

LICENSING SUB-COMMITTEE

DATE OF MEETING: 24 November 2023

TITLE OF REPORT: Application for new premises licence – Asda Filling Station, 42 Reading Road South, Fleet, GU51 3QP

Report of: Executive Director - Place

1 PURPOSE OF REPORT

1.1 This report is to enable members to consider and determine an application for a new premises licence at Asda Filling Station on Reading Road South, Fleet in accordance with the requirements of the Licensing Act 2003.

2 OFFICER RECOMMENDATION

2.1 It is recommended that:

The sub-committee consider the evidence of all parties involved at the hearing and have regard to the guidance issued under section 182 of the Licensing Act 2003, and the council's statement of licensing policy, then take the steps it considers appropriate to promote the licensing objectives to determine the application.

2.2 It is for members of the Licensing Sub-Committee to determine the application and consider the steps it considers appropriate for the promotion of the licensing objectives which may include one or more of the following options (under s18(4) of the above 2003 Act):

- Grant the licence subject to:
 - a) The conditions consistent with the operating schedule accompanying the application modified to such an extent as the authority considers appropriate for the promotion of the licensing objectives, and any condition which must under sections 19,20 or 21 be included on the licence (those relevant to proposed licensable activities)
 - b) Exclude from the scope of the licence any of the licensable activities to which the application relates
 - c) Refuse to specify a person in the licence as the designated premises supervisor
 - d) Reject the whole or part of the application

- 2.3 When determined, the licensing authority must notify that decision including its reasons for the decision in a notice to:
- a) The applicant
 - b) Any person who has made relevant representations, and
 - c) The chief officer of Police for the area in which the premises is situated.
- 2.4 An appeal against the decision made in determining this application may be made to the Magistrates Court within 21 days of all parties being notified of the local authority's decision.

3 BACKGROUND

- 3.1 Asda Filling Station Glenland's is a petrol forecourt with a convenience store which has benefited from a premises licence in the past but was surrendered in 2021. A new application was received 29 September 2023 and can be found with the plan at Appendix 1. The application proposes the sale of alcohol by retail for consumption off the premises and late night refreshment. The premises is located near Fleet town centre and near to residential and retail properties. The table below shows the proposed licensable activities:

Proposed licensable activities	Proposed times
The Sale of Alcohol (for consumption off the premises only)	Everyday 24 hours
Late Night Refreshment	Everyday 23.00 – 05.00hours
Proposed Opening Hours	Everyday 24 hours

- 3.2 The Council advertised the application on our website and notice boards. Officers are satisfied the application was advertised in accordance with the regulations. The application was subject to a statutory 28 day consultation period in which responsible authorities and other parties are able to make representations which are relevant to the licensing objectives which are:
- Public safety,
 - The protection of children from harm,
 - The prevention of crime and disorder, and
 - The prevention of public nuisance
- 3.3 The applicant has proposed steps to promote the licensing objectives within the operating schedule of the application form, see section 18 of Appendix 1.

4 REPRESENTATIONS

- 4.1 Representations are relevant if they relate to the likely effect of the granting of the application on the licensing objectives. In other words, representations need to relate to the impact of licensable activities carried on from a premises on the licensing objectives.

- 4.2 Within the consultation period the application attracted four (4) valid representations opposing the application. Parties objecting raised concerns about the likelihood of neighbouring residents being affected by noise nuisance and anti-social behaviour. Three of the four representations were submitted by residents which can be found at Appendix 2. The fourth representation was submitted by the Environmental Health (EH) department, acting in their capacity as a Responsible Authority under the Act. The EH representation can be seen at Appendix 3 and includes suggested conditions to promote the prevention of public nuisance licensing objective, should the application be granted.

5 **CONSIDERATION**

- 5.1 A licensing authority must carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives which are listed at para 3.2 above.
- 5.2 When determining the application, members must take the steps they consider appropriate to promote the licensing objectives.
- 5.3 Having determined the application, the licensing authority must notify its decision and its reasons for that decision to the applicant, any person who has made representation and the Chief Officer if Police in which the premises is situated.
- 5.4 An appeal against the decision made in determining this application may be made to the Magistrates Court within 21 days of all parties being notified of the local authority's decision.

6 **POLICY IMPLICATIONS**

- 6.1 In carrying out its licensing functions, a licensing authority must have regard to its "Statement of Licensing Policy" and the guidance issued under section 182 of the Licensing Act 2003. Relevant extracts of both documents are attached at Appendices 4 and 5.

7 **EQUALITIES and HUMAN RIGHTS**

- 7.1 Equalities/Human rights - Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant/licensee and those making representations when making their decision.
- 7.2 Section 17 of the Crime and Disorder Act 1998 makes it mandatory for local authorities to consider the impact of their functions and decisions on crime and disorder in their area. This means that local authorities have to do all that they reasonably can to prevent, crime and disorder, including anti-social behaviour and substance misuse.
- 7.3 Legal Implications - The decision made by this sub-committee is subject to appeal rights to the Magistrates Court. Appeal rights must be included within the decision notice.

7.4 Where a decision is made that is contrary to the statement of Licensing Policy or is contrary to statutory guidance members must clearly state their grounds for departing from those documents within the decision notice.

7.5 The duties to take steps appropriate to promote the licensing objectives are referred to throughout this report.

8 CONCLUSION and DETERMINATION

8.1 The sub-committee must consider the application on its own individual merits and take into account all relevant matters then determine the applications by taking the steps it considers appropriate to promote the licensing objectives. The options available to the committee are detailed within paragraph 2.2 of this report. The sub-committee must record its reasons for their decision within the decision notice.

Contact Details: Ms Angela Semowo

APPENDICES / CONFIDENTIAL APPENDICES

- Appendix 1 – Application for premises licence and layout plan**
- Appendix 2 – Relevant representations from residents opposing the application**
- Appendix 3 – Relevant representation from a Responsible Authority**
- Appendix 4 – Extracts from the Hart District Council Statement of Licensing Policy**
- Appendix 5 – Extracts from the Licensing Act 2003 section 182 Guidance**

BACKGROUND PAPERS:

The Licensing Act 2003

Hart District Council – Statement of Licensing Policy

Guidance issued under section 182 of the Licensing Act 2003