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| Report to | Licensing Sub-Committee |
| Date of meeting | 11th May 2021 |
| Author | Paula Barnshaw – Senior Licensing Officer |
| Exempt information | None |
| Confidential information | None |
| Ward | Bisley and West End |
| Ward Councillors | Councillor Graham Alleway Councillor David Mansfield Councillor Adrian Page |
| Application type | Application to vary a Premises Licence – SHBCPR-10271 |
| Applicant | BP Oil UK Ltd |
| Premises Address | Gordons SF Connect, 87 Guildford Road, West End, Woking |
| Proposal | The premises is a Service Station and M & S general store, selling a range of food, drink and goods. The application is to vary the current Premises Licence. The application is to extend the period allowing the sale of alcohol for consumption off the premises to between 06:00-22:00 daily. To remove conditions on the licence at annex 2 and add new conditions as set out in this report at 4.1. |

1. SITE LOCATION

- 1.1. The premises is situated on the A322 Guildford Road, West End Woking, in a predominantly residential area. The service station currently holds a premises licence which allows the sale of alcohol between 08:00-22:00 daily.
- 1.2. A map showing the location of the site is attached at [Annex D](#).

2. PURPOSE OF THE REPORT

- 2.1. The application dated 17 March 2021 is for a variation to a premises licence under section 34 of the Licensing Act 2003. A copy of the application is attached at [Annex A](#).
- 2.2. During the public consultation period 18/03/2021 to 14/04/2021, the application was advertised by means of notices at the premises and a public notice in the Surrey Advertiser in accordance with regulations.
- 2.3. The existing premises licence has been in place since 18 February 2010.
- 2.4. A copy of the current premises licence and plan is attached at [Annex B](#)
- 2.5. Seven relevant representations were received from local residents, three of which have subsequently been withdrawn and are attached at [Annex C](#).

3. REPORT

- 3.1. The application seeks permission to change the commencement hour of the sale of alcohol to be consumed 'off' the premises to 06:00 daily.
- 3.2. The current authorisation for the sale of alcohol from the premises is for 'off' sales as follows:-

3.3. Daily 08:00-22:00

3.4. The current authorisation for opening hours is as follows:-

- Daily 00:00-23:59

3.5. These hours are restricted by planning regulation to 06:00-22:00 daily.

3.6. The application to vary the premises licence also requests that conditions attached to the premises licence in annex 2 be removed and replaced with those listed at 4.1 below.

4. PROMOTION OF LICENSING OBJECTIVES

4.1. New conditions are proposed as follows:-

- A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
- The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium.
- Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the Police for inspection on request.
- The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the Police from time to time.
- The system will display, on any recording, the correct time and date of the recording.
- The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
- The premises licence holder will at all times maintain adequate levels of staff. Such levels will be disclosed, on request, to the licensing authority and Police.
- Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.
- The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under 25 years of age (or older if the licence holder so elects) to produce, before purchasing alcohol, identification that complies with any mandatory condition that may apply to this licence.
- Signage shall be displayed in a prominent position within the store and the night pay window notifying customers of the age verification policy adopted at the premises.
- All staff engaged in the sale alcohol on the premises shall receive training in age restricted sales. Induction training must be completed and documented prior to the sale of alcohol by the staff member.
- Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months. Training records will be available for inspection by a Police officer or other authorised officer on request.

5. REPRESENTATION – RESPONSIBLE AUTHORITIES

5.1. No representations have been received from responsible authorities. An email from the Planning Officer is included for information [Annex E](#)

6. REPRESENTATION – OTHER PERSONS

6.1. Seven representations have been received, from local residents and the Parish Council and relate the licensing objectives the Prevention of Crime and Disorder and the Prevention of Public Nuisance, three of the representations have subsequently been withdrawn. The four remaining representations are attached at [Annex C](#).

6.2. The representations refer to the potential for noise and litter generated by customers and refer to the belief that the premises will be open 24 hours every day. The Sub-committee is

reminded that the actions of persons beyond the immediate area surrounding the premises is a matter for the personal responsibility of the individual under the law.

6.3. The Sub-committee is also reminded that the need for an outlet selling alcohol in the local area is not a relevant licensing consideration.

6.4. The applicant's agent has been served with the required notices and given copies of all representations.

7. POLICY CONSIDERATION

7.1. Surrey Heath Borough Council Statement of Licensing Policy, adopted 7 April 2021 is relevant considering this application.

7.2. The relevant paragraphs 6. Fundamental Principles, 13. Licensing Hours, 14. Promoting the Four Licensing Objectives (specifically 14.1 Crime and Disorder, 14.4 Prevention of Public Nuisance) and 19. Licence Conditions.

8. NATIONAL GUIDANCE

8.1. The following sections of the guidance issued in April 2019 by the Secretary of State under Section 182 of the Licensing Act 2003 are relevant:

- Paragraph 1.16 Licence conditions, general principles
- Paragraph 1.17 Each application on its own merits
- Paragraph 2.1 Crime and Disorder
- Paragraph 9.31 – 9.41 Hearings
- Paragraph 9.42 – 9.44 Determining actions that are appropriate for the promotion of the licensing objectives

9. LEGAL IMPLICATIONS

9.1. An authority must carry out its functions under the Licensing Act 2003 with a view to promoting the four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm,

9.2. The applicant, licence holder and any responsible authorities or other persons who have made representation have the right of appeal to a Magistrate's Court (within 21 days starting the day after the date of the decision notice) should they feel any decision is unjust. There is a possibility costs may be awarded against the Council where decisions are overturned.

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

10.1. 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.

10.2. 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.

11. RECOMMENDATION

11.1. The sub-committee are requested to consider the application for a variation to a premises licence on its merits.

11.2. Subject to paragraph 11.3 below Section 35(2) of the Licensing Act 2003 provides that the Sub-committee must grant the application subject only to such conditions as are consistent with the operating schedule and the mandatory conditions.

11.3. Having regard to the relevant representation made during the consultation period, the Sub-committee must take steps (if any) as it considers appropriate for the promotion of the licensing objectives. These steps are:

- To modify / impose additional conditions on the licence which are appropriate for the promotion of the licensing objectives, proportionate and which deal with the concerns of those making representations;
- To exclude any of the licensable activities from the scope of the licence; or
- To reject the application.

BACKGROUND PAPERS

Surrey Heath Statement of Licensing Policy and Guidance 2021-2026

<https://www.surreyheath.gov.uk/sites/default/files/documents/council/licensing/Licensing%20Policy%202016-2021.pdf>

Licensing Act 2003 <https://www.legislation.gov.uk/ukpga/2003/17/contents?view=plain>

Statutory Guidance (April 2018) issued under Section 182 of the Licensing Act 2003

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

Live Music Act 2012 <https://www.legislation.gov.uk/ukpga/2012/2/contents/enacted>

The Legislative Reform (Entertainment Licensing) Order 2014

<https://www.legislation.gov.uk/ukdsi/2014/9780111117675>

ATTACHMENTS:

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| Annex A | Application for a variation to a premises licence |
| Annex B | Current premises licence |
| Annex C | Representation from interested parties |
| Annex D | Location map |
| Annex E | Planning Officer email |