

LICENSING SUB-COMMITTEE - 19 DECEMBER 2006**MOORTOWN SERVICE STATION - APPLICATION FOR PREMISES LICENCE TO SELL ALCOHOL****1. INTRODUCTION**

- 1.1 Application has been made for the grant of a premises licence in order to authorise the retail sale of alcohol from the shop attached to the Moortown Service Station, Ringwood.
- 1.2 Currently the premises are not required to hold a premises licence because they do not undertake any licensable activity. However the new owners who have taken charge over the last few months wish to add the sale of alcohol to the garage shop offering and for this a premises licence is necessary.
- 1.3 Each application for a licence is followed by a 28 day period of consultation with Responsible Authorities. During this time a notice is also displayed on the premises and a public notice published in a local newspaper in order that Interested Parties may make representations should they wish to do so.
- 1.4 An Objection to the application has been raised by Hampshire Police.
- 1.5 Section 176 of the Licensing Act 2003 provides that a premises licence cannot authorise the sale of alcohol at service areas, garages etc. where the "premises are used as a garage or which form part of premises which are primarily so used." It is important, therefore, that the applicant is able to show that the premises do not fall into the type of premises which are excluded from retailing alcohol.
- 1.6 The applicant has supplied a set of sales figures with the application and which he believes is evidence proving that the main use of the premises is that of a shop and not a service station. As a consequence of this and the representation of the Police the application has been brought before this meeting of the Licensing Sub-Committee.
- 1.7 The applicant has been provided with details of the objection from the Police, notified of the requirement to show conclusively that the premises in question is a convenience store and not a service station and will be attending the meeting to present his case.

2. BACKGROUND

- 2.1 The premises in question have operated as a garage for many years. In more recent times the payment office has been altered to include a small shop selling an assortment of cigarettes, sweets, crisps, sandwiches etc., newspapers and magazines, some vehicle related goods such as oil etc. and a hot drinks machine. The applicant has informed the Council that further changes to the shop have been made this year.
- 2.2 It is understood that the premises previously held a licence to sell alcohol. This was granted by Magistrates under the Licensing Act 1964. However, the then owners of the garage, Texaco Ltd, apparently decided not to convert that licence into a premises licence using the special facilities available to them during the Licensing Act 2003 conversion process between February and July 2005. The

applicant has stated that the liquor licence was never used due to financial constraints.

3. CURRENT APPLICATION

3.1 A copy of the application form and the sales figures (along with covering letters) supplied by the applicant supporting his claim that the premises is a convenience store and not primarily a service station are attached as Appendix 1 and 2.

3.2 At the request of the Licensing Officer, the figures supporting the claim have been analysed by the Council's Audit Service. The net income from the shop and garage sales have been separated and shown in tabulated form at Appendix 3 to make comparison a little easier.

4. OBJECTIONS

4.1 The Police have made a representation in respect of this application claiming that the premises is a Service Station and, according to the Licensing Act 2003, Section 176 should not, therefore, be licensed to sell alcohol. See Appendix 4 for the details.

5. MATTERS FOR CONSIDERATION

5.1 Section 176 of the Licensing Act 2003 confirms that premises which are used primarily as a garage (includes the retailing of petrol) are "excluded premises" and can not use a premises licence to authorise the sale or supply of alcohol.

5.2 There are no current decided cases based on the Licensing Act 2003 which can assist in this case. However, standard licensing text books by Hyde and Kolvin both refer to two cases which are reported in more detail in Paterson's under the old Licensing Act 1964, section 9. This section is very similar to the current section 176 of the Licensing Act 2003.

5.3 The two cases referred to are Green v Inner London Licensing Justices (1994) Licensing Review (Oct), QBD and R v Liverpool Crown Court ex p. Goodwin of 1998 (unreported). The evidence in the Green case showed that there were twice as many customers using only the shop than customers only purchasing fuel and customers purchasing both fuel and shop items. The Liverpool case refers to "the intensity of use by the customers at the premises." That is, looking at the purpose of the customers' trips between the two uses.

