Start

End

Start

End

#### THURSDAY

Start

End

Start

End

#### FRIDAY

Start

End

Start

End

#### SATURDAY

Start

End

Start

End

#### SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

The provision will take place inside the premises but customers may leave the premises with items purchased.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 15 of 19**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises       Off the premises       Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The applicant wishes to have the flexibility to sell alcohol at all times that the store is open. The applicant may elect not to open the store 24 hours a day every day.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number  
(if known)

PERS 0528

Issuing licensing authority  
(if known)

FENLAND DISTRICT COUNCIL

### PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

### Section 16 of 19

#### ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

The premises will sell other age restricted products.

### Section 17 of 19

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

###### MONDAY

Start 00:00

End 24:00

Start

End

###### TUESDAY

Start 00:00

End 24:00

Start

End

###### WEDNESDAY

Start 00:00

End 24:00

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

THURSDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

The opening hours of the store are not a licensable activity and the applicant asks that the hours not be restricted by the premises licence.

**Section 18 of 19**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder

1. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.

The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded on good quality video tape or digitally on to CD/DVD or other equivalent medium.

3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 14 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.

4. The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.

5. The system will display, on any recording, the correct time and date of the recording.

6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

c) Public safety

The premises licence holder will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

e) The protection of children from harm

The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

Section 19 of 19

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises' licence fees are determined by the non-domestic rateable value of the premises. To find out a premises' non-domestic rateable value, go to the Valuation Office Agency website at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm).

For full details, refer to the 'Fees for Applications' webpage: <http://www.hillingdon.gov.uk/media.jsp?mediaid=22879&filetype=pdf>

\* Fee amount (£)

315.00

**DECLARATION**

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

WINCKWORTH SHERWOOD LLP

\* Capacity

SOLICITORS ON BEHALF OF THE APPLICANT

\* Date

<input type="text"/>	/	<input type="text"/>	/	<input type="text"/>
dd		mm		yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/hillingdon/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

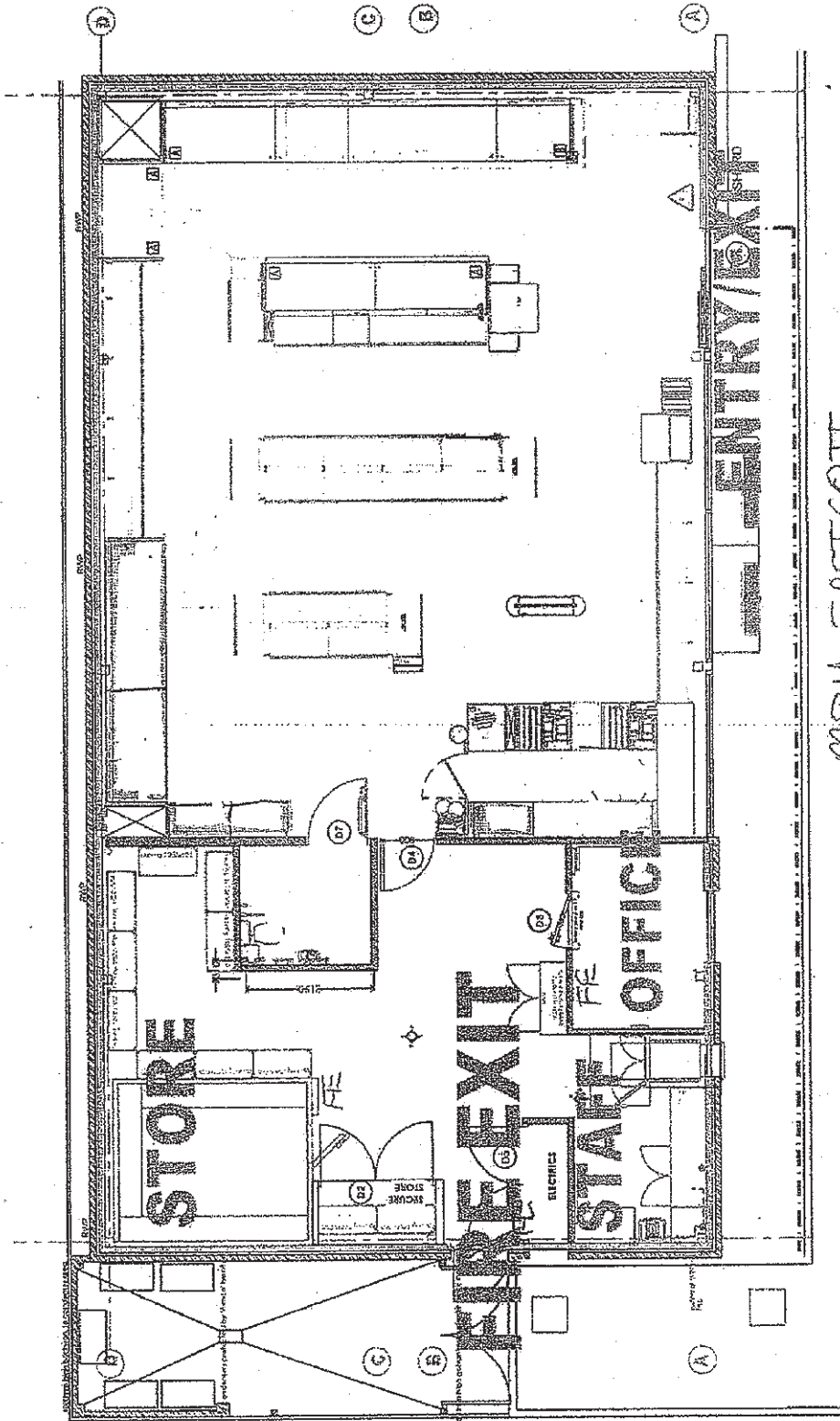
**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="EMF/29898/116/RPB"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 Next >

