

## **LICENSING HEARINGS**

**Date and Time:** Tuesday 12 December 2023 at 2.30 pm

**Place:** Council Chamber

**Present:**

Collins, Farmer and Smith

**In attendance:**

Mr Cookson, Speaker

Neil Eccles, Applicant's National Licensing Manager (virtual)

Richard Taylor, Agent (virtual)

**Officers:**

Louise Misselbrook, Shared Legal Services

Angela Semowo, Licensing Officer

Neil Hince, Environmental Health & Licensing Manager

Jenny Murton, Committee and Member Services Officer

### **31 APPOINTMENT OF CHAIRMAN**

Councillor Collins had been appointed Chairman for this hearing.

### **32 DECLARATIONS OF INTEREST**

There were no declarations of interest and no objection to the Members on the Panel from the Applicant or his Legal representative.

### **33 APPLICATION FOR NEW PREMISES LICENCE – ASDA FILLING STATION, 42 READING ROAD SOUTH, FLEET, GU51 3QP**

The Chairman welcomed everyone to the hearing and all those present introduced themselves.

The officer from Shared Legal Services asked the Licensing Officer if the appropriate Notice(s) had been erected.

The Licensing Officer confirmed that the appropriate Notice(s) had been and were still displayed at the premises, in accordance with the regulations.

The Licensing Officer summarised the application contained in her report. She highlighted that the premises had been granted a licence to sell alcohol previously in 2005 and had surrendered this licence in January 2021.

This new application had been received in September this year and proposed the sale of alcohol by retail for consumption off the premises and late-night refreshment.

The Licensing Officer summarised that three representations from members of the public had been received during the 28-day consultation period objecting to the application. These related to concerns regarding public nuisance.

A fourth representation was received objecting to the application from Hart's Environmental Health Officer, acting in their capacity as a Responsible Authority. Potential noise nuisance from customers and vehicles, and possible crime and disorder by late night revellers were the reasons for this objection.

The Licensing Officer reported that since the agenda was published (on 14 November 2023), mediation had occurred between the Agent (on behalf of the Applicant) and the Environmental Health Officer. Three conditions had been agreed by both parties and these were:

- A sign to be placed prominently at the premises asking customers to respect local residents and leave the area quietly.
- 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 nearby residents.
- That any customers continuing to cause any disturbance or disorder shall be asked to leave the premises.

After further mediation between the Agent and the Environmental Health Officer, the Applicant amended their application to propose the sale of alcohol (for consumption off the premises only) from Everyday 24 hours to 06:00 to 24:00. A fourth condition was also agreed:

- 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 Licensing Officer highlighted that subject to the four conditions and the restriction for alcohol sales from 06:00 to 24:00, the Environmental Health team had withdrawn their objection.

The Licensing Officer conveyed that after mediation between the members of the public and the Agent, one had also withdrawn their representation, but two objections still stood. It was highlighted that the Police had made no objection to the application.

The Licensing Officer also highlighted an updated floor plan of the premises that included the counter where alcohol would be sold if permitted. This plan and the details on the updated conditions were published as part of an Addendum on 8 December 2023.

A Member asked the Licensing Officer to confirm which representations had been withdrawn.

The Agent wanted noted that the previous licence was surrendered by the Applicant and had not been removed.

The Speaker questioned the type of mediation that had been offered to residents, and the Licensing Officer explained the correspondence that had occurred. The Licensing Officer highlighted that all mediation at that stage would go through her as case officer.

A Member of the Panel asked the Licensing Officer the reasons why a hearing is required and what were the consequences if mediation took place and an objection still stood. The reasons for this were clarified.

The Speaker summarised his reasons for his objection, and they included:

- Concerns that anti-social activities associated to the petrol station would increase.
- The noise disturbance that the petrol station caused for nearby residents. This included early morning and late-night deliveries, rubbish collections, late night revellers, car engines and car alarms and customers 'shouting' at staff through the overnight payment hatch.
- Litter from the site ending up in resident's gardens.
- Concern that overall noise pollution from the petrol station would increase.
- That the selling of hot food may increase rats.
- Staff safety.

The Speaker said he had no objection to the application to sell alcohol in principle but was still concerned about the hours proposed and the details surrounding the late-night refreshment, in particular what the hot food options would be.

The Speaker said he would be happy to accept a licence for the premises to sell alcohol if it was permitted to be between 06:00 and 22:00. The Speaker also said he would like delivery hours to have conditions put on them.

A Member of the Panel asked the Speaker if he had previously logged any incidents with the Police, Environmental Health, or other agencies when the licence was previously held by the premises.

The Speaker confirmed that in the last 15 years he had reported incidents to relevant authorities.

The Speaker believed that in the last 2-3 years, whilst the premises had not held a licence to sell alcohol, antisocial behaviour on the petrol station forecourt had gone down.

The Licensing Officer clarified the procedure undertaken when someone objects to an application and how their written representation is relayed to the Applicant and/or Agent. The officer also read out the wording used in the correspondence and how mediation is carried out.

The Licensing Officer and a Member of the Panel asked the Speaker if he was also speaking officially on behalf of any other residents or the other member of the public who still had an objection to the application.

The Speaker said due to the other objection in the report being redacted this was unclear.

A Member of the Panel asked the Licensing Officer if there has been any previous evidence of objections or complaints regarding the former licence held by the premises; the officer confirmed there had not.

The Agent for the Applicant summarised their application and reiterated that the premises previous licence to sell alcohol had not been revoked for any reason.

The Agent summarised the correspondence with the council's Environmental Health team, and the reasons why they had amended the proposed sale of alcohol from 06:00 to 24:00.

The Agent confirmed that the premises would not be selling hot food.

The Agent discussed the quality of the CCTV footage and said that it met Police standards. He further reiterated that the Police had not objected to this application.

Members questioned the Agent on how the night hatch worked, was used by customers and how noise from using the hatch would be monitored.

The Agent confirmed that between 23:00-05:00 staff pass hot drinks and groceries through the hatch. He said the noise levels are monitored as part of the good neighbour principle and although they are not officially measured would be reported to the police if deemed too loud.

Members asked the Agent if he was happy with the four new conditions to the application and the Agent confirmed he was.

The Licensing Officer summed up the case.

The Speaker reiterated that he would prefer the selling of alcohol to be until 23:00 not 24:00.

The Agent said he would be happy to work with residents in the future if they had any concerns or questions.

The hearing adjourned at 3.30pm for the Panel to deliberate privately.

The hearing reconvened at 4.11pm.

The Chairman read out the Decision Notice:

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.

The meeting closed at 4.12 pm