

**LICENSING SUB-COMMITTEE****13 December 2005**Attendance:

Councillors:

Johnston (Chairman) (P)

Cook (P)

Pearson (P)

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**1. ESSO MARKET SERVICE STATION, ANDOVER ROAD, WINCHESTER**  
(Report LR189 refers)

The Sub-Committee met to consider an application by Esso Petroleum Co Ltd for a variation of the Premises Licence, under Section 34 of the Licensing Act 2003, to extend the hours for the sale of alcohol and to provide late night refreshment.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Mr Chris Mitchener (Lockett & Co Licensing Consultants) and Professor Roy Light (Advocate). There were no representatives of the Interested Parties or Responsible Parties in attendance.

In considering the proposals to vary the Premises Licence, the Sub-Committee noted one letter from an Interested Party as set out as the Appendices to the Report. In summary, the letter raised concerns regarding additional noise, rubbish and anti-social behaviour.

The Licensing and Registration Manager introduced the report and explained that in view of the representations made by the Interested Party and the Police the sale of alcohol hours had been negotiated from 24 hours a day to 0600 to 0000 everyday.

Prof. Light explained that the premises was a filling station with an attached convenience store and that the original hours applied for brought the sale of alcohol in line with the operating hours. He continued that due to the police representation of concerns over staff safety they had modified their hours as described by the Licensing and Registration Manager.

Prof. Light stated that although Esso was reasonably satisfied with most of the possible conditions set out in the report, they felt that some of the conditions were too vague and he asked the Committee to consider this when making their decision. In particular the Applicant took issue with the word "appropriate" in condition 1 as it was not defined and breach of any condition would be a punishable offence.

In response to Members' questions, Mr Mitchener confirmed that the premises were locked at night, but that it was up to the discretion of the member of staff on duty at what time. He continued that staff were advised not to leave the building at night. Responding to a concern raised by a Member, Mr Mitchener agreed that Esso would look into the issue of reflections and shadows caused by the back lights in the premises, which made it difficult to see through the glass at customers coming to the hatch. This matter was raised due to concerns over staff safety and the ability to check that customers were old enough to purchase alcohol.

Mr Mitchener added that it was not always possible to attribute the rubbish in the surrounding area to the premises, but that the area was always cleaned after 0800 hours and that litter bins were provided for customers. He continued that the premises had adopted the Hampshire Constabulary's Challenge 21 Scheme and that all staff had been trained to comply with this.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to approve the application as set out in the report with the following amendments as set out below in bold below.

**RESOLVED:**

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional Conditions

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- (i) *Sunday to Saturday*                      *0000 to 0000*

2. The hours the premises may be used for the sale of alcohol shall be:

- (i) *Sunday to Saturday*                      *0600 to 0000*

3. The hours the premises may be used the provision of late night refreshment shall be:

- (i) *Sunday to Saturday*                      *2300 to 0500*

All Licensing Objectives

Crime and Disorder

1. A CCTV system shall be maintained with recording facilities. The recordings shall be retained for a period of 30 days and be made available upon request by the Police.

Public Safety

1. All staff shall be trained in evacuation procedures and use of fire safety equipment.

Public Nuisance

1. Staff shall be given instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.

2. The applicant shall provide and maintain litter bins at the premises for the use of its customers.

3. Prominent, clear notices shall be displayed at the point of sale and at the exit to the premises requesting patrons to use the litter bins provided and requesting customers to respect the needs of local residents, to leave the premises and the area quietly.

Protection of Children

1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme, or any other equivalent updated scheme.

The meeting commenced at 9.30am and concluded at 10.25am

Chairman