THE ENTIRE PREMISES MAY BE USED FOR THE  
 SALE OF ALCOHOL AND THE PROVISION OF  
 LATE NIGHT REFRESHMENT



MRH EASTCOTE  
 STORE LAYOUT  
 SCALE 1:100  
 SHOP SIZE 122m<sup>2</sup>

FE = FIRE EXTINGUISHER



licensing . &lt;licensing@hillington.gov.uk&gt;

---

**Fwd: FW: MRH Eastcote**

1 message

---

**licensing .** <licensing@hillington.gov.uk>  
To: Jhini Mukherjee <jmukherjee@hillington.gov.uk>

13 February 2017 at 14:46

----- Forwarded message -----

From: **Robert Botkai** <rbotkai@wslaw.co.uk>  
Date: 13 February 2017 at 14:21  
Subject: FW: MRH Eastcote  
To: "licensing@hillington.gov.uk" <licensing@hillington.gov.uk>

Please note email below

Thanks

Robert

---

**From:** Robert Botkai  
**Sent:** 13 February 2017 14:20  
**To:** 'sdormer@hillington.gov.uk'  
**Cc:** Elaine Finlay; ian.c.r.wares@met.pnn.police.uk  
**Subject:** MRH Eastcote

Dear Steven

I hope you are well.

I am not sure if you are dealing with this matter.

Our client has applied for a new premises licence for the MRH store at High Road Eastcote.

Following consultation with the police we are authorised to amend the application to include the following condition:

- The entrance door to the shop will be closed to customers between the hours of 2300 and 0500. Any sales between these hours will be made through the night pay window.

Please can the appropriate officer confirm receipt.

Many thanks

Robert

---

**Robert Botkai**

**Partner**

**Winckworth**  
Sherwood

**T** +44 (0) 20 7593 5004

**M** +44 (0) 7768 173 936

[rbotkai@wslaw.co.uk](mailto:rbotkai@wslaw.co.uk)

[www.wslaw.co.uk](http://www.wslaw.co.uk)

## Cyber Crime Alert

Emails can be scammed. Please do not rely on email notification of bank account changes without direct verbal confirmation from a trusted source.

