



Basingstoke
and Deane



working together

Shared Legal Services

Basingstoke and Deane Borough Council
Hart District Council

Civic Offices, London Road
Basingstoke, Hampshire RG21 4AH

www.basingstoke.gov.uk | 01256 844844

DECISION NOTICE
OF THE LICENSING SUB COMMITTEE
AT
Hart District Council
on 12 December 2023

23/00695/LAPRE: APPLICATION FOR New Premises Licence
for Asda Petrol Filling Station Glenlands 42 Reading Road South Fleet GU51 3QP

The Licensing Sub Committee has carefully considered all the evidence and listened to the representations from the Applicant, Licensing Officer, and the local resident. The sub-committee has also had regard to the written representations. The sub-committee has decided having regard to all the circumstances to GRANT the application in accordance with Section 18 (4) Licensing Act 2003 as follows:

Opening hours:

Monday- Sunday 00:00-24:00- 24 Hours

Supply of Alcohol

Monday- Sunday 06:00- 24:00

Sale of Alcohol will take place on the premises in accordance with the premises licence plan attached to this decision notice.

Late night Refreshment

Monday- Sunday 23:00-05:00 Limited to Hot Drinks only.



Basingstoke
and Deane



working together

Shared Legal Services

Basingstoke and Deane Borough Council
Hart District Council

Civic Offices, London Road
Basingstoke, Hampshire RG21 4AH

www.basingstoke.gov.uk | 01256 844844

Conditions

General (all 4 licensing Objectives)

- 1) Staff shall be trained in the premises licence holder's procedures which include Liquor licensing, and all checkout operators shall have additional training in the sale of Alcohol.
- 2) All spirits will be displayed behind the counter.
- 3) No miniature bottles of spirits of 20cl or below shall be sold from the premises. Please note this does not apply to pre-packaged gift packs which may contain a spirit miniature.

The Prevention of Crime and Disorder

- 4) A CCTV system will be installed and maintained at the premises. Cameras will cover internal areas and the external area immediately in front of the store. The System will be capable of continuously recording and copies of such recordings shall be kept for a period of not less than 31 days and handed to the Police or authorised person upon production of a compliant 'access request'

Public Safety

- 5) The premises licence holder seeks to comply with the requirements of health and safety legislation.

The prevention of Public Nuisance

- 6) That a sign shall be placed prominently at the premises asking customers to respect local residents and leave the area quietly.
- 7) That staff shall monitor levels of noise in the immediate external area of the site and where necessary shall advise customers of the need to respect the nearby residents.
- 8) That any customers continuing to cause any disturbance or disorder shall be asked to leave the premises.



Basingstoke
and Deane



working together

Shared Legal Services

Basingstoke and Deane Borough Council
Hart District Council

Civic Offices, London Road
Basingstoke, Hampshire RG21 4AH

www.basingstoke.gov.uk | 01256 844844

- 9) That an incident log shall be operated and maintained and shall be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon reasonable request

The protection of Children from harm

- 10)The store will have a till prompt system for alcohol products.
- 11)When prompted the staff will adopt a Challenge 25 proof of age scheme
- 12)Only recognised forms of photographic identification such as Passport, Driving Licence, ' Proof of Age' card. Military ID or any other form of identification agreed with the police will be accepted as proof of age. If the appropriate proof of age is not produced there will be no sale
- 13)Notices are to be prominently displayed advising customers of the challenge 25 Policy.

Mandatory Conditions will be applied to this licence in accordance with

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 and under section 19 of the Licensing Act 2003

Reasons

The Licensing subcommittee's view is that this application should be granted, the committee is satisfied that the licensing conditions as set out in the applicants operating schedule together with the additional four conditions agreed between Environmental Health and the applicant will seek to promote the licensing objectives.

Whilst the concerns of the local residents were acknowledged in writing and in oral submission at the hearing it was very apparent that there was no evidence to support the concerns being raised and it was clear that speculation was being made as to what 'may happen' should this application be granted rather than evidence to prove that the concerns in question were in issue. Environmental Health confirmed that there were no recent noise complaints on record and the Police as the Responsible Authority and



Basingstoke
and Deane



working together

Shared Legal Services

Basingstoke and Deane Borough Council
Hart District Council

Civic Offices, London Road
Basingstoke, Hampshire RG21 4AH

www.basingstoke.gov.uk | 01256 844844

leading authority on crime and disorder did not make a representation to evidence any issues with anti-social behaviour or crime and disorder linked to this premises.

As Paragraph 9.43 of the section 182 Guidance states "The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve."

It was noted that the representation submitted by Environmental Health as Responsible Authority has been withdrawn as they are satisfied that the conditions agreed between the parties will assist to promote the prevention of public nuisance.

In addition, other Responsible Authorities have professionally assessed this application and on review of the application have concluded that there were no grounds in making a representation.