5.4 The Green case was referred back for a re-hearing whilst the Liverpool case is unreported.

5.5 Nonetheless, the cases appear to begin to establish that the word "primarily" in the Act is key and that it is open to the Licensing Authority and to applicants to examine the position in detail where there appears to be a mixed use of a garage instead of going on appearances alone.

5.6 Paragraph 5.28 of the Guidance to the Licensing Act 2003 also reflects on this subject. It may be helpful to the Sub-Committee to learn that the Guidance advises that, "such decisions under the 1964 Licensing Act have most recently not been based on an examination of the gross or net turnover of income from non-qualifying products and other products." The Guidance continues, "the approach to establishing primary use so far approved by the courts has been

based on an examination of the intensity of use by customers of the premises. For example, if a garage shop in any rural area is used more intensely by customers purchasing other products than by customers purchasing non-qualifying products or services it may be eligible to seek authority to sell or supply alcohol?".

- 5.7 Both the Guidance and the Liverpool case refer to "the intensity of use by the customers at the premises" which, the Sub-Committee may feel, is the same test as that in Green, that is, looking at the purpose of the customers' trips between the two uses.
- 5.8 The sales figures which have been supplied in support of the application are a good starting point. They are, however, purely the net income figures from sales and do not analyse the number and purpose of customer trips to the premises. Interpretation of the figures provided by NFDC Audit Services shows that the income figures are very finely balanced. There are full year figures starting in 2003 and ending in 2005. Only in 2005 does it turn slightly towards an emphasis to shop sales income. The figures for this year are emerging as between 50-51%.
- 5.9 It will be for members of the Sub-Committee to form a view on the type of trade conducted at the premises and to decide, on the evidence supplied, whether or not the figures alone prove conclusively that trade from the premises has moved sufficiently away from garage sales for the premises to be considered a convenience store and no longer "primarily" a garage.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications arising directly as a result of this report.

7. ENVIRONMENTAL IMPLICATIONS

- 7.1 There are no environmental implications arising as a result of this report.

8. CRIME AND DISORDER IMPLICATIONS

- 8.1 There are no crime and disorder implications arising as a result of this report.

9. RECOMMENDATION

- 9.1 That Licensing Sub-Committee carefully considers the points raised and decides whether or not the applicant has provided sufficient evidence that the premises to which the application relates is not primarily a garage.

Further Information:

Tony Hetherington
Licensing Officer
Tel: 023 8028 5449
Email: tony.hetherington@nfdc.gov.uk

Background Papers

None

Licensing Officer
New Forest District Council
Appletree Court
Lyndhurst
Hants
SO43 7PA



27 October 2006

Our ref: L.376/353895.1
Your ref:

Dear Sirs

Moortown Service Station, Christchurch Road, Ringwood, Hampshire, BH24 3AN
Application for a Premises Licence

We enclose:

1. Application for a Premises Licence to be granted under the Licensing Act 2003
 - a) Completed application form
 - b) Payment of the fee £190
 - c) Plan of the premises
 - d) Consent form completed by the proposed premises supervisor

Copies have been served on the responsible authorities. Please acknowledge receipt.

Yours faithfully

CW

Clarke Willmott
01823 445 234 direct fax 01823 445 814
JNethercott@clarkewillmott.com

Application for a premises licence to be granted under the Licensing Act 2003

(1) New Forest District Council Licensing Services

Reference number:

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records

(2) I/We Jeffrey Franklin Pearce Coy

apply for a premises licence under section 17
 the Licensing Act 2003 for the premises described in Part 1 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

Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description	
Moortown Service Station Christchurch Road	LICENSING SERVICES - 4 DEC 2006
Post town Ringwood	Postcode BH24 3AN

Telephone number at premises(if any)

01425 481950

Non-domestic rateable value of premises

£ 20,250

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick ✓ yes

- a) an individual or individuals* please complete section (A)
- b) a person other than an individual* please complete section (B)
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association; or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)