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Winckworth Sherwood

Minerva House | 5 Montague Close | London | SE1 9BB | DX 156810 London Bridge 6

T 020 7593 5000 | F 020 7593 5099

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Regulatory Services  
London Borough of Hillingdon  
Civic Centre  
High Street  
Uxbridge UB8 1UW  
(T) 01895 277433  
(F) 01895 250011  
[licensing@hillingdon.gov.uk](mailto:licensing@hillingdon.gov.uk)



# HILLINGDON

LONDON

Mrs Mukherjee  
Licensing Service  
Hillingdon Licensing Authority.

Date 28<sup>th</sup> February 2017

Your reference

Dear Mrs Mukherjee

**RE; Esso Service Station Eastcote High Road  
LICENSING ACT 2003**

I am writing to you as an officer duly authorised to make representations on behalf of the Licensing Authority, in regard to the process of Premises licence applications.

In this regard the Licensing Authority has viewed the application having taking into account s176 of the Licensing Act 2003. This section states in part.

***Prohibition of alcohol sales at service areas, garages etc.***

*(1) No premises licence, club premises certificate or temporary event notice has effect to authorise the sale by retail or supply of alcohol on or from excluded premises.*

*(2) In this section "excluded premises" means—*

*(a) premises situated on land acquired or appropriated by a special road authority, and for the time being used, for the provision of facilities to be used in connection with the use of a special road provided for the use of traffic of class I (with or without other classes); or*

*(b) premises used primarily as a garage or which form part of premises which are primarily so used.*

Licensing Service  
Regulatory Services  
T.01895 277067 F.01895 250011  
lmeens@hillington.gov.uk www.hillingdon.gov.uk  
London Borough of Hillingdon,  
Civic Centre, High Street, Uxbridge, UB8 1UW



INVESTOR IN PEOPLE

*Previous provisions have identified garages as premises that sell fuel and provide for the sale of vehicles or their repair.*

The above part (b) refers to 'Primary use' and it is this use which has to be considered by any premises in this area of business. Currently the premise has not been constructed and thus no sales figures are or would be available for what would be the expected revenue from the site and how this revenue would be taken. Were we to see the site become very successful in fuel sales and less so in other products then the primary use, depending on the calculations between fuel and other sales could imply that the primary use of the site is as a garage and thus the garage would be excluded from holding a licence.

I would point out that primary use at initial application is a difficult process and not one necessarily to decide. It would be for the operators of the business to honestly regulate as the business continues, and to decide based on sales figures if the premises falls into a position where the consideration is that due to the sale of fuel over that of other non garage products that s176 of the act is not constituted.

For this reason I feel that as the applicants are not in a position to show what the primary use will be that the committee should consider a condition to regulate the area of law under this section.

The following is a condition that I would offer forwards to control this aspect of concern.

1. The Licence Holder shall monitor on a three/six monthly basis and maintain records demonstrating the primary use of the premises (agreement is required on whether primary usage is recorded by transaction or transaction value. If the latter, then the calculation figures must not include VAT and taxes/levies).
2. In the event that transaction data demonstrates that the premises are excluded premises pursuant to S176 of the Licensing Act 2003 the premises licence holder will notify the Licensing Authority and will cease trading using the premises licence until such time as the data demonstrates that the premises are not so excluded.



**INVESTOR IN PEOPLE**

3. The data on primary use shall be held for a minimum period of 6 years (to align with Statute of Limitations - but a shorter period can be agreed if required) and shall made available to the police and the Licensing Authority within 3 calendar days of a request being made for the information.

I intend to be present at the hearing if necessary to deliver this representation and to answer any questions that the committee may have.



