

**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**

- + Cllr Ruth Hutchinson
+ Cllr Paul Ilnicki
- + Cllr Chris Pitt

- + 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 Paul Ilnicki be elected as chairman.

Councillor Paul Ilnicki 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 - BP Mytchett SF Connect, 150 Mytchett Road, Mytchett, Camberley, Surrey, GU16 6AE

The Sub-committee was informed that the hearing had been convened to decide an application to vary the premises licence at the BP Mytchett SF Connect, 150 Mytchett Road, Mytchett, Camberley, Surrey, GU16 6AE.

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 was informed that following discussions with the police, the application should be considered as an application to vary the premises licence for

a period of eight months only. As a consequence of this change to the application Surrey Police had withdrawn their representation.

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 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 a member of the public which made reference to the problems caused by drink driving.

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 Mytchett SF Connect, 150 Mytchett Road, Mytchett, Camberley, Surrey, GU16 6AE 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