(1) Insert name and address of relevant licensing authority and its reference number (optional)

(2) Insert name(s) of applicant

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over Please tick ✓ yes

Date of birth

Day	Month	Year
0 8	0 9	1 9 6 0

Current postal address if different from premises address

41 Nightingale Close

Post town Verwood

Postcode BH31 6NW

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname First names

I am 18 years old or over Please tick ✓ yes
Date of birth

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Current postal address if different from premises address

Post town Postcode

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 - Operating Schedule

When do you want the premises licences to start?

Day		Month		Year			
2	8	1	1	2	0	0	6

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year			

Please give a general description of the premises (please read guidance note 1)

Service station with convenience store

The primary use of the premises is that of a convenience store. We attach at Appendix 1 an operating statement for the three months June, July and August 2006 showing the breakdown of sales from fuel and the shop.

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

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What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays			Will the performance of a play take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	
Mon			Please give further details here (please read guidance note 3)
Tue			State any seasonal variations for performing plays (please read guidance note 4)
Wed			Non-standard timings. Where you intend to use the premises for the performance of plays at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

B

Films			Will the exhibition of films take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	
Mon			Please give further details here (please read guidance note 3)
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4)
Wed			Non-standard timings. Where you intend to use the premises for the exhibition of films at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details here (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non-standard timings. Where you intend to use the premises for indoor sporting events at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)		
Day	Start	Finish	Indoors	Outdoors	Both
Mon			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

E

Live music			Will the performance of live music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	
Mon			Please give further details here (please read guidance note 3)
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)
Wed			Non-standard timings. Where you intend to use the premises for the performance of live music at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

F

Recorded music			Will the playing of recorded music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	
Mon			Please give further details here (please read guidance note 3)
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 4)
Wed			Non-standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
			Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon			
Tue			
Wed			
			State any seasonal variations for the performance of dance (please read guidance note 4)
Thur			
Fri			
			Non-standard timings. Where you intend to use the premises for the performance of dance entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing
			Will this entertainment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
			Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon			
Tue			
Wed			
			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)
Thur			
Fri			
			Non-standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

I Provision of facilities for making music			Please give a description of the facilities for making music you will be providing	
Standard days and timings (please read guidance note 6)			Will the facilities for making music be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>	
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed				State any seasonal variations for the provision of facilities for making music (please read guidance note 4)
Thur				
Fri				Non-standard timings. Where you intend to use the premises for provision of facilities for making music at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat				
Sun				

J

Provision of facilities for dancing			Please give a description of the facilities for dancing you will be providing	
Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>	
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed				State any seasonal variations for providing dancing facilities (please read guidance note 4)
Thur				
Fri				Non-standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times from those listed in the column of the left, please list (please read guidance note 5)
Sat				
Sun				

K

Provision of facilities for entertainment of a similar description to that falling within I or J			Please give a description of the type of entertainment facility you will be providing
Standard days and timings (please read guidance note 6)			Will the entertainment facility be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)
Tue			
Wed			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)
Thur			
Fri			Non-standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)
Wed			Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption - please tick box <input checked="" type="checkbox"/> (please read guidance note 7)
Day	Start	Finish	On the premises <input type="checkbox"/> Off the premises <input checked="" type="checkbox"/> Both <input type="checkbox"/>
Mon	06:00	22:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)
Tue	06:00	22:00	
Wed	06:00	22:00	
Thur	06:00	22:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri	06:00	22:00	
Sat	06:00	22:00	
Sun	06:00	22:00	

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

Name Alec Scot Scott

Address 23 Cox Close
Bournemouth

Postcode BH9 3LT

Personal Licence number (if known) BH16300

Issuing licensing authority (if known) Bournemouth Borough Council

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None

O

Hours premises are open to the public			State any seasonal variations (please read guidance note 4)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Non-standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Mon	06:00	22:00	
Tue	06:00	22:00	
Wed	06:00	22:00	
Thur	06:00	22:00	
Fri	06:00	22:00	
Sat	06:00	22:00	
Sun	06:00	22:00	

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

a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9)

All staff will be trained on licensing issues

b) The prevention of crime and disorder

CCTV is installed and will be maintained to the requirements of the Police

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

A proof of age policy will be in force and a refusals book maintained.