Ian Meens  
Licensing Officer



**INVESTOR IN PEOPLE**

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**Representation Form from Interested Parties***(Please read notes on reverse before completing)***Your details (See notes 2 & 3);**

Your Name	Ronald van den Hoogen
Your residential address	[REDACTED]
Your email address	[REDACTED]
Your phone number	[REDACTED]
The name of the body or organisation you represent	

**About the premises;**

Name of the premises you are making a representation about	Malthurst Petroleum Limited Eastcote
Address of the premises you are making a representation about	High Road, Eastcote, Pinner, HA5 2ET

**The Licensing Objectives (See note 4);**

Licensing Objective	Reasons for your representation and any supporting evidence
<p><i>Please tick;</i></p> <p><input checked="" type="checkbox"/> Prevention of Crime/Disorder</p> <p><input checked="" type="checkbox"/> Prevention of Public Nuisance</p> <p><input type="checkbox"/> Protection of Children From Harm</p> <p><input type="checkbox"/> Public Safety</p>	<p>Concerning license application EMF/29898/116/RPB, requesting a license for the sale of alcohol at the Petrol Station on High Road Eastcote, operated by Malthurst Petroleum Limited.</p> <p>I strongly oppose to granting such a license to avoid anti-social behaviour and disorder in a predominantly residential and conservation area, because of excessive drinking, noise nuisance, litter and general night rest disturbances and to avoid large congregations of youngsters visiting these premises after pubs have closed, in particular at weekends. Also to avoid an increase in non-residence using limited parking facilities in adjoining streets, in particular Flag Walk.</p>

**The outcome you are seeking from the Licensing Authority (See note 6);**

<p><b>Not to grant an alcohol license either full stop or to restrict selling alcohol between certain operating hours only but definitely not after 10pm and before 10am.</b></p>
---

Signed

[REDACTED]

Date:

14<sup>th</sup> FEBRUARY 2017

# Representation Form from Interested Parties

(Please read notes on reverse before completing)

**Your details (See notes 2 & 3);**

Your Name	Vince Balzan	
Your residential address		17 FEB 2017
Your email address		
Your phone number		
The name of the body or organisation you represent	Insurance Representation	

**About the premises;**

Name of the premises you are making a representation about	Mathurst Petroleum Ltd
Address of the premises you are making a representation about	M.R.H. Eastcot High Rd Eastcot, Pinxter, M20X HAS 2ET

**The Licensing Objectives (See note 4);**

Licensing Objective	Reasons for your representation and any supporting evidence
<p>Please tick;</p> <p><input checked="" type="checkbox"/> Prevention of Crime/Disorder</p> <p><input checked="" type="checkbox"/> Prevention of Public Nuisance</p> <p><input type="checkbox"/> Protection of Children From Harm</p> <p><input checked="" type="checkbox"/> Public Safety</p>	<p>Without wanting to state the obvious it is a known fact the sale of Alcohol &amp; Late/Overnight Sale of Food &amp; Beverages can contribute to all those ticks on left. Namely - Increased noise &amp; general nuisances - litter - misbehaviours - drink driving etc.</p> <p>The garage is in a residential area surrounded on 3 sides by both privately <sup>owned</sup> &amp; rented properties accommodating families, elderly &amp; young children.</p> <p>Finally I would query the business reasons for operating this site on a 24hr basis it is located in a conservation area on a minor 'B' road with very little traffic between the sunset hours.</p>

**The outcome you are seeking from the Licensing Authority (See note 6);**

<p>Restrict the licence to the sale of Alcohol, Food &amp; Beverages in line with other local businesses between the hours of 0600 &amp; 2200 hours only.</p>
---

Signed



Date:

15-2-17

**Index and Photographs**

1. Construction site - 1
2. Construction site - 2
3. Construction site - 3
4. Blue Notice
5. View of the site and surrounding area -1
6. View of the site and surrounding area -2

Photo 1- Construction site (1)



Photo 2 - Construction site (2)



Photo 3 - Construction site (3)

