

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 16 January 2012 at 10.00 am at Ground Floor Meeting Room G01B - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Sunil Chopra
Councillor Adele Morris
Councillor the Right Revd Emmanuel Oyewole

**OTHERS
PRESENT:** Leo Charambides, applicant's solicitor
Carrigan Lockett, Lockett & Co, licensing agents
Nathan Thamaguman, designated premises supervisor
Nadaraja Kirubaharaw, applicant
Councillor Lewis Robinson, ward councillor
Councillor Helen Hayes, ward councillor

**OFFICER
SUPPORT:** Dorcas Mills, Licensing Officer
Felix Retchman, Legal Services
Kenny Uzodike, Constitutional Team

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

Additional papers provided by the applicant and a local resident relating to item 5 were circulated at the meeting.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. GROVE VALE SERVICE STATION, 115 GROVE VALE, LONDON SE22 8EN

The licensing officer presented his report. The members had no questions for the officer.

The applicant and his witness addressed the sub-committee. Members had questions for the applicant.

The local residents then addressed the sub-committee. Members had questions for the local residents.

All parties were given five minutes to sum up. At 1.24 pm the meeting went into closed session to consider the application.

At 2.00 pm the meeting resumed and the chair read out the decision.

RESOLVED:

That the application by Southwark Trading Ltd for a premises licence in respect of the premises known as Grove Vale Service Station be approved as follows:

	Monday to Saturday	Sunday
Start & Finish	23:00 05:00	23:00 05:00
Activities: Late night refreshment	Late night refreshment	Late night refreshment
Start & Finish	07:00 01:00	10:00 01:00
Activities: Sale and Supply of Alcohol	Sale and Supply of Alcohol	Sale and Supply of Alcohol

Reasons

The reasons for this decision are as follows:

This was a hearing of an application by Southwark Trading UK for a premises licence in respect of the premises known as Grove Vale Service Station.

As the premises are part of a petrol station, the first thing which the sub-committee had to consider was the test in section 176 of the Act. Under the said section the sub-committee had to be satisfied that these premises were not "excluded premises" under the said Act. Here the sub-committee had to be satisfied that the premises are not being used primarily as a petrol station.

In that respect the applicant relied upon footfall figures, such figures were provided in advance of the hearing. In accordance with these figures the applicant submitted that in

the last three months the convenience store was used 25,979 times while the petrol station was only used 18,992 times. The schedule that the applicant provided helpfully distinguished between those who used the shop only, those who used the petrol station only and those of mixed use. The figures referred to above refer specifically to either shop sales or petrol sales and do not include mixed sales.

The sub-committee heard representations from two local residents. The residents submitted that no alcohol should be sold from the petrol station in order to prevent accidents generally. The residents also submitted that the figures provided by the Applicant contradicted the previous figures contained at page 31 of the agenda.

On the issue of section 176 of the Act, the sub-committee found that on the information provided to date it was clear that the premises are not used primarily as a petrol station. In the circumstances the sub-committee was satisfied that the premises were not used primarily as a petrol station.

Having made the decision on the above point, the sub-committee went on to consider whether this application should be granted under section 18 of the Act.

In that respect the sub-committee heard representations from the applicant that the premises are well managed and that there was no history of incidents. The sub-committee also heard from the Applicant that they are willing to reduce the opening hours based on representations from interested parties to 6.00am - 2.00am.

In that respect the sub-committee also heard representations from the residents who still had concerns about the need and the impact of a further premises selling alcohol.

The sub-committee decided to grant this licence as follows. As far as hours for sale of alcohol are concerned the sub-committee decided that from Monday to Saturday the hours should be from 7am to 1am and on Sunday from 10am to 1am, and held that such restricted hours are necessary for the promotion of the licensing objectives namely the prevention of public nuisance.

The application for late night refreshment was granted as sought.

Appeal Rights

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the designated officer for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

6. SHELL GIPSY HILL, 112-122 GIPSY HILL, LONDON SE19 1PL

The licensing officer presented his report. The members had no questions for the officer.

