

Date: March 7th 2024

From: Kirstie Rolfe, Senior Licensing Officer

To: Stewart Bryant, Senior EHP, Lead Officer Licensing.

**New Premises Licence Application - Motor Fuel Limited, Hastings
Queens Road Service Station, Queens Road, Hastings TN34 2LL.**

On the 8th February 2024, an application for a new premises licence was received from Winckworth Sherwood LLP, Arbor, 255 Blackfriars Road, London, on behalf of the applicant Motor Fuel LTD, for the above premises.

A premises licence was issued for this location on 26th April 2022 under the name of Morrisons Store & Petrol Filling Station.

The premises licence was for both the main store and filling station. It authorised the following licensable activities: -

- supply of alcohol Monday to Sunday 06:00 – 24:00 hours,
- late night refreshment Monday to Sunday 23.00 until 24:00 hours.
- hours open to the public Monday to Sunday 06:00 until 24:00 hours.

I am lead to believe that the premises doesn't use the full license hours.

Morrisons have informed us that they will be removing the filling station from their premises licence in due course. It is currently still active as we have not received the variation application and it has not been surrendered.

Motor Fuel LTD, have applied for a premises licence with the same licensable activities granted to Morrisons;

- supply of alcohol Monday to Sunday 06:00 – 24:00 hours,
- late night refreshment Monday to Sunday 23.00 until 24:00 hours.

The hours open to the public are being increased.

- Monday to Sunday 00.00 hours until 24:00 hours.

Police Licensing have not made any formal representation against this application. I approached Sussex Police Licensing to ask them to review their decision in light of local residents objections.

Sussex Police Licensing Officer Ben Deacon provided me with the following update on 4th March 2024;

I have checked our records (Power Bi) from March 2023-2024 and there are only 8 crimes within a 0.15 radius of the premises, which mainly fall by Alexandra Park, I have then conducted a 0.10/0.9 radius check and it shows very little if no issues around by the petrol station, but the odd ones by or in

Morrisons supermarket. I have then conducted a further check, which shows that the majority of calls and issues stem from the main supermarket itself and not the petrol station- these reports namely consist of 'Homelessness' 'Begging' & 'Mental Health' leading up to more serious offences such as shoplifting from the store- but nothing to do with the petrol station.

Sussex Police have continued with their original response and do not raise any objections to this application.

Hastings Borough Council Statement of Licensing Policy was reviewed and amended with effect from the 10th February 2022.

In the licensing policy the cumulative impact area for Hastings town centre includes Queens Road. The policy states- *This does not prevent any person making an application for a licence within the designated area. Responsible authorities must note that the licensing authority can only give effect to the Cumulative Impact Policy in respect of any application for a premises within the cumulative impact areas if a relevant representation is received.*

The matrix (on pages 4 & 5 of the Licensing Policy,) gives examples for applicants as to the types of operation and hours the council wishes to promote.

The Statement of Licensing also states;

2.11 Shops, Stores, Supermarkets and Garages with "off sales" licenses
Licensing Policy 12 - Shops, stores and supermarkets should be free to sell alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.

If the law permits the shop to open for 24 hours or limits such opening, for example, on Sundays, the Authority will generally permit the sale of alcohol during those hours. However, good reasons may exist for imposing a limitation, for example, following police representations in the case of shops known to be a focus of disorder, disturbance, or anti-social behaviour, including pressurising shop staff to make unlawful sales of alcohol.

1. The sale or supply of alcohol at premises used primarily as a garage or forming part of premises, which are primarily used as a garage, is restricted by the 2003 Licensing Act.

The licensing authority is a responsible authority under the Licensing Act 2003. Although the application does not sit directly within our matrix, the Licensing authority will not be making a representation for the following reasons.

1. The application is the same as the existing licence for the licensable activities, it is only different because the premises will be open 24hrs for fuel sales.
2. There have been no problems with the operation of the garage site including its licensable activities, as confirmed by the police data and their lack of a representation.
3. The matrix is effectively a guide to applicants as how the Council wants the areas to develop, as the premises have operated there for years without issues, we do not therefore believe that in this case it is relevant.

On 4th March 2024, I emailed the applicants agents highlighting the objections that had been received. I requested they consider adding a reduce the strength condition to their licence, if granted. Furthermore, I asked them if they had reviewed our statement of licensing policy, specifically our matrix but they didn't make comments on this in their response. The following is the response received.

'The store is already licensed. We are applying for a like for like licence in terms of the hours applied for and are updating the operating schedule. So, there will be no negative impact on the cumulative impact as there is effectively no change from the status quo save for additional conditions.'

We are authorised to agree the following additional condition:

- *There shall be no sale of beer, lager, or cider with an ABV content above 6% ABV save for craft and premium beer, lager or cider.*

MFG owns some 900 licensed petrol stations. Once the transfer of this store is complete we will be happy to arrange for the local residents to have a contact number for the new management team'.

Having received objections from the public that I have not been able to resolve by mediation, a hearing is required to allow a licensing sub committee to make a decision.

Kirstie Rolfe MLoL
Senior Licensing Officer