

Shell, 7 The Street, Ashtead, Surrey . KT21 2AD

Decision Notice: Application for a Premises Licence

This notice confirms the decision of the Licensing Sub-Committee made at a meeting on 3rd July 2017.

The Application

1. Mole Valley District Council received an application by Shell UK Oil Products Limited acting by their agent Corrigan Lockett Limited (**Applicant**) for a premises licence at the Shell Petrol Station 7 The Street Ashtead Surrey KT21 2AD (**Application**).
2. As relevant representations in respect of the Application were received, a hearing was arranged to take place on 3rd July 2017 at 10.00am in the Council's Chamber to enable the Council's Licensing Sub-Committee; comprising of Councillor David Mir, Councillor Metin Huseyin and Councillor Paul Elderton to determine the Application. The hearing was chaired by Councillor David Mir.

Attendance and Participation

3. The hearing was attended by:

Acting Senior Licensing Officer	Paul Holiday	Mole Valley District Council
On behalf of the Applicant	James Rankin	Applicant's Counsel of Francis Taylor Building
	Corrigan Lockett	Applicant's Agent
On behalf of Other Persons	Councillor Christopher Hunt	Ward Councillor for Ashtead Village
	Councillor Mary Cooper	Ward Councillor for Ashtead Village

4. No representations were received by any Responsible Authorities and therefore they were not in attendance at the hearing.
5. The Sub-Committee were satisfied that notice of the hearing was served on all relevant parties, and that all those entitled to speak at the hearing had an opportunity to do so.

Summary of Discussion

Applicant

6. Counsel for the Applicant explained that under section 176 Licensing Act 2003 the premises meets the description of a garage, however, if the primary use of the premises was the retailing of petrol then it would be an excluded premises. Counsel confirmed the words of the Senior Licensing Officer in his report, in that the Sub-Committee was only entitled to consider the issue of

primary use as a garage to the extent the matter is raised within the representations.

7. Counsel for the Applicant drew the Sub-Committee's attention to the data and graphs the Applicant's agent had produced which purported to show that 74% of sales related to the convenience store rather than petrol sales. On questioning from the Other Persons, Counsel clarified that if a person brought petrol and goods from the store this would count as a petrol transaction and a store transaction. Counsel explained that due to the heavy tax on petrol there is very little profit on this side of the business.
8. Counsel explained that the premises has recently undergone a refurbishment and is situated within a residential area and the shop is consequently used by locals.
9. In addressing the representations that had been received, Counsel explained that some of the representations were not directly relevant to the licensing objectives but in accordance with paragraph 9.9 of the section 182 guidance the benefit of doubt about any aspect of a representation had been given to the person making the representation. Counsel reminded the Sub-Committee that they were not allowed to take into consideration representations which referred to the need of selling alcohol and also those representations which argue that petrol stations selling alcohol increases drink driving as it was his contention that this simply was not true. In response to representations received that a premise licence will increase anti- social behaviour and youths loitering, Counsel stated that Ashtead is not a deprived area with a large number of disaffected youths therefore this was unlikely to ever become a problem and if it did the Applicant would be receptive to suggestions from local residents and the police to resolve any issues.
10. Counsel stated that the number of representations received demonstrated the perceived fears of the local residents and it is for that reason they have reduced the sale of alcohol and opening hours at this premises from 24 hours Monday to Sunday to 6am-11:00pm Monday to Sunday.
11. Counsel explained that the majority of the alcohol will be kept behind the counter and there will be a modest display in the refrigerator on the shop floor. He then identified by reference to a plan, the 5 CCTV cameras that will be positioned in the shop and there will be a further 11 cameras on the forecourt outside.
12. It was explained that the Applicant's agent, Corrigan Lockett Ltd, has over 25 years experience in training operators. Counsel explained that all staff will be properly trained with regard to their responsibilities in the retail sale of alcohol and refresher training is given every 6 months. In addition to CCTV, a refusal log will also be kept. The Applicant has 3 other premises which are licenced to sell alcohol 24 hours a day and they all operate without incident
13. On questioning from the Sub-Committee, the Applicant's agent explained that the alcohol on sale will be at a premium price and out of 430 premises that they have assisted he was not aware of the licence being called into review. The agent believed that cutting back the alcohol sale hours would substantially reduce the risk of nuisance.

Other Parties

14. The Sub- Committee then heard from Councillor Cooper. She explained that there was no need for another premises to sell alcohol as Ashtead already has a convenience store and a new Marks and Spencer opening soon. She also expressed her concern that the premises are surrounded by residential

properties including retirement accommodation directly next door. The granting of the premises licence could therefore could cause nuisance to local residents.

15. The Sub- Committee then heard from Councillor Hunt who stated that he believed the premises did come within the definition of a garage under section 176 of the Licensing Act 2003 on the basis that the forecourt area was larger than the retail shop. Councillor Hunt then reiterated the representations from local residents expressing concern that a petrol station selling alcohol may increase drink driving.
16. Councillor Hunt also expressed concern that granting the application will increase disturbance to local residents and increase crime and disorder.

Decision

17. Having considered the written and oral representations made by the Other Persons and the Applicant's Counsel and agent, the Licensing Sub-Committee decided to grant the Application subject to the reduced sale of alcohol and opening hours at this premises from 24 hours Monday to Sunday to 6am-11:00pm Monday to Sunday as offered by the Applicant.
18. The Sub-Committee particularly noted the concerns of the local residents but gave particular weight to the fact that the Applicant is an experienced operator with a good track record.
19. In making the decision the Sub-Committee was cognisant of the need to uphold the fundamental licensing objectives of public safety and prevention of public nuisance in accordance with the Secretary of State's guidance issued under section 182 of the Licensing Act 2003

Rights of Appeal

20. There is a right to appeal to the Magistrates' Court within 21 days of receiving this written decision notice.