

**Minutes of a Meeting of the Licensing  
Sub Committee held at Council  
Chamber, Surrey Heath House, Knoll  
Road, Camberley, GU15 3HD on  
20 March 2017**

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+ Cllr Bill Chapman (Chairman)

+ Cllr David Lewis	- Cllr Nic Price
- Cllr Ruth Hutchinson	+ Cllr Ian Sams

+ Present

- Apologies for absence presented

In Attendance:      Rupert Ainsworth, Rontec Watford Ltd  
                             Paula Barnshaw, Licensing Administrator  
                             Robert Botkai, Winckworth Sherwood LLP  
                             Bridget Peplow, Legal Advisor  
                             Derek Seekings, Senior Licensing Officer  
                             Katharine Simpson, Democratic and Electoral Services Officer

**1/LS      Election of Chairman**

**RESOLVED** that Councillor Chapman be elected Chairman of the Licensing Sub-Committee.

**COUNCILLOR CHAPMAN IN THE CHAIR**

**2/LS      Declarations of Interest**

There were no declarations of interest.

**3/LS      The Procedure for Hearings of the Licensing Sub-Committee**

The Sub Committee and meeting attendees noted the procedure that would be followed during the Sub-Committee Hearing.

**4/LS      Application for a Variation of a Premises Licence - Chobham Service Station, Station Road, Chobham, Woking, Surrey GU24 8AJ**

The Sub-Committee was informed that the hearing had been convened to decide the outcome of an application for a variation of a premises license for Chobham Service Station, Station Road, Chobham, GU24 8AJ

The current licence meant that the petrol filling station had to stop selling alcohol for consumption off site between the hours of midnight and 6am and could not sell refreshments between the hours of 23:00pm and 05:00am. The application sought a variation that, if granted, would enable the filling station to

sell alcohol for consumption offsite twenty four hours a day seven days a week and provide late night refreshment to customers between the hours of 23:00pm and 5am.

The Sub-Committee was advised that the application had been correctly completed and the application had been advertised and responsible authorities notified in line with statutory regulations.

The Sub-Committee carefully considered all the information presented, both written and oral, from:

- the Licensing Officer who outlined the issues;
- the Applicants Rupert Ainsworth, Rontec Watford Limited and Robert Botkai, Winckworth Sherwood LLP;
- the interested parties (2) who submitted written representations;

together with reference to the Licensing Objectives: Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, particularly noise nuisance, and Protection of Children from Harm, the Council's own Licensing Policy and the Secretary of State's guidance.

The Sub Committee noted that an additional written submission had been provided by one of the interested parties which expanded on the points raised in their initial submission. The Sub-Committee also noted that no representations had been received from any of the Responsible Bodies and that no objections had been received in relation to the application for a licence to provide late night refreshments.

The Sub-Committee noted the concerns of the public representations, which included:

#### Crime and Disorder/Prevention of Public Nuisance

- The sale of alcohol 24 hours a day would draw people into the area causing disruption to local residents.
- There would be minimal levels of staffing at the filling station overnight; a situation that could lead to unsafe working conditions if customers were allowed inside the filling station building.
- Night time alcohol sales could increase the risk of violent or criminal disturbances in the surrounding areas.

The Applicants informed the Sub Committee that Rontec was an established company with a portfolio of over 200 petrol filling stations across the Country; the majority of which had alcohol licences. The application to vary the premises licence would, if granted, bring the licenced hours in line with the filling station's opening hours.

The Sub-Committee also took note of the fact that:

- At the majority of petrol filling stations operated by Rontec it was standard operating practice for the filling stations to be single manned

from 10pm with staff serving all customers through the night payment window.

- All Rontec sites were risk assessed and appropriate security measures put in place including CCTV, security systems and panic buttons
- The late night refreshment offer would be a very limited service which would enable customers to purchase hot beverages dispensed from a coffee machine and a limited range of hot snacks.
- The filling station was currently selling alcohol until midnight and had experienced no problems with disruptive customers to date.
- Rontec would be willing to work with local residents to address any concerns or problems that might arise as a result of the extended licencing hours.

In reaching their decision, the Sub Committee took into consideration the representations made in relation to the prevention of public nuisance and the prevention of crime and disorder. However, it was considered that the concerns were based on speculation as to what might happen and did not meet the threshold that would undermine the relevant licensing objectives. From the representations made, the Sub Committee had confidence that the Applicant would ensure that the Service Station was well managed and would trade as a responsible body, with a clear plan and policies in place to deal with any issues.

The decision making process was a matter of judgement by the Sub Committee and having weighed all the evidence provided by the interested parties and the Applicant the evidence came down clearly in favour of granting the variation. The Applicant had clearly addressed their minds to the processes and policies required to ensure that the licensing objectives were promoted. It had to be recognised that whilst the interested parties raised objections under the 4 licensing objectives, the objections had little evidential support and when weighed in the balance carried little weight. A number of the representations made by the objectors did not relate to the licensing objectives and as such they were not matters that the Sub Committee could consider.

The Sub Committee was aware that there were a number of objections however it was considered that the objections were broadly based on what might happen rather than what would happen and there was insufficient evidence provided to allow the Sub Committee to find that the problems referred to would occur. On balance, the Sub Committee decided that granting the variation, in line with the conditions already on the licence and as set out below, would not have an adverse impact on the promotion of the four licensing objectives; Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, and Protection of Children from Harm. The Sub Committee found no evidence to justify refusing the variation.

The Sub-Committee confirmed that the decision would not set a precedent because each licensing application would be judged on its merits. The Sub Committee also noted the objectors request to delay the decision for a period of time to allow for the impact of the extended opening hours to be assessed. The Sub Committee confirmed that it had no legal power to do this.

The Licensing Sub Committee **RESOLVED** to grant the variation subject to the existing licence conditions set out below:

**Mandatory conditions:**

- i. No supply of Alcohol may be made under the premises licence:
  - a. At a time when there is no designated premises supervisor in respect of the premises licence, or at
  - b. A time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- ii. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- iii. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale of alcohol.
  - a. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

**Additional conditions consistent with the operating schedule**

General conditions: None

*Prevention of Crime and Disorder*

- iv. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
- v. The CCTV system shall be capable of producing immediate copies of recording on site. Copies of recordings will be capable of being recorded digitally onto CD/DVD or other equivalent medium.
- vi. Any recording shall be retained and stored in a suitable and secure manner for a minimum of 28 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
- vii. The CCTV system will incorporate a camera covering the entrance door and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
- viii. The CCTV system will display, on any recording, the correct time and date of the recording.
- ix. A system will be in place to maintain the quality of the recorded image.
- x. The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity.

*Public Safety*

- xi. The premises licence holder will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.

*Prevention of Public Nuisance*

- xii. Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

*Protection of Children from Harm*

- xiii. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any

customer attempting to purchase alcohol, who appears to be under the age of 18 (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram.

## **CHAIRMAN**