



Western Licensing Unit,
P O Box 101,
Guildford,
Surrey,
GU1 9PE,

**Licensing Act 2003
Representation in respect of a
Premises Licence Application or Variation or a
Club Premises Certificate Application or Variation.
And Temporary Event Notice.**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance note at the end of the form. If you are completing this form by hand please print. Please ensure your answers are inside the boxes and written in black ink. You may use additional sheets if necessary. You may wish to keep a copy of the completed form for use by you at any hearing held by the Council or the Magistrates Court as a result of this representation.

I, the undersigned, hereby make representations against the following application.

Details of premises or club premises whose application you wish to make representations against.

Name of Premises or Club Bagshot SF Connect	
Address of Premises or Club 40 London Road	
Post town Bagshot	Post code (if known) GU19 5HL

Type of application

	Please tick ✓
Premises Licence application	
Variation to a Premises Licence	X
Club Premises Certificate application	
Variation of a Club Premises Certificate	

Representor's Details

I am

Please tick one only ✓

1) A person who is not a responsible authority (please complete section (A) below)	<input type="checkbox"/>
2) A responsible authority (please complete section (B) below)	<input checked="" type="checkbox"/>

If you do not fall into one of the above categories you may not be entitled to make representations.

Section A - DETAILS OF INDIVIDUAL REPRESENTOR (fill in as applicable)

Surname or Family Name
Forenames
Address of where you live (you can give an alternative address for correspondence later in this form)
Daytime Telephone
E-mail address (optional)

Section B - DETAILS OF RESPONSIBLE AUTHORITY

Name of contact person completing this form Inspector Robert Darkens
Name of Authority SURREY POLICE
Address of Authority P O BOX 101 GUILDFORD SURREY GU1 9PE
Telephone number of contact person 01483 - 631786

Please state the ground(s) for the representation and how it relates to one of the licensing objectives. Please use additional blank sheets if necessary

Surrey Police are objecting to the variation application on the grounds of crime and disorder

This is the 2nd application that has been received by Surrey Police regarding BP requesting a 24 hour alcohol licence for the BP garage situated at 40 London Road Bagshot Camberley Surrey

The garage is still one of the premises that is causing concern to the Surrey Heath Police neighbourhood team due to the level of crime that occurs on a regular basis from the garage.

The first hearing was on the 19th November 2018 and the licensing committee's decision was to grant a temporary licence for 8 months with 2 conditions, the full committee's decision is attached to this representation.

At present the garage is using the temporary licence granted by the licensing committee and can sell alcohol 24 hours daily.

The application before the committee today shows that there is still a high level of crime from the garage since the committee hearing on the 19th November 2018.

Attached to this application is a list of crimes that have occurred at the premises since the 9th September 2018 to 22nd May 2019 total crimes are 32

Make of without payment 16 crimes
Thefts of goods 16

The Police strongly wish to object to the application on the grounds of crime and disorder due to the amount of crime being committed at the premises.

E-mail address of contact person (optional)

rab.carnie@surrey.pnn.police.uk

This representation relates to the following licensing objectives(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

x

If your representation does not relate to one of the above objectives your representation will be invalid.

Please tick ✓

- I understand that this representation may result in a hearing before a Licensing Sub-Committee and if the decision of that Sub-Committee is appealed against, a hearing in the Magistrate's Court.
- I understand that this representation will become a public document and will be included in the agenda for any Licensing Sub-Committee hearing that may be held as a result of this representation.

X
X

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO KNOWINGLY OR RECKLESSLY MAKE A FALSE STATEMENT IN CONNECTION WITH THIS REPRESENTATION. THIS IS PUNISHABLE, ON CONVICTION, BY A FINE OF UP TO £5,000.

This representation must be signed by:

a person making a representation or

a person authorised to do so by a Responsible Authority.

Signed  *INSF 2233* Date *23/5/19*

Address for correspondence

Contact address for correspondence if different from that given in Sections A, B, or C above.