The applicant and his Solicitor addressed the sub-committee. Members had questions for the applicant.

Councillors Lewis Robinson and Helen Hayes addressed the sub-committee. Members asked questions of the ward councillors.

All parties were given five minutes to sum up. At 10.05am the meeting went into closed session to consider the application.

At 12 noon, the meeting resumed and the chair read out the decision.

RESOLVED:

That the application by Shell UK for a premises licence in respect of the premises known as Shell Gypsy Hill be approved as follows:

	Monday to Saturday	Sunday
Start & Finish	23:00 05:00	23:00 05:00
Activities: Late night refreshment	Late night refreshment	Late night refreshment
Start & Finish	07:00 23:00	10:00 23:00
Activities: Sale and Supply of Alcohol	Sale and Supply of Alcohol	Sale and Supply of Alcohol

Conditions

The operation of the premises under the licence shall be subject to compliance with the operation schedule highlighted in Section P of the application form and the following conditions agreed by the sub-committee:

- That there shall be no floor promotions, no sale of individual cans only multi-packs.
- That there shall be no sale of beer/cider with an alcoholic content of 6 percent or greater.

Reasons

The reasons for the decision are as follows:

As the premises are part of a petrol station, the first thing which the sub-committee had to consider was the test in section 176 of the Act. Under the said section the sub-committee had to be satisfied that these premises were not "excluded premises" under the said Act. Here the sub-committee had to be satisfied that the premises are not being used primarily as a petrol station.

In that respect the applicant relied upon sales figures as well as percentage use, such statistics are found at pages 132-135 of the agenda. In accordance with these figures the applicant submitted that in a three month period the convenience store was used 121,100 times while the petrol station was only used 89,009 times. The applicant was unable to

provide information about mixed use; those customers which used both the petrol station and convenience store. The applicant did provide gross margin information showing that during the same period the gross margin on convenience stores sales was in the region of £63,000 while the gross margin on petrol sales stood at £13,000.

The sub-committee heard representations from ward councillors that the sub-committee should look at Shell UK's profit margin on petrol rather than the franchisee's profit margin on petrol. The ward councillors also expressed concern about sales of alcohol from a petrol station generally.

On the issue of section 176 of the Act, the sub-committee found that on the information provided to date it was clear that the premises are not used primarily as a petrol station. The sub-committee expressed dissatisfaction on the applicant's inability to provide mixed use figures and stated that such information would have been extremely useful in deciding the matter. As no such mixed use information was provided the sub-committee did find the gross margin figures to be useful in the circumstances and that these figures indicated that the business relied heavily upon store sales. In the circumstances the sub-committee was satisfied that the premises were not used primarily as a petrol station.

Having made the decision on the above point, the sub-committee went on to consider whether this application should be granted under section 18 of the Act.

In that respect the sub-committee heard representations from the applicant that the premises are well managed at both local and national level and that there was no history of incidents. The sub-committee also heard from the applicant that they have agreed to reduce the opening hours based on representations from interested parties and now only sought an alcohol licence from 6am to 11pm. During the hearing the applicant offered to reduce these hours further to 7am to 11pm. The applicant also offered to accept conditions such as no floor promotions, no sale of individual cans but only multi-packs and beer/cider with an alcohol content of 6 percent or greater.

In that respect the sub-committee also heard representations from two ward councillors that local residents still had concerns about the need and the impact of a further premises selling alcohol.

The sub-committee decided to grant this licence on the basis of the reduced hours proposed by the applicant during the hearing and further decided to add the further conditions proposed by the applicant as conditions for the licence. As far as hours for sale of alcohol are concerned the sub-committee decided that from Monday to Saturday the hours should be from 7am to 11pm and on Sunday from 10.00am to 11.00pm, and held that such restricted hours are necessary for the promotion of the licensing objectives namely the prevention of public nuisance.

Appeal Rights

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the designated officer for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting closed at 2.00pm.

CHAIR:

DATED: