

MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE 'B'
15 APRIL 2013

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING
30 MAY 2013

(To be read in conjunction with the Agenda for the Meeting)

- * Cllr Maurice Byham
- * Cllr Carole King
- * Cllr Simon Inchbald

* Present

In attendance: Cllr Elizabeth Cable

9. ELECTION OF CHAIRMAN (Agenda Item 1)

Cllr Simon Inchbald was elected Chairman for this meeting of Sub-Committee B.

10. MINUTES

The minutes of the meeting held on 22 October 2012 were signed as a true record.

11. DISCLOSURE OF INTERESTS (Agenda Item 2)

There were no interests declared.

PART I – RECOMMENDATIONS TO THE COMMITTEE

There were no matters falling within this category.

PARTS II AND III – MATTERS OF REPORT

Background Papers

The background papers relating to the following report in Parts II and III are as specified in the Agenda for the meeting of Licensing Sub-Committee 'A'.

PART II – Matters reported in detail for the information of the Committee

12. LICENSING ACT 2003 – APPLICATION FOR VARIATION TO AN EXISTING PREMISES LICENCE – MURCO COSTCUTTER EXPRESS, HALE ROAD, FARNHAM, SURREY GU9 9RD [Appendix A]

- 12.1 The Applicant's representatives and Cllr Roger Steel on behalf of Farnham Town Council as the objector introduced themselves. The Council's Solicitor clarified that the objection had been submitted by Farnham Town Council and there had been no objections received from local residents.

- 12.2 The Licensing Manager introduced the report and explained that no representations had been received from responsible authorities. However, Surrey Police had been in discussion with the applicant and an amendment to the application had been submitted.
- 12.3 The Applicant's representative then spoke and advised that there had been no previous complaints concerning the operation of the premises and their licence already allowed for the sale of alcohol from 0600-0000 hours. The concern of Farnham Town Council that 24-hour alcohol sales could result in an increase of crime and disorder and anti-social behaviour was not a relevant consideration as there was no evidence that the extension of hours would adversely affect the licensing objectives.
- 12.4 The Sub-Committee then asked questions of the Applicant's representative concerning late night refreshment and the role of the Designated Premises Supervisor.
- 12.5 Cllr Steel on behalf of Farnham Town Council then drew the Sub-Committee's attention to the map showing the area of the premises and surrounding area. Farnham Town Council was concerned that the 24-hour sale of alcohol from this premise would exacerbate existing problems in the area. The lack of facilities for young people in the area could encourage them to gather at the premises, leading to underage drinking and encourage the influx of youths from the neighbouring town. Farnham Town Council was of the view that there was already sufficient numbers of outlets in the area selling alcohol.
- 12.6 In the closing submission from Farnham Town Council, Cllr Steel said that it was not their intention to reduce the trading hours for alcohol but to try and prevent the 24-hour sale of alcohol for the reasons given.
- 12.7 The Applicant's representative in his closing submission emphasised that the premises already traded in alcohol from 0600-0000 hours with no problems and with no local representation. Surrey Police had not made any representation and Farnham Town Council had not offered any evidence of their issues of concern.
- 12.8 The Chairman reminded the hearing that their decisions could only be evidence-based and relate to one or more of the Licensing Objectives. The Sub-Committee then withdrew at 10.40 a.m.

Following the Sub-Committee's deliberation the meeting resumed at 11.35 a.m.

During the deliberations the Council's Solicitor was asked to advise the Sub-Committee wording for their decision.

The Sub-Committee carefully considered the application for variation of the premises licence, taking into account representations from the applicant and objector, statutory guidance and the Council's Statement of Licensing Policy 2011-2013.

The Sub-Committee noted that discussion had taken place between the applicant and Surrey Police which had resulted in an amendment to the application.

The Sub-Committee heard from the applicant regarding the present operation of the premises and their view that an extension of the hours that alcohol is sold would not have an adverse impact on the Licensing Objectives.

The Sub-Committee had heard from Farnham Town Council and their submission that the granting of the extension of hours for the sale of alcohol would, in their opinion, have an adverse effect on the promotion of the licensing objectives relating to crime and disorder, anti-social behaviour and public safety.

On the balance of probabilities the Sub-Committee found that on the evidence there was no reason relating to the Licensing Objectives to refuse the application.

The Sub-Committee has therefore decided to grant the application with the addition of the conditions 1-9 suggested by Surrey Police and identified at Annexe 4 of the agenda papers. The conditions were considered to be appropriate and proportionate for the promotion of the licensing objectives.

The Sub-Committee recognised the concerns of Farnham Town Council regarding issues in the surrounding area. However, there was no evidence before us linking the suggestion of anti-social behaviour in the wider surrounding area to the premises which were the subject of the application, and we note that the premises are already licensed to sell alcohol between 6a.m. and midnight. And we must base our decision on evidence rather than speculation.

The Sub-Committee wishes to remind those present that should there be any cause for concern in the future, legislation allowed for members of the community and responsible authorities to contact their licensing authority with complaints over the operation of the premises, leading to a review of the licence.

The licence holder or applicant or those making representations have a right of appeal to the Magistrates' Court against the Sub-Committee's decision within 21 days of receipt of the written decision, and further information can be obtained from the Licensing Officer. This decision will come into effect when the period for appeal has expired, or any appeal has been determined.

At 11.38 a.m. the hearing adjourned until 12.08 p.m. to clarify the appeal procedure.

The meeting commenced at 10.00 am and concluded at 12.10 p.m.

Chairman