

LICENSING SUB-COMMITTEE

30 SEPTEMBER 2015

Application. Type:	Application for the variation of a Premises Licence, number GUPLA0201	
Ward:	Clandon and Horsley	Ward Councillors: Cllr David Reeve Cllr Matthew Sarti Cllr Jenny Wicks
Applicant:	Shell UK Oil Products Limited, Shell Centre, London, SE1 7NA	
Applicant's Representative	Corrigan Lockett Limited, Lockett House, 13 Church Street, Kidderminster, Worcestershire, DY10 2AH	
Premises:	Shell Horsley, Guildford Road, East Horsley, Leatherhead, Surrey, KT24 6TA	
Proposal:	The premises is a service station located on the A246 in East Horsley. The application is to vary the licence to: <ol style="list-style-type: none">1. Extend the sale of alcohol to 24 hours a day, 7 days a week2. Add the provision of late night refreshment from 23:00 to 05:00 hours 7 days a week3. Change the internal layout of the premises4. Amend the conditions to reflect the changes to the hours for the sale of alcohol	

1. SITE LOCATION

- 1.1 The premises is a service station and convenience store situated in the village of East Horsley on the A246. There is a mix of commercial and residential properties adjacent to the premises, including a hotel and a public house. A site location map is attached as **Appendix 1**. The dots on the map indicate residential properties.
- 1.2 The hotel and public house both have authorisation for the sale of alcohol off the premises. The hotel is authorised for off-sales until 02:00 hours Monday to Saturday and midnight on Sunday. The public house is authorised for off-sales until 23:00 hours Monday to Thursday, 00:30 hours Friday and Saturday and 22:30 hours on a Sunday.

2. LICENCE HISTORY

- 2.1 The current premises licence GUPLA0201 and the authorised plans are attached as **Appendix 2**.
- 2.2 The licence commenced on 24 November 2005, and was transferred to the current licence holder on 21 February 2012.
- 2.3 The current designated premises supervisor (DPS) has been named on the licence since 16 July 2015.

- 2.4 An application to vary the licence was made in 2013 to update the authorised plans, and this variation was granted without representations on 27 September 2013.

3. APPLICATION

The application form, a copy of which is attached as **Appendix 3**, gives the following information in relation to the variation proposal.

3.1 Proposed hours:

The table below shows the current licensable activities and hours authorised by this licence. The hours for the licensable activities subject to variation by this application are shown in *italics*.

Activities	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Provision of late night refreshment							
<i>Indoors</i>	<i>23:00 – 05:00</i>	<i>23:00 – 05:00</i>	<i>23:00 – 05:00</i>	<i>23:00 – 05:00</i>	<i>23:00 – 05:00</i>	<i>23:00 – 05:00</i>	<i>23:00 – 05:00</i>
Sale by retail of alcohol							
OFF	08:00 – 23:00	08:00 – 23:00	08:00 – 23:00	08:00 – 23:00	08:00 – 23:00	08:00 – 23:00	10:00 – 22:30
<i>OFF</i>	<i>00:00 – 00:00</i>	<i>00:00 – 00:00</i>	<i>00:00 – 00:00</i>	<i>00:00 – 00:00</i>	<i>00:00 – 00:00</i>	<i>00:00 – 00:00</i>	<i>00:00 – 00:00</i>
Times premises are open to public							
Current Hours	00:00 – 00:00	00:00 – 00:00	00:00 – 00:00	00:00 – 00:00	00:00 – 00:00	00:00 – 00:00	00:00 – 00:00
<i>Proposed Hours</i>	<i>00:00 – 00:00</i>	<i>00:00 – 00:00</i>	<i>00:00 – 00:00</i>	<i>00:00 – 00:00</i>	<i>00:00 – 00:00</i>	<i>00:00 – 00:00</i>	<i>00:00 – 00:00</i>

3.2 Conditions

- 3.2.1 The applicant has proposed the removal of the conditions listed in Annex C on page 4 of the licence. These conditions were carried across on the conversion of the Justices' Licence in November 2005
- 3.2.2 The applicant has proposed steps to promote the licensing objectives in the application form. We have tried to convert these into appropriate, enforceable conditions as listed below.

