

LICENSING SUB-COMMITTEE

30 April 2018

Application Type:	Application to Vary a Premises Licence - GUPLA0114	
Ward:	Merrow	Ward Councillors: Cllr Ellwood Cllr Brooker Cllr Jordan
Applicant:	BP Oil UK Limited	
Premises:	BP Service Station. 213 Epsom Road, Merrow, Guildford.	
Proposal:	<p>The premises is a Service Station and M&S general store, selling a range of food, drink and other goods.</p> <p>The application is to vary the current Premises Licence.</p> <p>The application is to extend the period allowing the sale of alcohol, for consumption off the premises to 24hours, 7 days a week and the provision for late night refreshment between the hours of 2300 and 0500, 7 days a week.</p> <p>Further remove embedded restrictions in the licence and then add new conditions as set out in the application.</p>	

1. SITE LOCATION

- 1.1 The premises is situated at 213 Epsom Road, Merrow, Guildford, with a mixture of commercial, retail and residential properties within the immediate vicinity. The Service Station currently holds a Premises Licence, which allows the sale of alcohol until 2300 hours, Monday to Saturday and 2230hrs on Sunday.

The Service Station is authorised to remain open 24 hours a day.

A site location map is attached as **Appendix 1**.

2. APPLICATION

- 2.1 The application form, a copy of which is attached as **Appendix 2**, gives the following information in relation to the proposed hours:

Licensable activities:

- The sale of alcohol
- Late Night Refreshment

Proposed hours:

The table below shows the proposed licensable activities and hours

Activities	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Sale of alcohol							
For consumption off the premises	24hrs	24hrs	24hrs	24hrs	24hrs	24hrs	24hrs
Late Night Refreshment							
For consumption off the premises	23:00 – 05:00	23:00 – 05:00	23:00 – 05:00	23:00 – 05:00	23:00 – 05:00	23:00 – 05:00	23:00 – 05:00
Times premises are open to public							
	24hrs	24hrs	24hrs	24hrs	24hrs	24hrs	24hrs

2.2 Promotion of the four licensing objectives

The applicant has submitted a number of proposals and steps that they intend to take, in order to promote the four licensing objectives.

The steps proposed are detailed in section M of the application.

If the variation is granted, then the proposals will be converted into relevant conditions attached to the licence.

3. CONSULTATION

The application was in consultation from 8th March 2018 to the 4th April 2018. The application was advertised in accordance with regulations.

Responsible Authorities.

One representation/objection has been received from the Environmental Health Team from Guildford Borough Council, relating to the use of the carpark and its vicinity to residential housing.

A number of proposals have been put forward to the applicant in order to mitigate the impact.

Representations from other persons

We have received six representations, two from local Councillors and a further four from members of the public. They are primarily on the grounds of the prevention of crime and disorder and public nuisance.

The representations refer to the potential for noise and litter generated by customers.

Representations also refer to the belief that the extended sale of alcohol and availability of hot food after 2300hrs will lead to an increase in crime and disorder.

The Sub-Committee is reminded that the need for an outlet selling alcohol and/or late night refreshments in the local area is not a relevant licensing consideration.

Copies of the representations are attached as **Appendix 3**.

4. LICENSING POLICY

The following sections of the Council's Licensing Policy are relevant:

- Section 4: (Fundamental Principles)
- Section 11: 11.1 – 11.8 (Licensing Hours)
- Section 12: 12.2.1 – 12.2.14 (Crime and Disorder)
- Section 12: 12.4.1 – 12.4.6 (Public Nuisance)
- Section 13: Licence Conditions

5. NATIONAL GUIDANCE

The following sections of the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 are relevant:

Paragraphs 2.1 – 2.6 – Crime and Disorder

Paragraphs 2.15 – 2.21 – Public Nuisance

Paragraphs 9.31 – 9.41 – Hearings

Paragraphs 9.42 – 9.44 – Determining actions that are appropriate for the promotion of the licensing objectives

Paragraphs 10.1 to 10.66 – Conditions attached to premises licences, which include mandatory conditions to be included in every licence.

6. CONCLUSION:

1. The Sub-Committee must consider the application for the grant of a variation to the current premises licence on its merits.
2. Subject to paragraph (3) below, Section 35(2) of the Licensing Act 2003 provides that the Sub-Committee must grant the application.
3. Having regard to the relevant representations received, the Sub-Committee must take such steps (if any) as it considers appropriate for the promotion of the licensing objectives.

The steps are:

To modify the conditions of the licence. This includes altering or omitting any of the existing conditions or adding new conditions. Any additional or altered conditions must be appropriate for the promotion of the licensing objectives, proportionate and should address the matters raised in the representations.

To reject the whole or part of the application.

Originator:

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