

**APPLICATION FOR REVIEW OF PREMISES LICENCE TEXACO – PLAISTOW
BROADWAY FILLING STATION RAYNE ROAD BRAINTREE**

Agenda Item 4

Contact Details:- Rachel Crouch
Designation:- Licensing Officer
Ext. No:- 2647
E Mail Address:- raccr@braintree.gov.uk

Background Papers:- Application for Premises Licence Review and Associated Papers (Appendix 1)

Notice of application for Review (Appendix 2)

Premises Licence (Appendix 3)

Responsible Authority Representation (Appendix 4)

Essex County Council – Children’s Safeguarding Service

Financial Implications:- NONE
Equalities Implications:- NONE
Legal Implications:- NONE
Options:- Please see options in decision
Risks:- NONE

EXECUTIVE SUMMARY

Members of the Licensing Committee are requested to consider an application made by Mr Stephen Sparrow, Licenising Officer Essex Police Central Division for review of the premises licence of Texaco – Plaistow Broadway Filling Station Rayne Road Braintree.

DECISION

In determining this application the Licensing Sub-Committee can take such steps as it considers necessary for the promotion of the licensing objectivities, which are:

1. Take no action.
2. To issue formal warnings to the premises supervisor and/or premises licence holder.
3. Modify the conditions of the licence.
4. Exclude a licensable activity from the licence.
5. Remove the designated premises supervisor.
6. Suspend the licence for a period not exceeding three months.
7. Revoke the licence.

Where the Sub-Committee takes steps mentioned 3 and 4 it may, provided that the modification or exclusion is to have effect for one such period (not exceeding three months) as it may specify. The Licensing Sub-Committee is asked to give full reasons for its decision.

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1. Premises Licence Details

1.1 Texaco
Plaistow Broadway Filling Station
Rayne Road
Braintree
Essex
CM7 7QS

1.2 **Premises Licence Holder:**
Plaistow Broadway Filling Station Ltd
37 Market Street
Woolwich
London
SE18 6QR

1.3 **Designated Premises Supervisor:** Wendy Helen Borrowdale

Personal Licence Issued: Braintree District Council 16th August 2005

2. Application

2.1 An application was received and validated from Mr Stephen Sparrow on the 25th June 2009 for review of the premises licence, issued to Plaistow Broadway Filling Station Ltd for Texaco, Plaistow Broadway Filling Station, Rayne Road, Braintree, Essex, CM7 7QS. (Appendix 1).

2.2 Mr Sparrow has requested a review on the grounds that the premises licence holder is not promoting the licensing objectives;

The Prevention of Crime and Disorder and;
The Protection of Children From Harm.

Full details of the grounds for review are specified on page 3 of the application (Appendix 1).

2.3 In accordance with regulation 38 of the Licensing Act 2003 (Premises and Club Certificates) Regulations 2005, officers arranged for a notice of the review to be published for 28 days in a prominent position near the effected premises, on the public notice board outside the Braintree District Council office (Appendix 2). The consultation period ended on the 23rd July 2009.

3. Background

3.1 The premises benefited from a 'Justices Off Licence' issued under the Licensing Act 1964. On the 7th July 2005 Texaco Ltd made an application to convert the existing licence in respect of the premises into a premises licence under the Licenisng Act 2003.

3.2

Following the consultation period Braintree District Council issued a premises licence to Texaco Ltd on the 14th September 2005. Following the grant of this licence the Council received an application to transfer the premises licence to Plaistow Broadway Filling Station Ltd and an application to vary the designated premises supervisor on the 3rd August 2006. The premises licence permits the following activities:

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. **On weekdays, other than Christmas Day, 08:00 to 23:00**
- b. **On Sundays, other than Christmas Day, 10:00 to 22:30**
- c. **On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30**
- d. **On Good Friday, 08:00 to 22:30**

The above restrictions do not prohibit:

(a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;

(b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

(c) the sale of alcohol to a trader or club for the purposes of the trade or club;

(d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

4.

Representations

4.1

Following the public consultation a representation has been received from Essex County Council – Children's Safeguarding Service in support of the application for premise licence review, and their representations are attached (Appendix 4).