The licence holder shall ensure that:

1. A suitable and sufficient CCTV system will be in place at the site, and
 - a) the CCTV system shall be operational when licensable activities are taking place,
 - b) the CCTV system shall cover each entrance door and main alcohol display area;
 - c) at least one camera shall provide clear facial recognition of anyone entering the premises;
 - d) all other cameras installed at the premises shall provide identifiable images of individuals present;
 - e) all CCTV footage shall be retained for 28 days;

- f) the CCTV system must be able to export recorded images to a removable means and have its own software to allow playback and review;
 - g) the CCTV system shall display, on any recording, the correct time and date of the recording;
 - h) footage shall be made available to an authorised officer of a responsible authority for viewing or in a format that can be downloaded as soon as reasonably possible and in any event within 24 hours.
2. Staff shall be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training shall also be undertaken. Training records shall be made available for inspection upon reasonable request by an authorised officer of a responsible authority.
 3. A refusals book shall be kept and maintained and produced to an authorised officer of a responsible authority upon request.
 4. A Challenge 25 policy shall be operated at the premises and acceptable forms of identification shall be a passport, photocard driving licence or PASS accredited identification card.
 5. Spirits shall be located behind the counter.

3.3 Authorised Plan

The proposal is to vary the authorised plan of the premises from the plan dated September 2013 to the plan dated August 2015.

4. CONSULTATIONS

(i) Consultation period

The application was in consultation from 8th August to 4th September 2015. The application was advertised in accordance with the regulations.

(ii) Representations from Responsible Authorities

None.

Our planning department has confirmed that the current planning permission for the site restricts the hours of opening from 7 am to 10 pm Monday to Saturday and 9 am to 8 pm Sundays. These restrictions do not affect the determination of this application, but the applicant will need to apply for planning permission to operate outside these hours. Planning permission may also be required to change the layout of the indoor area.

(iii) Representations from other persons

130 representations were received from other persons, mainly on the grounds of prevention of public nuisance, although reference is made to all four licensing objectives. Copies of these representations are attached as **Appendix 4**.

Some of the representations refer to planning permission, impact on local businesses and demand, none of which are relevant considerations in determining a licensing application. The applicant is not required to show a need or demand for the business for the purposes of determining a licensing application.

Some of the representations refer to public safety issues and anti-social behaviour once patrons have left the site. Home Office guidance makes it clear that public safety relates to the safety of customers on the premises. . None of the representations engage this, as some refer to the difficulties in entering or exiting the premises, which is a planning issue. The guidance also makes it clear that anti-social behaviour beyond the immediate area surrounding the premises is a matter of personal responsibility of the individuals concerned.

No valid objections have been received which relate to the variation of the plan and this part of the application should therefore be granted.

One representation raises an issue in relation to procedure. The applicant has complied with the statutory requirements to advertise the application. The procedure does not require residents within 500 yards of the site to be notified by post.

5. LICENSING POLICY

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

- Section 5: (Fundamental Principles)
- Section 9: 9.1 – 9.8 (Prevention of Crime and Disorder)
- Section 10:10.1 – 10.8 (Public Safety)
- Section 11:11.1 – 11.6 (Prevention of Public Nuisance)
- Section 12:12.1 – 12.20 (Protection of Children From Harm)

6. NATIONAL GUIDANCE

The following sections of the Guidance issued in March 2015 by the Secretary of State under Section 182 of the Licensing Act 2003 are relevant:

Paragraphs 2.1 – 2.5 – Crime and disorder

Paragraphs 2.6 – 2.13 – Public Safety

Paragraphs 2.14 – 2.20 – Public Nuisance

Paragraphs 2.21 – 2.31 – Protection of Children from Harm

Paragraphs 9.30 – 9.40 – Hearings

Paragraphs 9.41 – 9.43 – Determining actions that are appropriate for the promotion of the licensing objectives

Paragraphs 10.1 to 10.68 – Conditions attached to premises licences

7. CONCLUSION:

- (I) The Sub-Committee is requested to consider the application for the variation of the premises licence on its merits.
- (II) Subject to paragraph (III) below, Section 35(2) of the Licensing Act 2003 provides that the Sub-Committee must grant the application.
- (III) 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, whether by alteration or omission of conditions or the addition of 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 application in whole or in part.

Originator:

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