**11701 RAB CARNIE
LICENSING ENFORCEMENT OFFICER
CAMBERLEY POLICE C/O COUNCIL OFFICES
KNOLL ROAD**

Post town Camberley

Post code GU15 3HD

Daytime Telephone number (if any)

01483631786

e-mail address (optional)

RAB.CARNIE@SURREY.PNN.POLICE.UK

All representations must be made by sending this form to the Licensing Authority to arrive there during the period of 28 consecutive days starting on the day after the day on which the application to which it relates was given to the Licensing Authority by the applicant. In the case of representations following a closure order this period is 7 days after the day on which the Licensing Authority received the notice under section 165(4) of the Act.

Representations received outside these time limits will be deemed to be invalid.

The Application

This is an application by BP Connect for a variation to the premises licence at BP Connect Filling Station, 40 London Road, Bagshot SU19 5HL. Representations have been received from one “Responsible Authority” and from one “other persons”.

At the hearing of the application in attendance were:

Ms Katharine Simpson

Ms Rebecca Batten (Surrey Heath Borough Council, Solicitor)

Councillor Winterton

Councillor Mrs Chapman

Councillor Lewis

Mr Derek Seekings (Surrey Heath Licensing Officer)

Rab Carnie – Surrey Police

Mr Peter Savill (Representing Surrey Police)

For the Applicant:

Carl Davidson, BP Connect

Mr Robert Botkai (Applicant’s Solicitor)

Evidence before the Sub-Committee

Representations have been received from one ‘Other Persons’, namely Mr K Clarke. Mr Clarke was not present at the hearing and his concerns were formally noted and recorded. He submitted a Regulation 8 Notice. This representation has been accepted by the Committee as read.

The Police Authority has made representations as a “Responsible Authority” that there were a significant number of crimes connected with premises at BP connect Bagshot. The timings span across the day and include alcohol theft even outside the current licencing hours. This Application is therefore likely in their view to increase the likelihood of crime.

Oral representations were made by Mr. Botkai on behalf of the Applicant.

Mr. Botkai commenced his presentation by referring to paragraphs 1-89 and 95-138 of the Council’s Licencing Policy Statement and from the guidance issued under section 182 of the Licensing Act 2003, dated April 2018. He then directed the Committee to the Police crime data at p.30 of the agenda. Mr. Botkai confirmed that there is a remote door opening policy at night which will be in operation at the premises; this is operator controlled and never used if there is a single man on duty. He also stated that BP Connect want to improve and reduce crime and work with the police on this

basis. He offered that a security guard could be employed by agreement with the police for a 3 month period with varying hours to break the cycle of theft.

Mr. Botkai offered a proposal for a temporary variation to the licence for an 8 month period to be subject to a review from 6 months and that an Application for permanent variation of the licence would potentially follow a successful review. Mr. Botkai highlighted that if there was a spike in crime with the new temporary variation to the licence that BP would wish to revert to the original licence conditions as it is a responsible retailer and would not wish to suffer reputational damage. Mr. Botkai stated that BP Connect will robustly promote the four licensing objectives. Mr. Botkai concluded his presentation by requesting the licence be granted or for a temporary grant to be considered should a permanent grant not be favoured.

Councillor Chapman asked Mr. Botkai to clarify how the door opening procedure is operated at night if there is 1 man on duty only. Mr. Botkai responded that the door will simply remain locked in these circumstances and that purchase of items can be done from the secure night console.

Councillor Lewis requested to know if there was any data held for unreported theft and Mr. Botkai was unable to provide any such data.

The Chairman, Councillor Winterton asked Mr. Botkai how items were purchased when the door was locked at night and Mr. Botkai explained that the cashier goes within the store for the item. Councillor Winterton asked if there is a concern about more than one customer causing a distraction to assist theft by another customer but Mr. Botkai asserted that the facts do not support this and although it could happen, the facts showed that theft generally occurs early in the evening when the store is at its busiest.

The Decision

The Licensing Act encourages us to view our powers and responsibilities in the light of the community as a whole. The regime under the Act has a light touch approach to regulation and we carry out functions with a view to promoting the licensing objectives, having regard to the statutory guidance and to the Statement of Licensing Policy.

If the sub-committee is minded to attach any conditions to the proposed licence, these must be appropriate to promote one or more licensing objectives. They must be proportionate in that they are tailored to the activities taking place, the size, location, type and characteristics of the business and do not repeat those which duplicate other statutory provisions.

