



Licensing

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Date: 10 December 2102

To: **All members of the Alcohol, Entertainment and Late Night Refreshment Licensing Committee.**

LATE INFORMATION FOR THE HEARING FOR COSTCUTTERS EXPRESS, SOMERBY HILL SERVICE STATION, BRIDGE END ROAD, GRANTHAM.

**ALCOHOL, ENTERTAINMENT & LATE NIGHT REFRESHMENT LICENSING COMMITTEE
10.00AM FRIDAY 21 NOVEMBER 2012**

SECTION 176 OF THE 2003 LICENSING ACT 2003.

Section 176 is a relevant consideration of the Licensing Act 2003 when a representation has been received pertaining to it.

Since the report was compiled and the consultation period had ended persons who have put in an objection/representation to the application have sited section 176 and licensing feel the committee should be made aware of the section.

HOME OFFICE GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003 STATES THE FOLLOWING;

GARAGES AND MOTORWAY SERVICE AREAS:

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 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.

The licensing authority must decide whether or not premises are used primarily as a garage. The accepted approach is based on "intensity of use" to establish "primary use". For example, if a garage shop in any rural area is used more intensely by customers purchasing other products than by customers purchasing the products or services listed above, it may be eligible to seek authority to sell or supply alcohol.

Where there is insufficient evidence to establish primary use, it is for the licensing authority to decide whether to grant the licence and deal with any issues through enforcement action and it may be able to use its case management powers to enable further evidence to be obtained.

The agent was contacted by a member of the licensing team with regards to Section 176 and he stated he had produced customer flow documents.

On the application submitted to the responsible authority included was an analysis of projected customer flow and a pye chart. (These are attached) These were not included in the application submitted to the licensing section.

Mr R Etherton
Licensing Officer
SKDC

Analysis of Projected Customer Flow
Client Name: MFG Costcutter Somerby Hill

	Shop Sales - £	Average Shop Purchase - £	Number of Shop Customers	Number of Fuel Customers	Average Fuel Purchase - Litres	Fuel Sales - Litres
Month 1	29227	2.02	14469	9815	26.47	259800
Month 2	29719	2.05	14484	9896	26.30	260272
Month 3	30211	2.08	14499	9979	26.13	260745
Month 4	30703	2.12	14514	10062	25.96	261217
Month 5	31195	2.15	14528	10147	25.79	261689
Month 6	31687	2.18	14542	10233	25.62	262162
Month 7	32179	2.21	14555	10320	25.45	262634
Month 8	32671	2.24	14568	10408	25.28	263107
Month 9	33163	2.27	14581	10497	25.11	263579
Month 10	33655	2.31	14593	10587	24.94	264051
Month 11	34147	2.34	14605	10679	24.77	264524
Month 12	34639	2.37	14617	10772	24.60	264996
Totals	383196	2.19	174557	123395	25.54	3148776

Analysis of Projected Customer Flow - Shop v Forecourt

MFG Costcutter Somerby Hill



No. of Fuel Customers - 123395 (41.4%)