

**Minutes of a Meeting of the Licensing Sub  
Committee held at Council Chamber,  
Surrey Heath House, Knoll Road,  
Camberley, GU15 3HD on 19 November  
2018**

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+ Cllr Mrs Vivienne Chapman  
+ Cllr David Lewis

+ Cllr John Winterton

+ Present

- Apologies for absence presented

In Attendance: Rebecca Batten, Principal Solicitor, Surrey Heath Borough Council  
Robert Botkai, Applicant's Legal Representative  
Rab Carnie, Licensing Officer, Surrey Police  
Carl Davidson, Applicant  
Peter Savill, Legal Representative, Surrey Police  
Derek Seekings, Senior Licensing Officer

## **1/LS Election of Chairman**

**RESOLVED** that Councillor Winterton be elected as chairman.

**Councillor Winterton 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 the Premises Licence at BP Connect Filling Station, 40 London Road, Bagshot, GU19 5HL**

The Sub-committee was informed that the hearing had been convened to decide an application to vary the premises license at the BP Connect Filling Station, 40 London Road, Bagshot, GU19 5HL.

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 Applicant including one additional submission tabled at the hearing;
- the Responsible Authorities (1);

- the interested parties (1) who submitted written representations; together with reference to the Licensing Objectives: Prevention of Crime and Disorder the Council's own Licensing Policy and the Secretary of State's guidance.

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 during the eighteen month period between 26<sup>th</sup> February 2017 and 4<sup>th</sup> September 2018 including 57 occasions when drivers drove off without paying for petrol, 64 miscellaneous (shoplifting) thefts and 14 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 one representation had been received from a member of the public which made reference to the problems caused by 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 and the introduction of dummy champagne bottles which were exchanged at the till after payment.
- 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
- The Premises' operating schedule would be altered to replace the current Challenge 18 policy to a Challenge 25 policy.
- 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 the police to tackle crime levels at the store and were looking at implementing a number of crime prevention measures including the employment of a security guard on a temporary basis.
- A significant number of the reported alcohol thefts had occurred during the current licenced hours.

The Applicant proposed that granting a temporary variation to extend licensed hours for a fixed period of eight months would help ascertain the success, or otherwise, of any crime reduction and prevention activities. Information gathered during this period could then be used to inform any future decision on whether the hours might be varied permanently.

In reaching their decision, the Sub-committee took into consideration the representations made in relation to the prevention of crime and disorder. 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 a variation for a limited time period in order to ascertain whether the extended licenced trading hours would have a negative impact. The Sub-committee felt that if the measures proposed to reduce crime levels further were implemented and that crime levels did not increase during the time when extended licensing hours were in place then a permanent variation could then be applied for. If the applicant did not apply for a permanent variation then at the end of the

temporary period of extended hours then the licence would revert to the licence conditions currently in place.

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 responsible authorities and interested parties raised objections under the 4 licensing objectives, the objections had little evidential support and when weighed in the balance carried little weight.

On balance, the Sub-committee decided that granting a temporary 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 in its entirety.

**RESOLVED** that

- i. a temporary licence variation in respect of BP Connect Filling Station, 40 London Road, Bagshot, GU19 5HL be granted for an eight month period starting from the date of the written decision letter subject to such conditions that are consistent with the operating schedule, with the wording of the Licence conditions to be determined by the Licensing Officer and the Chairman of the Committee in order to ensure enforceability.
- ii. If an application to permanently vary the licensable hours had not been received and approved by the Licensing Authority by the end of the above eight month period then the licence conditions would revert to those set out in the original premises licence.

**Chairman**

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