Notices will be prominently displayed at "Point of Sale" detailing the restrictions on sales to children.

CHECKLIST:

Please tick ✓ yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 4 - Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (Please read guidance note 11)
If signing on behalf of the applicant please state in what capacity.

Signature Clarke Willmott

Date 27 October 2006

Capacity Applicant's Solicitor

For joint applications signature of 2nd applicant, 2nd applicant's solicitor or other authorised agent.
(Please read guidance note 12)

If signing on behalf of the applicant please state in what capacity.

Signature _____

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Jenny Nethercott Clarke Willmott Blackbrook Gate Blackbrook Park Avenue	
Post town Taunton	Postcode TA1 2PG
Telephone number (if any) 01823 445234	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) jnethercott@clarkewillmott.com	

Notes for Guidance

1. Describe 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.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please 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.
7. If you wish people to be able to consume alcohol on the premises please tick 'on the premises', if you wish people to be able to purchase alcohol to consume away from the premises please tick 'off the premises'. If you wish people to be able to do both please tick 'both'.
8. Please 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, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Moortown Service Station - Operating Statement P3 - 06

	Jun/Jul/Aug 06	Annulised
Fuel Ltres	1,026,788	
Fuel Revenue	857,783	
Fuel Cost	824,039	
Dip Loss	5,011.0	
Fuel Income	28,733	114,932
Fuel Margin	2.8	
Shop Sales	111,658	
Shop Income	32,604	130,417
Shop Margin	29.20%	
Jet Wash	2,953	
Air Tower	385	
ATM	1,716	
Paypoint	426	
E Top Up	432	

Tony Hetherington
Licensing Officer
New Forest District Council
Appletree Court
Lyndhurst
Hants SO43 7PA

And by e-mail: licensing@nfdc.gov.uk

6 November 2006

Our ref: L.376/353895.1
Your ref: TH/DS/App1087

Dear Sir

DS\PREM\NEW\11-2006\1087
Moortown Service Station, Christchurch Road, Ringwood, Hampshire, BH24 3AN
Application for a Premises Licence

Further to our previous correspondence, we enclose some further accounts which have been provided to us by our client, as follows.

- 1 Texaco's accounts for the period January to December 2003
- 2 Texaco's accounts for the period January to December 2004
- 3 Texaco's accounts for the period January to December 2005
- 4 Operating Statement for the period June to October 2006 provided by our client

With regard to Texaco's accounts, these were provided to our client by Texaco when he acquired the premises. The company's annual financial reports do not supply the relevant information for any one particular site (they have 350 service stations), nor a detailed breakdown.

Our client's own first set of audited accounts will be produced in mid-late December. The figures he has supplied come from his own computerised accounting system.

It should be noted that in March 2006 our client increased the sales space in the shop and introduced a far larger dairy and drinks chiller. This has already proved successful with the gap between shop earning and fuel earning widening each month, as evidenced by the figures.

Our client has also advised us that this site did have a justices' licence approved by the Magistrates' Court a few years ago, but Texaco did not take the opportunity to implement the licence due to budgetary constraints.

A copy of this letter has been served on all the responsible authorities.