We will consider the licensing objectives in the following order:

Prevention of Crime and Disorder

We note the concerns of the 'Responsible Authority' regarding crime and disorder but the Committee are satisfied that no evidence has been provided that this objective will be undermined. The Committee feel that the conditions proposed by the Applicant in the Operating Schedule are adequate to address any concerns and will be enforceable by BP Connect. We are also mindful that any Licence granted can be reviewed under the Act.

The Protection of children from harm

We have had regard to the Council's Statement of Licensing Policy which states that the Council will have particular regard to the safety of children when considering licence applications. It is a mandatory condition that all premises must have an age verification policy. The existing measures that the applicant operates are more than satisfactory to meet the requirements of the Statement of Licensing Policy and legislation in the Committee's opinion.

Public Safety

There is no evidence before us upon which we can consider that this objective is not likely to be promoted.

Prevention of public nuisance

No objection was raised by Environmental Health as a statutory responsible authority with regards to public nuisance. Whilst the written concerns of 'other persons' have been noted, there is no evidence before us that the premises will create the circumstances to which they refer to.

We therefore grant the Licence subject to the following conditions:


Conditions

We have had regard to whether conditions are appropriate in accordance with the guidance and the licensing policy and note those offered by the Applicant in the operating schedule. In summary, we find it is appropriate to grant the temporary variation to the licence for a period of 8 months, with two conditions attached, being:

- 1 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.
- 2 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.

These conditions are consistent with the proposed operating schedule, the wording to be determined by the Licensing Officer and Chairman of the Committee and to be provided to the Applicant within 5 working days.

Chairman


21/11/2018

90228	09/09/2018	13:59	45180096929	THEFT ALCOHOL
90229	09/09/2018	15:25	45180096937	THEFT ALCOHOL
90258	12/09/2018	10:47	45180097926	THEFT
90332	20/09/2018	15:56	45180101003	MOWP
90363	22/09/2018	00:40	45180101619	THEFT
90486	04/10/2018	12:37	45180106240	MOWP
90664	16/10/2018	17:24	45180110796	THEFT
90733	22/10/2018	17:42	45180113041	MOWP

1 2 3

BP BAGSNOT

Add Incident

CRIME - MAKE OFF
WITHOUT PAYMENT

https://syvm-iis-1/InnKeeper/premises/incidents.aspx?id=455&page=0&sort=incidents.incident_... 23/05/2019

Variation submitted – Premises Licence may not be up to date

Incidents Last year (40) ▼

ID	Date	Time	Incident No	
90786	28/10/2018	20:37	45180115272	THEFT
90902	06/11/2018	16:16	45180118770	THEFT ALCOHOL
91048	16/11/2018	14:32	45180122460	MOWP
91203	04/12/2018	20:35	45180129209	THEFT
91207	05/12/2018	13:43	45180129433	MOWP
91334	17/12/2018	18:20	45180134382	MOWP
91389	22/12/2018	21:34	45180136020	MOWP
91689	12/01/2019	09:31	45190003947	MOWP
91695	12/01/2019	18:27	45190004096	MOWP
91792	19/01/2019	13:51	45190006621	MOWP
91793	19/01/2019	19:36	45190006675	MOWP
91867	26/01/2019	15:19	45190009331	MOWP
92011	04/02/2019	16:11	45190012493	THEFT ALCOHOL
92072	06/02/2019	14:51	45190013310	MOWP
92238	23/02/2019	15:42	45190019915	THEFT

1 2 3

Add Incident

Variation submitted – Premises Licence may not be up to date

Incidents Last year (40) ▼

ID	Date	Time	Incident No	
92241	23/02/2019	16:11	45190019947	THEFT
92313	02/03/2019	15:41	45190022610	THEFT ALCOHOL
92421	09/03/2019	15:11	45190025205	THEFT
92426	09/03/2019	16:30	45190025436	THEFT
92445	12/03/2019	15:09	45190026344	MOWP
93753	06/04/2019	14:03	45190035840	MOWP
93995	22/04/2019	20:47	45190041852	THEFT
94302	12/05/2019	16:46	45190049278	THEFT
94303	13/05/2019	18:39	45190049661	THEFT ALCOHOL
94413	22/05/2019	07:45	45190052986	MOWP

1 2 3

Add Incident

CRIME - MAKE OFF
WITHOUT PAYMENT