

MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE 'C'  
9 MARCH 2009

SUBMITTED TO THE LICENSING AND REGULATORY COMMITTEE MEETING  
7 APRIL 2009

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

- \* Cllr Mrs Gillian Beel
- \* Cllr Victor Duckett
- \* Cllr Maurice Byham

\* Present

The Head of Democratic & Legal Services advised that Cllr Peter Isherwood had been unable to attend the meeting and under delegated powers he had agreed that Cllr Mrs Gillian Beel attend on his behalf.

8. ELECTION OF CHAIRMAN (Agenda Item 1)

Cllr Mrs Gillian Beel was elected Chairman for this meeting of Sub-Committee C.

9. MINUTES (Agenda Item 2)

The Minutes of the Meeting of Sub-Committee C held on 22 September 2008 were confirmed and signed.

10. DISCLOSURE OF INTERESTS (Agenda Item 3)

There were no interests raised under this heading.

**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 'C'.

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

11. LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE – HKS OCKFORD, OCKFORD ROAD FILLING STATION, OCKFORD ROAD, GODALMING GU7 1QY (Agenda Item 4; Appendix A)

- 11.1 The Licensing Officer introduced the application and drew the Sub-Committee's attention to paragraphs 4, 5 and 6 of the agenda report which outlined guidance on the sale of alcohol at garages. Since despatch of the agenda discussion had taken place between the applicant's solicitor and the Council's solicitor to clarify the Section 176 provision.

- 11.2 In the light of those discussions, the applicant's solicitor put his case to the Sub-Committee that the Licensing Act 2003 only allowed for an application to be determined in the light of the Licensing Objectives, and the Sub-Committee should not take anything else into account including the balance of sales between petrol and shop items when determining the application. The Council's solicitor confirmed his agreement to this position.
- 11.3 The applicant's solicitor outlined the application, drawing attention to the fact that it was not the intention of the applicant to remain open for 24 hours a day, but they wished to have the flexibility to serve hot drinks during the night if they chose to remain open. At present there was no hot food served, but the application for late night refreshment included the provision of hot food and this would be restricted to food heated in a microwave at this premises.
- 11.4 The Sub-Committee was advised by the applicant's solicitor that a limited range of alcohol would be available for sale should the application be approved and that staff would be trained to use the 'Challenge 21' scheme. During shop opening hours, outside the permitted hours for the sale of alcohol, the alcohol would be securely shuttered.
- 11.5 The applicant's solicitor addressed the concerns of the objector under the four Licensing Objectives and was of the opinion that there was no evidence to suggest there would be an increase in the issues of nuisance raised by the objector should the application be approved.
- 11.6 The objector was present and addressed the Sub-Committee. He was concerned that approval of the application could lead to an increase in antisocial behaviour and litter problems that already existed, especially on a Friday and Saturday night. The objector considered that the sale of alcohol from this premises could exacerbate those problems and the availability of hot food could encourage people returning from the town centre late at night to congregate at the premises and cause a public nuisance.
- 11.7 The applicant's solicitor informed the Sub-Committee that it was unlikely that the premises would include the sale of hot food between the hours of 23.00 and 05.00. Should the Sub-Committee consider there was sufficient evidence to justify it, the applicant would agree to a condition on the licence to exclude the sale of hot food between those hours.
- 11.8 Having received closing statements from all parties, the Sub-Committee then withdrew at 11.02 am.
- 11.9 Following the Sub-Committee's deliberation the meeting resumed at 11.27am.
- 11.10 The Sub-Committee did not consider that the application conflicted with the Licensing Objectives relating to the Prevention of Crime and Disorder (LO1), Public Safety (LO2) and Protection of Children from Harm (LO4).
- 11.11 The Sub-Committee RESOLVED to GRANT the application as submitted but, in order to address the concerns of the local objector with regard to public nuisance (LO3), the following condition shall also be applied to the licence:

1. No hot food shall be served between the hours of 23.00 and 05.00.

The reason for the condition was to help prevent disturbance and litter problems in the vicinity of the garage. (LO3)

The Sub-Committee reminded the objector that should there be cause for concern in the future, the legislation allowed for members of the community to contact their licensing authority with complaints over the operation of premises, leading to a possible review of the licence.

**The meeting commenced at 10.00 am and concluded at 11.29 am.**

Chairman