Yours faithfully

Clarke Willmott
01823 445 234 direct fax 01823 445 814
JNethercott@clarkewillmott.com

Company code Texaco Limited
 Fiscal year/period January 2003..December 2003
 Fiscal year variant Calendar year, 4 spec periods
 Controlling Area Chevron/Texaco
 Class of Trade COCOSTAR
 Val Type(Reportng) Actual
 Cost center MOORTOWN

Cost center		Fiscal year/period	Overall Result
0000491037	MOORTOWN	Volume in L (Ex Lubcs)	3,521,004
0000491037	MOORTOWN	Revenue £ (Ex Lubcs)	707,149
0000491037	MOORTOWN	COS Dip (Loss)/Gain £	(7,989)
0000491037	MOORTOWN	Fuel Income £	105,657
0000491037	MOORTOWN	Discounts £	(5,673)
0000491037	MOORTOWN	Discounts as % of Shop Sales	(1.64%)
0000491037	MOORTOWN	Promotional Discounts £	(5,917)
0000491037	MOORTOWN	Promotional Discounts as % of Shop Sales	(1.72%)
0000491037	MOORTOWN	Shop Sales £ (Inc Lubcs)	344,927
0000491038	MOORTOWN	Shop Income £	107,272
0000491037	MOORTOWN	Shop Gross Margin %	31.10%
0000491037	MOORTOWN	Audt Adj. £	(4,374)
0000491037	MOORTOWN	Audt Adj %	(1.27%)
0000491037	MOORTOWN	Bad Merchandise £	(3,098)
0000491037	MOORTOWN	Bad Merchandise %	(0.89%)
0000491037	MOORTOWN	Shop Net Margin £ (Inc Lubcs)	99,830
0000491037	MOORTOWN	Shop Net Margin %	28.94%
0000491037	MOORTOWN	Total Valeting £	10,493
0000491037	MOORTOWN	Car Wash £	
0000491037	MOORTOWN	Jet Wash £	10,150
0000491037	MOORTOWN	Car Vacuum £	344
0000491037	MOORTOWN	Other Income £	13,066
0000491037	MOORTOWN	Lottery Commission £	1,053
0000491037	MOORTOWN	Backcourt Rent £	
0000491037	MOORTOWN	Forecourt Rent £	
0000491037	MOORTOWN	ATM £	7,949
0000491037	MOORTOWN	Advertising Inc £	
0000491037	MOORTOWN	Key Charge £	467
0000491037	MOORTOWN	E-Top up £	2,997
0000491037	MOORTOWN	Drop Boxes £	
0000491037	MOORTOWN	Bunkering & Kevuels £	
0000491037	MOORTOWN	Misc Other Income £	620
0000491037	MOORTOWN	Total Non Fuel Income £	123,409
0000491037	MOORTOWN	Gross Margin £	229,066
0000491037	MOORTOWN		
0000491037	MOORTOWN	Salaries & Wages £	(50,803)
0000491037	MOORTOWN	Overtime x 1.5 £	(774)
0000491037	MOORTOWN	Overtime x 2 £	(234)
0000491037	MOORTOWN	Ni & Pension Exp £	(3,898)
0000491037	MOORTOWN	Pump Maintenance £	(4,805)
0000491037	MOORTOWN	Building & Electrical Maint £	(7,338)
0000491037	MOORTOWN	Car Wash Maint £	(1,010)
0000491037	MOORTOWN	Refridgeration Maint £	(2,292)
0000491037	MOORTOWN	Health Hygiene & Safety Maint £	(487)
0000491037	MOORTOWN	Compressor Maint £	(1,295)
0000491037	MOORTOWN	Security Maint £	(1,804)
0000491037	MOORTOWN	Waste Disposal Maint £	(568)
0000491037	MOORTOWN	Inspection & Testing Maint £	(352)
0000491037	MOORTOWN	Misc Maint £	(1,913)
0000491037	MOORTOWN	Retail Automation £	(83)
0000491037	MOORTOWN	Giobank £	(457)
0000491037	MOORTOWN	Security £	(2,144)
0000491037	MOORTOWN	Misc Other Contract Wk £	(16,121)
0000491037	MOORTOWN	Uniforms £	(18)
0000491037	MOORTOWN	Car Wash Consumables £	(154)
0000491037	MOORTOWN	Other Materials & Supplies £	(3,435)
0000491037	MOORTOWN	Petty Cash £	(1,001)
0000491037	MOORTOWN	Cash Losses - Drive-Off/Unpaid £	(511)
0000491037	MOORTOWN	Cash Losses - Tills £	(447)
0000491037	MOORTOWN	Cash Losses - Repaid £	
0000491037	MOORTOWN	Cash Losses - Other £	(3,638)
0000491037	MOORTOWN	Returned Cheques & Cards £	(100)
0000491037	MOORTOWN	Communications £	(1,529)
0000491037	MOORTOWN	Rent - Credit Card Charges	(16,405)
0000491037	MOORTOWN	Other Rentals £	(598)
0000491037	MOORTOWN	Utilities £	(4,805)
0000491037	MOORTOWN	Credit Card W/Offs £	
0000491037	MOORTOWN	Miscellaneous £	(29)
0000491037	MOORTOWN	Depreciation £	(27,878)
0000491037	MOORTOWN	Reward Scheme Bonus £	(1,830)
0000491037	MOORTOWN	Property Tax £	(5,837)
0000491037	MOORTOWN	Total Operating Expense £	(164,372)
0000491037	MOORTOWN	Contribution £	64,694