The licensing subcommittee are sympathetic to the concerns of the residents but wish to reiterate that the licensing act statutory regime is permissive until such time in which evidence is before the committee that the licensing objectives have been undermined. The case of Thwaites highlighted the scenario of a magistrates court proceeding without proper evidence and taking actions to limit hours of operation without it having been established that it was necessary to do so to promote the licensing objectives. The decision in this case was deemed to be unlawful and quashed.

The subcommittee did not seek to pre-judge the applicant to this premises and remains of the view that it is not necessary on the evidence before them to impose any restrictions to the hours in which the premises can supply alcohol as requested by the local resident. However, the sub-committee were comforted by the fact that should any issues occur in the future the Responsible Authorities, the licensing authority or any other person can make a representation and bring this premises in for a review if they have the evidence to support such representations.



Basingstoke
and Deane



working together

Shared Legal Services

Basingstoke and Deane Borough Council
Hart District Council

Civic Offices, London Road
Basingstoke, Hampshire RG21 4AH

www.basingstoke.gov.uk | 01256 844844

In the case of R and Hope and Glory it was made clear at paragraph 42 that
“Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on.”

The subcommittee acknowledge that the Applicant has reduced the time in which alcohol is sold at this premises from the initial 24hrs as stated on the application form to 06:00-24.00 this concession is appreciated in view of Paragraph 10.15 of the Section 182 guidance which makes clear that *“shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objections to restrict those hours.”* and the Council’s statement of licensing policy also reflects this principle at paragraph 35.

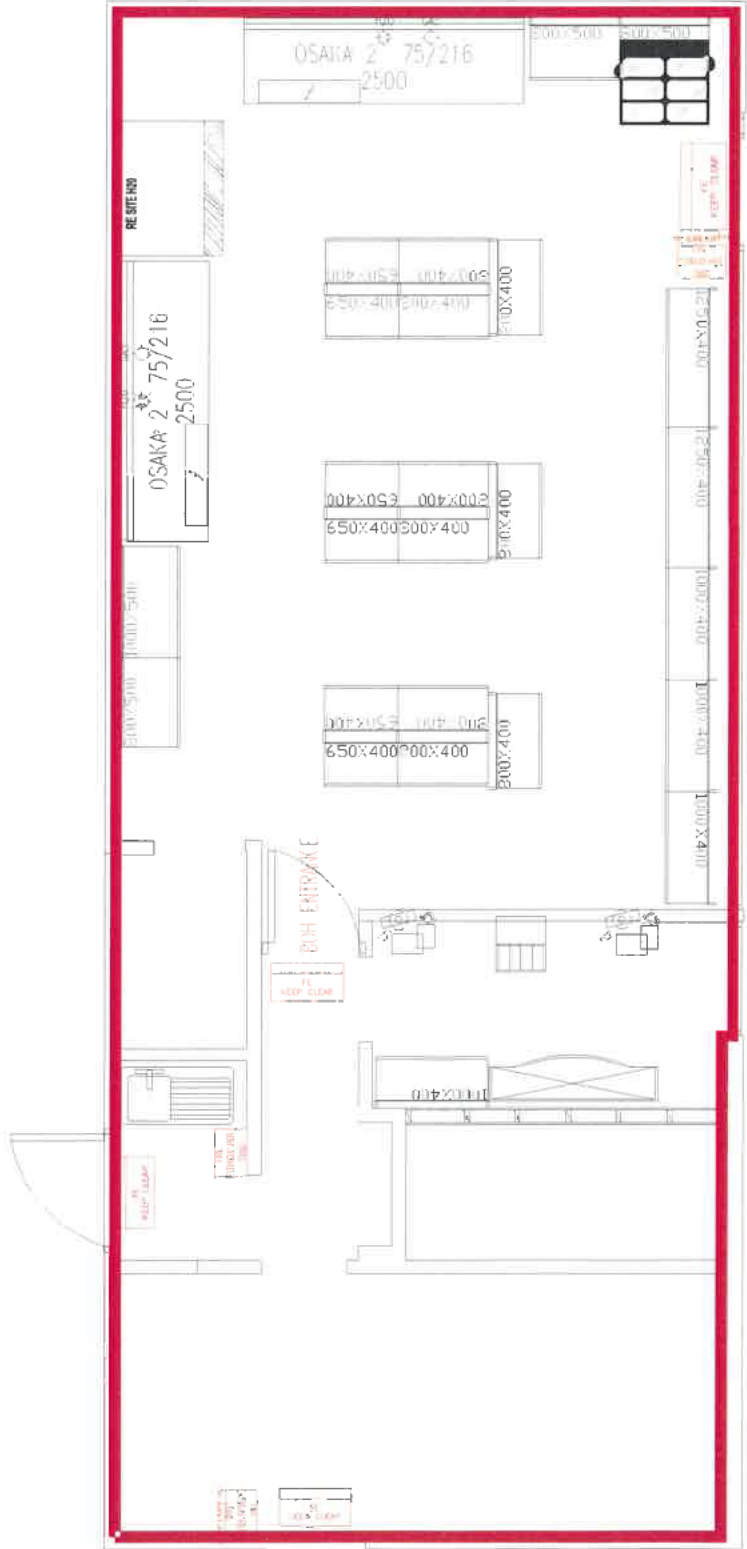
The applicant in response to submissions made by the resident at the hearing amended the request for Late Night Refreshment to only include hot drinks. This concession also reflects the Applicants wish to work with neighbouring residents and should in some respects alleviate the concerns raised by the resident about hot food being supplied at the premises.

