

## **Minutes of a meeting of the Licensing Sub-Committee held on 3<sup>rd</sup> July 2017 at Pippbrook, Dorking from 10.00 to 11.07.**

Sub-Committee Members Present: Councillors Metin Huseyin, David Mir and Paul Elderton.

Also Present: Councillors Hunt and Cooper.

### **1. Election of Chairman**

Councillor David Mir was elected as Chairman of the Sub-Committee.

### **2. Disclosure of Interests**

None.

### **3. Application for the grant of a Premises License: Shell, 7 The Street, Ashted, Surrey, KT21 2AD**

The Sub-Committee received the report which asked it to consider the Application for the grant of a Premises License at Shell, 7 The Street, Ashted, in light of and having regard to the application and other representations received.

Corrigan Lockett Limited (The Applicant's Agent) attended the hearing, alongside James Rankin (Applicant's Counsel).

Councillors Cooper and Hunt attended the hearing to represent the local residents (Other Persons).

No representations were received by any Responsible Authorities and therefore did not attend the hearing.

The Acting Senior Licensing Officer introduced the report as set out with the previously circulated agenda. It was highlighted that following the original application, the Applicant has reduced the proposed opening hours to 06.00-23.00.

The Chairman invited the Applicant's representatives to present their case for Application for the grant of the Premises Licence to the Sub-Committee.

It was noted that under section 176 Licensing Act 2003, the premises could not be granted a licence if its primary use was a garage. James Rankin addressed this issue and highlighted that 74% of transactions made at the premises related to the convenience store, rather than petrol sales. It was also raised that the shop is located in a residential area and is used by local residents. Mr Rankin acknowledged that the representations received frequently made reference to the level of need in the area and also concerns about drink driving. He noted that these are not directly related to the licensing objectives and reminded the Sub-Committee that they cannot consider these points in making their decision. Mr Rankin addressed these concerns regardless, and noted that "super-strength" alcohol would not be sold and spirits would be behind the counter. It was noted that there is substantial CCTV coverage and staff would be fully trained, highlighting that the Applicant's agent has over 25 years experience in training operators. The Challenge 25 age verification policy would be in place and any refusals

would be logged and recorded on CCTV. It was highlighted that the site operator manages 6 sites, 3 of which are licensed for 24 hours and run without incident.

The Other Persons requested clarification on the data provided regarding the primary use of the premises. Mr Rankin confirmed that where a customer buys both fuel and an item, or multiple items, from the shop, this was recorded as one transaction for fuel and one transaction for the shop. He further explained that although he did not have the financial figures, the data provided demonstrates the intensity of use of the premises and confirms that the primary use is not a garage. The Sub-Committee questioned the pricing strategy for the alcohol and Mr Rankin confirmed that premium pricing would be used. On further questioning regarding concerns about anti-social behaviour, the Applicant's Agent noted that there are 430 premises they have assisted with and they are not aware of any issues with licenses that have been granted. There would also be a manager available, at minimum by phone, at all times.

The Other Persons presented their case. Councillor Cooper stated that she did not believe there was a need for another premises to sell alcohol in Ashtead. She further expressed concerns for nuisance caused to the nearby residents, specifically for the elderly community home nearby. This was restated by Councillor Hunt, who raised further concerns about crime, disorder and drink driving. Councillor Hunt also stated that he believed that the premises falls within the definition of a garage as the forecourt was larger than the retail area. On addressing this, Mr Rankin stated that Parliament employed the word "use" rather than "look like", and therefore when determining the primary use of the premises, the size of the forecourt does not matter.

The Applicant and the Members of the Sub-Committee were given the opportunity to ask further questions of the Other Persons. The Applicant and the Other Persons were then each given the opportunity to sum up their case.

The Sub-Committee subsequently withdrew from the room to consider its decision at 10.40, in light of and having regard to the evidence put forward at the hearing.

The Sub-Committee returned to the Council Chamber to deliver its decision at 11.05.

**RESOLVED:**

1. That the application for a Premises License for Shell, Ashtead would be granted, subject to the reduced sale of alcohol and opening hours to 06.00-23.00, as offered by the Applicant.

**Reason for Decision:**

In reaching its decision, the Sub-Committee considered the Council's own Licensing Policy, and the written and oral representations received from the Applicant, Other Persons and Responsible Authorities. The Sub-Committee was mindful that in accordance with the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003, they are under a duty to uphold the fundamental licensing objectives of Public Safety and the prevention of Public Nuisance.

The Sub-Committee recognised the concerns raised about nuisance and disturbance to local residents, however significant weight was given to the reduced opening hours and the experience and reputation of the operators.

The Sub-Committee was cognisant, in particular, of the need to promote the licensing objectives, in accordance with the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003.

The Chairman reminded all Parties that there was a right to appeal within 21 days of receiving the written notice of the Sub-Committee's decision.

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Chairman