Company code Texaco Limited
 Fiscal year/period January 2004, December 2004
 Fiscal year variant Calendar year, 4 spec. periods
 Controlling Area ChevronTexaco
 Class of Trade COCO/STAR
 Val Type(Reporting) Actual
 Cost center MOORTOWN

Cost center	Fiscal year/period	Overall Result	
0000491037	MOORTOWN	Volume in L (Ex Lubes)	3,827,231
0000491037	MOORTOWN	Revenue £ (Ex Lubes)	843,566
0000491037	MOORTOWN	COS Dip (Loss)/Gain £	(10,107)
0000491038	MOORTOWN	Fuel Income £	117,317
0000491037	MOORTOWN	Discounts £	(4,668)
0000491037	MOORTOWN	Discounts as % of Shop Sales	(1.20%)
0000491037	MOORTOWN	Promotional Discounts £	(10,106)
0000491037	MOORTOWN	Promotional Discounts as % of Shop Sale	(2.60%)
0000491037	MOORTOWN	Shop Sales £ (inc Lubes)	389,275
0000491037	MOORTOWN	Shop Income	116,729
0000491037	MOORTOWN	Shop Gross Margin %	30.50%
0000491037	MOORTOWN	Audit Adj. £	(1,275)
0000491037	MOORTOWN	Audit Adj %	(0.33%)
0000491037	MOORTOWN	Bad Merchandise £	(2,031)
0000491037	MOORTOWN	Bad Merchandise %	(0.52%)
0000491037	MOORTOWN	Shop Net Margin £ (inc Lubes)	115,420
0000491037	MOORTOWN	Shop Net Margin %	29.85%
0000491037	MOORTOWN	Total Valeting £	10,856
0000491037	MOORTOWN	Car Wash £	0
0000491037	MOORTOWN	Jet Wash £	10,498
0000491037	MOORTOWN	Car Vacuum £	358
0000491037	MOORTOWN	Other Income £	13,860
0000491037	MOORTOWN	Lottery Commission £	2,186
0000491037	MOORTOWN	Backcourt Rent £	
0000491037	MOORTOWN	Forecourt Rent £	
0000491037	MOORTOWN	ATM £	7,814
0000491037	MOORTOWN	Advertising Inc £	
0000491037	MOORTOWN	Key Charge £	908
0000491037	MOORTOWN	E-Top up £	2,972
0000491037	MOORTOWN	Drop Boxes £	
0000491037	MOORTOWN	Bunkering & Keyfuels £	
0000491037	MOORTOWN	Misc Other Income £	0
0000491037	MOORTOWN	Total Non Fuel Income £	140,156
0000491037	MOORTOWN	Gross Margin £	257,973
0000491037	MOORTOWN	Salaries & Wages £	(62,784)
0000491037	MOORTOWN	Overtime x 1.5 £	(845)
0000491037	MOORTOWN	Overtime x 2 £	(258)
0000491037	MOORTOWN	Nf & Pension Exp £	(4,928)
0000491037	MOORTOWN	Pump Maintenance £	(3,971)
0000491037	MOORTOWN	Building & Electrical Maint £	(3,635)
0000491037	MOORTOWN	Car Wash Maint £	(2,255)
0000491037	MOORTOWN	Refridgeration Maint £	(2,404)
0000491037	MOORTOWN	Health Hygiene & Safety Maint £	(1,029)
0000491037	MOORTOWN	Compressor Maint £	(30)
0000491037	MOORTOWN	Security Maint £	(821)
0000491037	MOORTOWN	Waste Disposal Maint £	(1,985)
0000491037	MOORTOWN	Inspection & Testing Maint £	(611)
0000491037	MOORTOWN	Misc Maint £	(807)
0000491037	MOORTOWN	Retail Automation £	(273)
0000491037	MOORTOWN	Girobank £	(527)
0000491037	MOORTOWN	Securicor £	(2,080)