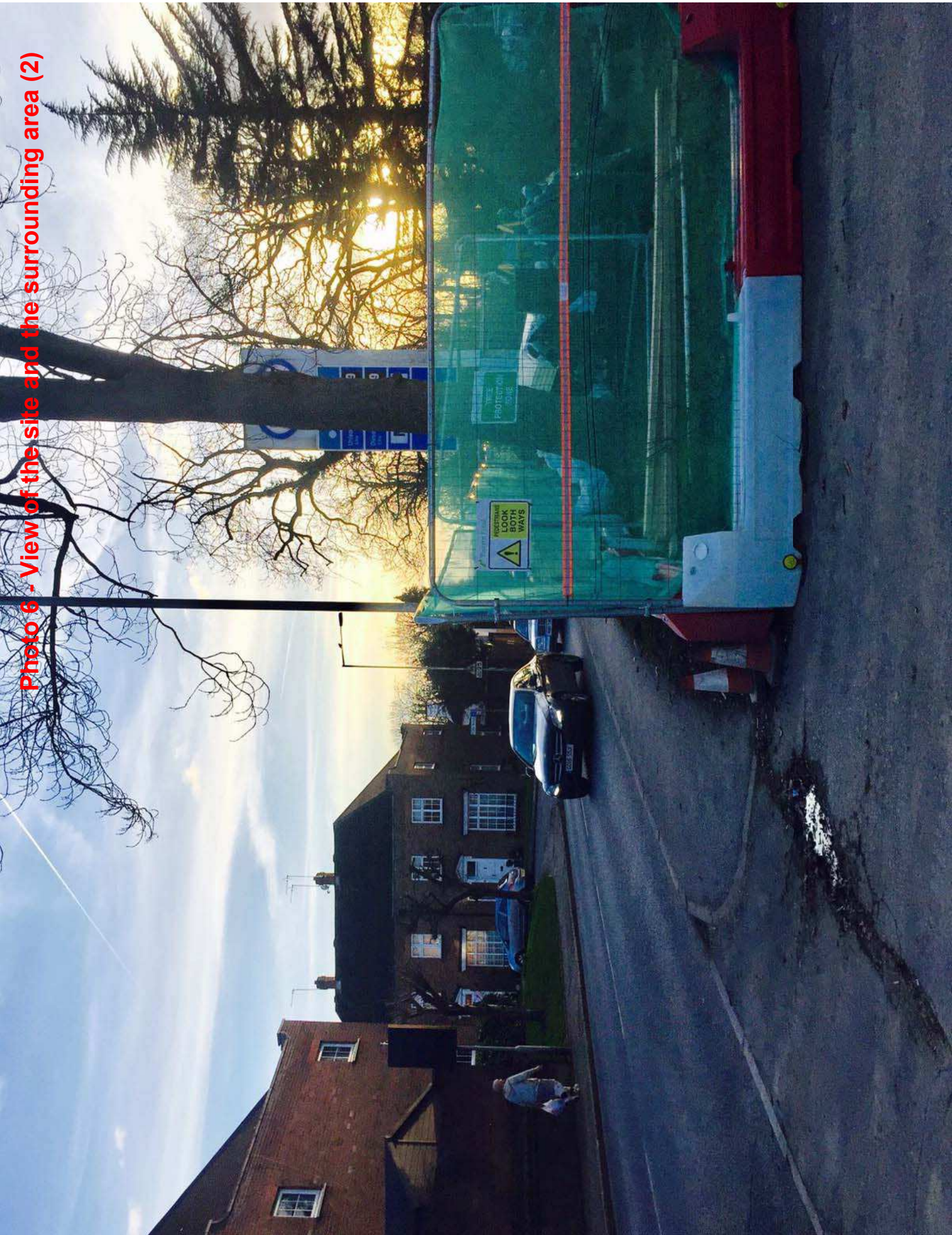




Photo 5 - View of the site and the surrounding area (1)



Photo 6 - View of the site and the surrounding area (2)



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