

**Minutes of a Meeting of the Licensing Sub
Committee held at Council Chamber,
Surrey Heath House, Knoll Road,
Camberley, GU15 3HD on 1 July 2019**

+ Cllr Vivienne Chapman
+ Cllr David Lewis

+ Cllr David Mansfield

+ Present
- Apologies for absence presented

In Attendance: Amber Athill, Legal Representative, Surrey Police
Rebecca Batten, Solicitor, Surrey Heath Borough Council
Robert Botkai, Applicant's Legal Representative
Rab Carnie, Licensing Officer, Surrey Police
Mr K Clarke, Resident
Ms J Hudson, Resident
Derek Seekings, Senior Licensing Officer, Surrey Heath Borough Council

1/LS Election of Chairman

RESOLVED that Councillor Mansfield be elected Chairman of the Licensing Sub Committee.

COUNCILLOR MANSFIELD IN THE CHAIR

2/LS Declarations of Interest

There were no declarations of interest.

3/LS Licensing Sub Committee Procedure

The Sub Committee and attendees noted the procedure that would be followed during the hearing.

4/LS Application to Vary a Premises Licence - Mytchett SF Connect, 150 Mytchett Road, Camberley, GU16 6AE

The Sub-Committee was informed that the hearing had been convened to decide an application from BP Oil UK Ltd to vary the premises licence held by the Mytchett SF Connect filling station at 150 Mytchett Road, Camberley, GU16 6AE.

The application sought a variation that, if granted, would change the temporary licence variation granted in November 2018 that enabled the filling station to sell alcohol between the hours of 00:00 to 24:00 seven days a week to a permanent licence permitting the sale of alcohol between the hours of 00:00 and 24:00 seven days a week.

The Sub-Committee was advised that the application had been correctly completed and 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 Applicant
- Responsible Bodies (1)
- Other Persons (3) who submitted written representations; together with reference to the Licensing Objectives: Prevention of Crime and Disorder, public safety and the prevention of public nuisance.

The Sub-committee noted that one representation had been received from Surrey Police, in their capacity as a Responsible Body, which made reference to the number of crimes that were reported as having occurred at the premises between 1st November 2018 and 31st May 2019 including 54 occasions when drivers drove off without paying for petrol, 17 miscellaneous thefts and 4 thefts of alcohol. The Police also highlighted their view that the company needed to do further work to reduce crime levels at the site before the licence variation was granted.

The Sub-committee noted that three other representations had been received from members of the public and the ward councillor which made reference to the problems caused by noise nuisance caused by vehicles entering and leaving the site and customers using the car wash and drink driving.

The Sub-committee also noted that:

- The applicant had taken steps to reduce the likelihood of alcohol thefts from the store occurring including the relocation of alcohol away from the store's entrances, the introduction of dummy champagne bottles, which were exchanged at the till after payment, and a decision not to participate in promotional offers that included alcohol.
- The operating company operated a door closure policy at night which enabled the cashiers to control who entered the store and stipulated that if the store was ever single manned then transactions could only occur through the night payment window
- A Challenge 25 policy was used by staff and the garage had recently successfully passed a test purchase exercise conducted by the police.
- The location of a petrol station was a significant influencing factor in how likely it was to be targeted by those intent on driving off without paying for fuel.
- The operating company were willing to work with residents to try to address noise nuisance caused by early morning deliveries.
- Of the 17 thefts recorded during the period covered by the temporary licence variation granted in November 2017 only two had occurred between the hours of 23:00 and 08:00 and of the five recorded alcohol thefts reported during the same time period only one had occurred between 23:00 and 08:00.

In reaching their decision, the Sub-committee took into consideration the representations made in relation to the prevention of crime and disorder and prevention of public nuisance. However, it was considered that the concerns 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 trade as a responsible body, with a clear plan and policies in place to tackle the issues raised.

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 licence variation

On balance, the Sub-committee decided that granting the variation, 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 application to permanently vary the premises' licenced hours. It was considered that that the two additional conditions placed on the temporary licence variation granted in November 2018, in addition to the standard licensing conditions, were sensible precautions that were not unduly onerous and it was agreed that the following two additional condition be carried forward onto the new licence:

- i. If there is only one member of staff on duty between 0000 and 0500, the entrance door to the shop will be closed to customers and any sales between these hours will be made through the night pay window.
- ii. Where there is more than one member of staff on duty between the hours of 0000 and 0500, a remote door lock facility will be in use for all admissions of customers entering the premises and all customers entering the premises will be monitored.

RESOLVED that the application to vary the premises licence held by Mytchett SF Connect, 150 Mytchett Road, Camberley, GU16 6AE be approved subject to the two additional licencing conditions outlined above being incorporated into the new premises licence in addition to the standard licensing conditions.

Chairman