0000491037	MOORTOWN	Misc Other Contract Wk £	(39)
0000491037	MOORTOWN	Uniforms £	(38)
0000491037	MOORTOWN	Car Wash Consumables £	(57)
0000491037	MOORTOWN	Other Materials & Supplies £	(3,289)
0000491037	MOORTOWN	Paty Cash £	(1,388)
0000491037	MOORTOWN	Cash Losses - Drive-Offs/Unpaid £	(398)
0000491037	MOORTOWN	Cash Losses - Tills £	(813)
0000491037	MOORTOWN	Cash Losses - Repaid £	
0000491037	MOORTOWN	Cash Losses - Other £	43
0000491037	MOORTOWN	Returned Cheques & Cards £	(79)
0000491037	MOORTOWN	Communications £	(1,398)
0000491037	MOORTOWN	Rent - CREDIT CARD CHARGES	(19,161)
0000491037	MOORTOWN	Other Rentals £	(443)
0000491037	MOORTOWN	Utilities £	(3,759)
0000491037	MOORTOWN	Credit Card W/Offs £	0
0000491037	MOORTOWN	Miscellaneous £	0
0000491037	MOORTOWN	Depreciation £	(28,932)
0000491037	MOORTOWN	Reward Scheme Bonus £	(2,919)
0000491037	MOORTOWN	Property Tax £	(6,705)
0000491037	MOORTOWN	Total Operating Expense £	(158,556)
0000491037	MOORTOWN	Contribution £	99,417

Company code Texaco Limited
 Fiscal year/period **January 2005 - December 2005**
 Fiscal year variant Calendar year, 4 spec. periods
 Controlling Area ChevronTexaco
 Class of Trade COCO/STAR
 Val Type(Reporting) Actual
 Cost center MOORTOWN

Cost center	Fiscal year/period	Overall Result
0000491037	MOORTOWN. Volume in L (Ex Lubes)	3,660,690
0000491037	MOORTOWN. Fuel Product Margin £	109,821
0000491037	MOORTOWN. Shop Rev £	361,280
0000491037	MOORTOWN. Shop Income £	111,274
0000491038	MOORTOWN. Gross Shop Margin %	30.8%
0000491039	MOORTOWN. Audit Adjustments%	0.9%
0000491040	MOORTOWN. Audit Adjustments£	3,251
0000491041	MOORTOWN. Net Shop Income£	108,023
0000491042	MOORTOWN. Net Shop Margin%	29.9%
0000491037	MOORTOWN. Total Valeting £	9,638
0000491037	MOORTOWN. Backcourt Rent £	
0000491037	MOORTOWN. Misc Other Income £	11,950
0000491037	MOORTOWN. Total Other Income £	129,611
0000491037	MOORTOWN. Gross Margin £	238,432
0000491037	MOORTOWN. People Related £	(75,880)
0000491037	MOORTOWN. Total Contract Work£	(24,264)
0000491037	MOORTOWN. Materials & Supplies £	(5,897)
0000491037	MOORTOWN. Petty Cash £	(1,130)
0000491037	MOORTOWN. Total Cash Losses £	365
0000491037	MOORTOWN. Communications £	(1,692)
0000491037	MOORTOWN. Utilities £	(6,164)
0000491037	MOORTOWN. Miscellaneous £	(4,077)
0000491037	MOORTOWN. Rentals - TCS £	(18,618)
0000491037	MOORTOWN. Other Rentals £	(109)
0000491037	MOORTOWN. Total Direct Expense £	(137,465)
0000491037	MOORTOWN. Depreciation £	(29,616)
0000491037	MOORTOWN. Property Tax £	(7,326)
0000491037	MOORTOWN. Total Operating Expense £	(174,407)
0000491037	MOORTOWN. Contribution £	65,025