You have 21 days from the date of receipt of the decision notice to appeal this decision.

Chair:  _____

Date: 14/12/23

All dimensions are to be checked on the spot and any discrepancy to be noted with the architect before proceeding with the work.
 All work to be done in accordance with the latest editions of the relevant codes and standards. Where necessary, the contractor shall refer to the latest OTC edition of the OTC Manual.
 All work to be done in accordance with the latest editions of the relevant codes and standards.
 All work to be done in accordance with the latest editions of the relevant codes and standards.



STORE ENTRANCE

ASDA
Save money. Live Better.

FIRE EXIT
FIRE EXTINGUISHER
FIRE ALARM

GLENLANDS
BINNS LICENCE APPLICATION

NO.	DESCRIPTION	AREA (SQ. M)	NO. OF UNITS	NO. OF STALLS
1	STALL	1.50	1	1
2	STALL	1.50	1	1
3	STALL	1.50	1	1
4	STALL	1.50	1	1
5	STALL	1.50	1	1
6	STALL	1.50	1	1
7	STALL	1.50	1	1
8	STALL	1.50	1	1
9	STALL	1.50	1	1
10	STALL	1.50	1	1
11	STALL	1.50	1	1
12	STALL	1.50	1	1
13	STALL	1.50	1	1
14	STALL	1.50	1	1
15	STALL	1.50	1	1
16	STALL	1.50	1	1
17	STALL	1.50	1	1
18	STALL	1.50	1	1
19	STALL	1.50	1	1
20	STALL	1.50	1	1
21	STALL	1.50	1	1
22	STALL	1.50	1	1
23	STALL	1.50	1	1
24	STALL	1.50	1	1
25	STALL	1.50	1	1
26	STALL	1.50	1	1
27	STALL	1.50	1	1
28	STALL	1.50	1	1
29	STALL	1.50	1	1
30	STALL	1.50	1	1
31	STALL	1.50	1	1
32	STALL	1.50	1	1
33	STALL	1.50	1	1
34	STALL	1.50	1	1
35	STALL	1.50	1	1
36	STALL	1.50	1	1
37	STALL	1.50	1	1
38	STALL	1.50	1	1
39	STALL	1.50	1	1
40	STALL	1.50	1	1
41	STALL	1.50	1	1
42	STALL	1.50	1	1
43	STALL	1.50	1	1
44	STALL	1.50	1	1
45	STALL	1.50	1	1
46	STALL	1.50	1	1
47	STALL	1.50	1	1
48	STALL	1.50	1	1
49	STALL	1.50	1	1
50	STALL	1.50	1	1
51	STALL	1.50	1	1
52	STALL	1.50	1	1
53	STALL	1.50	1	1
54	STALL	1.50	1	1
55	STALL	1.50	1	1
56	STALL	1.50	1	1
57	STALL	1.50	1	1
58	STALL	1.50	1	1
59	STALL	1.50	1	1
60	STALL	1.50	1	1
61	STALL	1.50	1	1
62	STALL	1.50	1	1
63	STALL	1.50	1	1
64	STALL	1.50	1	1
65	STALL	1.50	1	1
66	STALL	1.50	1	1
67	STALL	1.50	1	1
68	STALL	1.50	1	1
69	STALL	1.50	1	1
70	STALL	1.50	1	1
71	STALL	1.50	1	1
72	STALL	1.50	1	1
73	STALL	1.50	1	1
74	STALL	1.50	1	1
75	STALL	1.50	1	1
76	STALL	1.50	1	1
77	STALL	1.50	1	1
78	STALL	1.50	1	1
79	STALL	1.50	1	1
80	STALL	1.50	1	1
81	STALL	1.50	1	1
82	STALL	1.50	1	1
83	STALL	1.50	1	1
84	STALL	1.50	1	1
85	STALL	1.50	1	1
86	STALL	1.50	1	1
87	STALL	1.50	1	1
88	STALL	1.50	1	1
89	STALL	1.50	1	1
90	STALL	1.50	1	1
91	STALL	1.50	1	1
92	STALL	1.50	1	1
93	STALL	1.50	1	1
94	STALL	1.50	1	1
95	STALL	1.50	1	1
96	STALL	1.50	1	1
97	STALL	1.50	1	1
98	STALL	1.50	1	1
99	STALL	1.50	1	1
100	STALL	1.50	1	1

SP-GF-5281
GROUND FLOOR
BINNS LICENCE APPLICATION
1:100

east	6'	6'6"	7'	7'6"	8'	8'6"	9'	9'6"	10'	10'6"	11'	12'	13'	14'	15'	16'
width	1830	2000	2100	2300	2400	2600	2700	2900	3000	3200	3300	3700	4000	4200	4600	4800