

**Minutes of a Meeting of the Licensing
Sub Committee held at Council
Chamber, Surrey Heath House on 18
December 2014**

Cllr Bill Chapman
Cllr Beverley Harding

+ Cllr Paul Ilnicki
Cllr Valerie White

+ Present

- Apologies for absence presented

Substitutes: Cllr Paul Ilnicki

In Attendance: Seekings, Paula Barnshaw and Jessica Harris-Hooton

11/LS Election of Chairman

**RESOLVED, that Councillor Bill Chapman be elected as
Chairman for the meeting.**

12/LS Licensing Act 2003

The Sub-Committee considered an application for a new Premises Licence relating to 126 Frimley Road, Camberley, Surrey GU15 2QN.

The Licensing Officer presented his report to the Sub-Committee and notified representatives of the parties who had a right to speak at the meeting. He referred Members to the Licensing Objectives and noted that relevant objections had been submitted.

The Legal Advisor reminded Members that any material which had not been circulated in advance to all parties could only be considered at the meeting if all parties present agreed.

All relevant parties present introduced themselves and stated their reason for attending the Sub-Committee.

The Licensing Officer noted that the application was for the supply of alcohol for consumption off the premises only and therefore did not include reference to regulated entertainment or the provision of late night refreshment.

The Licensing Officer reported that six representations had been submitted by other persons which contended that the carrying on of licensable activities at the premises could breach the following licensing objectives:

- (i) The prevention of crime and disorder;
- (ii) Protection of Public Safety;
- (iii) Prevention of Public Nuisance; and

(iv) Protection of children from harm.

The Licensing Officer confirmed that he had received notification from the applicant, Mr Manmeet Grover, of Grover Convenience Stores Ltd that Mr S Panchal had been asked to address the Sub-Committee on behalf of the Company.

No representations had been submitted by Responsible Authorities.

Mr Panchal summarised the experience and licensable activities of Grover Convenience Stores Ltd in other areas. He referred to the application in respect of the Licensing Objectives and indicated measures that would be put in place to meet these.

No statements were made by the Other Persons present.

The Sub-Committee adjourned from 10.35 a.m. until 10.45 a.m. for deliberation.

Following deliberations on the application, the legal Advisor reported on the advice she had given to the Sub-Committee and that Members had taken into account:

- Section 18 of the Licensing Act 2003 and the Secretary of State's Guidance under section 182 of the Act.
- The Council's Statement of Licensing Policy, particularly paragraphs 1-85 and 87-99; and
- The written and oral evidence presented at the hearing.

The Sub-Committee had heard evidence from the Licensing Officer and Applicants.

Members recognised that the Licensing Act imposed a light touch approach and encouraged them to allow premises to trade unless there was a reason not to. The Sub-Committee could not adjudicate on needs and competition and the Act allowed for review if, at a later stage, it was suggested that any action had resulted in the Licensing Objectives not being met.

The Sub-Committee had concluded that the premises licence should be granted, on the basis of the operations schedule at Page 25 of the agenda, with conditions, amended to be enforceable, to be agreed by the Licensing Officer in consultation with the Chairman

RESOLVED, that the Premises Licence for 126 Frimley Road, Camberley, be granted for the hours of 0600 to 2300 from Monday to Sunday, subject to the conditions attached in the Decision Notice at Annex A.

a ANNEX

Annex A

SURREY HEATH BOROUGH COUNCIL

LICENSING ACT 2003

Application for a new Premises Licence

126 Frimley Road, Camberley

Decision Record

The Application

This is an application by Mr Manmeet Grover trading as Grover Convenience Store Limited for a new premises licence at 126 Frimley Road, Camberley, Surrey, GU15 2QN. Representations have been received from six "other persons".

At the hearing of the application in attendance were:

Mr Derek Seekings (Surrey Heath Licensing Officer)

Mrs Paula Barnshaw (Surrey Heath Licensing Administrator)

For the Applicant:

Mr Grover (Applicant)

Mr Panchal (Representing the Applicant)

Other Persons:

Mrs Patel

Mrs Thapan

Evidence before the Sub-Committee

Representations have been received from six Other Persons. Whilst two of the 'Other Persons' were present, they declined to verbally address the Committee in order to expand on their written representations. These have been accepted by the Committee as read.

No representations had been received by any Responsible Authority.

Oral representations were made by Mr Panchal on behalf of the Applicant. He stated that Mr Grover had been in the licensing trade for three years and throughout this time involved in the family business, running three licensed premises.

Mr Panchal directed the Committee to page 25 of the agenda and discussed the operating schedule as written. He confirmed that CCTV will be in operation at the premises and when this is not operational, no licensable activities will take place. He detailed the training regime and showed the signage which will be displayed on the premise relating to CCTV and 'Challenge 25'.

Mr Panchal referred to paragraph 75 within the Councils Statement of Licensing Policy where it states that premises which operate after 23:00 have to have more stringent controls than those which cease at this time. He highlighted that the terminal hour of the new premises licence will be 23:00. Mr Panchal reminded the

Committee that whilst the Other Persons think that a further convenience store is not required, 'need' was not a licensing matter.

The Decision

The Licensing Act encourages us to view our powers and responsibilities in the light of the community as a whole. The regime under the Act has a light touch approach to regulation and we carry out functions with a view to promoting the licensing objectives, having regard to the statutory guidance and to the Statement of Licensing Policy.

If the sub-committee is minded to attach any conditions to the proposed licence, these must be appropriate to promote one or more licensing objectives. They must be proportionate in that they are tailored to the activities taking place, the size, location, type and characteristics of the business and do not repeat those which duplicate other statutory provisions.

We will consider the licensing objectives in the following order:

Prevention of Crime and Disorder

We note the concerns of the 'Other Persons' regarding crime and disorder but the Committee are satisfied that no evidence has been provided that this objective will be undermined. It was noted by the Committee that the Police had not submitted a representation. The Committee feel that the conditions proposed by the Applicant in the Operating Schedule are adequate to address any concerns and will be enforceable subject to minor amendment. We are also mindful that any Licence granted can be reviewed under the Act.

The Protection of children from harm

We have had regard to the Council's Statement of Licensing Policy which states that the Council will have particular regard to the safety of children when considering licence applications. It is a mandatory condition that all premises must have an age verification policy. The applicant operates a 'Challenge 25' policy and has numerous procedures and checks in place which the Committee believe are more than satisfactory to meet the requirements of the Statement of Licensing Policy and legislation.

Public Safety

There is no evidence before us upon which we can consider that this objective is not likely to be promoted.

Prevention of public nuisance

No objection was raised by Environmental Health as a statutory responsible authority with regards to public nuisance. Whilst the written concerns of 'other persons' have been noted, there is no evidence before us that the premises will create the disturbances and littering they refer to.

We therefore grant the Licence subject to the following conditions:

Conditions

We have had regard to whether conditions are appropriate in accordance with the guidance and the licensing policy and note those offered by the Applicant in the operating schedule. In summary, we find it is appropriate to grant the licence subject to such conditions that are consistent with the operating schedule, the wording to be determined by the Licensing Officer and Chairman of the Committee in order to ensure enforceability.

Chairman