Moortown Service Station - Operating Statement P3 - 06

	Jun/Jul/Aug 06	Sep-06	Oct-06	Annulised
Fuel Ltres	1,026,788	313,175	321,744	
Fuel Revenue	857,783	247,018	2,143,324	
Fuel Cost	824,039	232,940	232,716	
Dip Loss	5,011.0			
Fuel Income	28,733	10,929	10,607	120,645.60
Fuel Margin	2.8	3.49	3.29	
Shop Sales	111,658	39,619	39,711	
Shop Income	32,604	12,361	12,032	136,793.13
Shop Margin	29.20%	31.2%	30.3%	
Jet Wash	2,953	759	1,029	
Air Tower	385	94	151	
ATM	1,716		220	
Paypoint	426	124	210	
E Top Up	432	180	168	

APPENDIX 3

Moortown Service Station

Tabulated figures prepared by NFDC Audit Service from sales figures provided by the applicant in support of his claim that the premises are primarily a convenience store and not a garage.

	2003	2004	2005	JU/J/AUG 06	Sep-06	Oct-06
Fuel	105657	117817	109821	28733	10929	10607
Other	10493	10858	10675	3338	853	1180
Garage	116150	128675	120496	32071	11782	11787
Shop	107272	118729	129611	32604	12361	12032
	223422	247404	250107	64675	24143	23819
Fuel %	51.986823	52.010073	48.17778	49.58794	48.80089	49.4857
Shop%	48.013177	47.989927	51.82222	50.41206	51.19911	50.5143

To:	newforest.police@hampshire.pnn.police.uk
Our Ref:	DS\PREM\NEW\11-2006\1090\Moortown Service Station
Date:	06 Nov 2006
Application Type:	Premises - New Licence
Premises Address:	Moortown Service Station Christchurch Road Ringwood Hampshire BH24 3AN
Applicant Details:	Mr Jeffrey Franklin Pearce Coy 41 Nightingale Close Verwood Dorset BH31 6NW

LICENSING ACT 2003

CONSULTATION

I should be pleased if you will assess the application and, if after due consideration, you wish to make representation you must advise the Council of the details of that representation by no later than **28 November 2006** .

If we do not hear from you by that date we will assume you do not wish to offer a representation and continue with the licence application process.

<p>Response:</p> <p>27.11.06 Hampshire constabulary have an OBJECTION to the above application.</p> <p>I have concerns regarding the general description of the premises stated in the application form i.e. 'Service station with convenience store' followed by 'The primary use of the premises is that of a convenience store'.</p> <p>In my opinion, the premise is primarily a service station and the accounts provided by Texaco which indicate near parity between fuel and shop income over the last three and a half years, do not persuade me otherwise.</p> <p>Under the Licensing Act 2003, s176 (2)(b) "excluded premises" include premises used primarily as a garage or which form part of premises which are primarily so used. This would appear to apply to this application.</p> <p>G. Hutchings Sector Inspector, Ringwood</p>
