

**Report to LICENSING SUB-COMMITTEE
19 November 2018**

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DECISION REQUIRED
Not exempt

Report Title: Application for a Variation to a Premises Licence at Mytchett SF Connect, 150 Mytchett Road, Mytchett, Camberley, Surrey, GU16 6AE. Submitted by Winckworth Sherwood LLP

1. SUMMARY

- 1.1 The report presents the application for a variation to a Premises Licence relating to Mytchett SF Connect, 150 Mytchett Road, Mytchett, Camberley, Surrey, GU16 6AE. A copy of the current premises licence is attached as Annex 1.
- 1.2 The Licensing authority is required to hold a hearing to determine this premises licence application because relevant representations have been received.
- 1.3 The purpose of the hearing is for the Licensing Sub-Committee to consider the Application, in relation to the Licensing Act 2003's Licensing Objectives. The Licensing objectives being in this Application:
 - i. The prevention of crime and disorder
 - ii. Public safety
 - iii. The prevention of public nuisance
 - iv. The protection of children from harm
- 1.4 Copies of the application, relevant representations and other correspondence received to date are attached to this report.

2. RECOMMENDATIONS

- 2.1 The Sub-Committee is recommended to determine the premises licence application.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The Sub Committee is required to make a decision under the Licensing Act 2003

4. BACKGROUND INFORMATION

4.1 INTRODUCTION

The purpose of this report

- 4.1.1 For the Sub-Committee to determine the application for a Premises Licence in respect of Mytchett SF Connect, 150 Mytchett Road, Mytchett, Camberley, Surrey, GU16 6AE. The application is submitted under Section 17 of the Licensing Act 2003.

Background of the premises

Statutory background

- 4.1.2 The Licensing Act 2003 and secondary legislation in the form of Regulations there under.

Relevant Government policy

- 4.1.3 Guidance issued under section 182 of the Licensing Act 2003. (effective from April 2018)

Relevant Council policy

- 4.1.4 Statement of Licensing Policy.

4.2 DETAILS

Application

- 4.2.1 The application is made by Winckworth Sherwood LLP on behalf of BP Oil UK Limited Chertsey Road, Sunbury on Thames, Middlesex TW16 7BP and relates to premises at Mytchett SF Connect, 150 Mytchett Road, Mytchett, Camberley, Surrey, GU16 6AE.
- 4.2.2 The application is to permit the supply of alcohol for consumption off the premises only, and therefore does not include reference to regulated entertainment or the provision of late night refreshment. The application is attached as Annex 2.

Grounds for the Hearing

- 4.2.3 Surrey Police and an Interested Party in their capacity as 'Other Persons' contend that the carrying on of licensable activities at the premises could lead to one or more of the following licensing objectives being seriously undermined:
- i. The prevention of crime and disorder;
 - ii. Protection of public safety;
 - iii. Prevention of public nuisance;
 - iv. Protection of children from harm;

Further evidence submitted regarding the Application

- 4.2.4 Details included in documents attached to this report.

Responsible Authority Representations/ Comments

- 4.2.5 Details of Responsible Authority representations received:

Police

- 4.2.6 A representation has been received from Surrey Police and is attached as Annex 3.

Fire

- 4.2.7 No representations.

Local Planning Authority

4.2.8 No representations.

Environmental Health

4.2.9 No representations.

Child Protection Agency

4.2.10 No representations.

Licensing Authority

4.2.11 The application was submitted on 29 August 2018. The application was completed correctly and advertised as required by the Licensing Act 2003. The Hearing was originally scheduled for 22 October 2018. However, the applicant requested an alternative date and agreed for this to be set outside the 20 working day requirement. Regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005 permit this time period to be extended where it is considered necessary in the public interest.

Health and Safety Executive

4.2.12 No representations.

Any Other Person – Representations

4.2.13 One representation has been received from one 'Other Person.' A copy of the representation is attached as Annex 4. The representation is relevant to the 'prevention of crime and disorder', and 'the protection of public safety' licensing objectives.

Policy Considerations

4.2.14 Details of relevant policy considerations, including local policy statement:

- Paragraphs 1 – 89, 95 – 138 of the Council's Licensing Policy Statement are applicable to the consideration of this application.

5 NEXT STEPS

5.1 The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives.

5.2 In making its decision, the Sub-Committee is also required to have regard to Guidance issued under Section 182 Licensing Act 2003, as amended, and the Council's own Licensing Policy.

5.3 The Sub-Committee must have regard to all the representations made and the evidence it hears.

5.4 The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the Licensing Objectives:

- To grant the licence subject to conditions
- To exclude a licensable activity to which the application relates
- To refuse to specify a person in the licence as the premises supervisor.
- To reject the application

5.6 The Sub-Committee is asked to note that it may not add conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

6 HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY

6.1 Human Rights and Equality issues will be taken into account on the determination of the Application by balancing the competing rights of the applicant, responsible authority and the interested party.

6.2 The imposition of conditions will be proportionate having regard to the competing rights referred to above and will only be imposed where necessary to achieve this aim.

Attachments:

Annex1: Current Premises Licence

Annex 2: Application to vary a Premises Licence

Annex 3: Representations from Surrey Police

Annex 4: Representations from 'any other persons'