



## Licensing Sub-Committee

Notice of a Meeting to be held in the Council Chamber, Civic Centre, Tannery Lane,  
Ashford, Kent TN23 1PL on Monday 7<sup>th</sup> December 2009 at 10.00am

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The Members of this Committee are:-

Cllrs. Ellison, Feacey, Norris  
Reserve Cllr Woodford

### Agenda

Page  
Nos.

1. **Election of Chairman**
2. **Apologies/Substitutes** – To receive Notification of Substitutes in accordance with Procedure Rule 1.2(iii) and Appendix 4
3. **Declarations of Interest** - Declarations of Interest under the Code of Conduct adopted by the Council on the 24<sup>th</sup> May 2007 relating to items on this agenda should be made here. The nature as well as the existence of any such interest must also be declared
4. **Minutes** – To approve the Minutes of the Meeting of this Committee held on the 9<sup>th</sup> October 2009.

### Matters for Decision

5. Best One Convenience Store, 10 Cradlebridge Drive, Willesborough, 1 – 59  
Ashford, Kent, TN24 0RN  
Application for a premises licence.
  - (a) Clarification and Determination of Equal Maximum Time to be allocated to each party
  - (b) To note withdrawal of any representations
  - (c) The Hearing of the case.

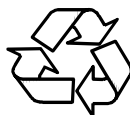
KL/  
19<sup>th</sup> November 2009

**Ashford**  
best placed in Britain

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Please refer to the Guidance Notes on the procedure to be follows at this meeting as attached to this Agenda

If you know the appellant(s) and have a possible conflict of interest or have any queries concerning the Agenda please contact Kirsty Liddell on 01233 330499



## Licensing Sub-Committee

Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **9<sup>th</sup> October 2009**

### Present:

Cllr. Goddard (Chairman);  
Cllrs. Mrs Heaton, Kemp

### Also Present:

Cllrs. Mrs Hicks, Holland, Norris, Wedgbury

Licensing Officer, Legal Advisor, Environmental Control Officer, Member Services & Scrutiny Support Officer

## 271 Election of Chairman

### Resolved:

**That Councillor Goddard be elected as Chairman for this Meeting of the Licensing Sub-Committee.**

## 272 Declarations of Interest

Councillor	Interest	Minute No.
Mrs Hicks	Code of Conduct – Personal but not Prejudicial – as a Member of Kingsnorth Parish Council	274
Holland	Code of Conduct – Personal but not Prejudicial – as a Member of Kingsnorth Parish Council	274
Wedgbury	Code of Conduct – Personal but not Prejudicial – as a Member of Kingsnorth Parish Council and as Ward Member	274

## 273 Minutes

### Resolved:

**That the Minutes of the Meeting of this Sub-Committee held on the 24<sup>th</sup> September 2009 be approved and confirmed as a correct record.**

## **274 Double Garage, 9 New Rectory Lane, Kingsnorth, Ashford, Kent, TN23 3LY - Application for a Premises Licence**

The Chairman opened the meeting and welcomed all those present. Members confirmed that they had read the papers relating to the application. The Chairman explained the procedure to be followed at the meeting.

The Licensing Officer then gave a brief summary of her report. The application was for a Premises Licence. The application had been made in the proper manner. Representations had been received hence the determination coming before Members. The premises were a detached double garage belonging to the residential property 9 New Rectory Lane and situated within a solely residential close within the Park Farm area. A location plan was provided in Appendix F to the report. The application proposed to permit off sales of alcohol 24 hours a day, seven days a week. The application also proposed the provision of late night refreshment 23:00 – 05:00 seven days a week. The application stated that all sales would be made over the telephone or via the internet and that no orders would be allowed to be changed at the point of delivery. Electronic payments only would be taken at point of delivery.

A representation has been received from the Environmental Control Officer who visited the premises and subsequently spoke to the applicant regarding her concerns that there was inadequate provision made for the prevention of public nuisance. The concern was regarding the applicant's intention to regularly load and unload the delivery vehicle throughout the night and the fact that this was likely to cause disturbance to the occupiers of the two properties opposite the garage. 20 parties had made representations. A summary of these representations was provided in Appendix C to the report. Copies of the letters were contained in Appendix D to the report.

All of the representations were from parties living in the area. The representations had a number of common themes in terms of the licensing objectives and they could be summarised as follows:

- The prevention of public nuisance and crime and disorder with reference to the use of domestic garage to store alcohol and the potential for break-ins.
- The concern about antisocial behaviour within the vicinity of the premises and the increased noise in regard to the fact that the application was for 24 hours a day.
- The prevention of public nuisance with additional noise being generated from the 24 hour delivery service, with the increased movement of vehicles and the regular loading and unloading of the delivery vehicle.
- The fact that it was a wholly residential area and that residents felt it was an inappropriate place for a business.

Under section 35(5) of the Licensing Act 2003, representations were relevant if they were about the likely effect of the grant of the licence on the promotion of the licensing objectives and (subsection 6) were made by an interested party or responsible authority within the prescribed period, were not withdrawn or, in the opinion of the licensing authority, frivolous or vexatious.

Mr Mayne, the applicant, addressed the Sub-Committee. He advised Members that he felt it was important to clarify matters regarding the application. He had applied for a 24 hour seven days a week license to allow for flexibility and expansion of the business. Should the business grow then he would look at moving away from the area. He intended to run the business Fridays and Saturdays from 22:00 until 05:00 with reduced hours on a Sunday which rendered many of the objections invalid. No bottles were to be used; only cans, and he would use plastic crate holders to transport merchandise. In respect of the objection due to doors shutting this could not be controlled but he assured Members that he did not foresee an increase in noise as it was to be a one man business and stock replenishment would take place between 09:00 and 17:00. He would not return to the premises during the night unless it was necessary. The area was not solely residential as suggested in some of the representations; there was a builder and a decorator in the area who stored their equipment at their properties. There had been no objection raised by the Police. Deliveries would be made to fixed addresses and only to those who provided identification. As it was to be a small operation, traffic movements would be minimal as would the hours of operation.

In response to comments/questions from Members, Mr Mayne advised the Sub-Committee that he would only accept orders placed over the internet and once an order had been submitted it could not be changed at the stage of delivery. He would be implementing the Think 21 scheme and would not deliver to anyone who could not provide identification.

The Environmental Control Officer addressed the Sub-Committee. She advised Members that she had concerns relating to deliveries and frequent traffic movements. She drew attention to a number of photographs that she had taken of properties in New Rectory Lane which showed the proximity of the premises to its neighbours. The garage of number 9, the application premises, was a third of the garden boundary to number 8. Whilst the Council's website advised that complaints could not be made regarding the noise made by car doors this was purely in relation to domestic situations. The applicant had indicated that he intended to operate on Fridays and Saturdays however this would be when the majority of the Close would be at home, she was unsure as to how there would not be any noise made during that time. Background noise dropped off later in the evening and should any of the residents wish to sleep with their windows open then they would more than likely not be able to due to the increase in noise from the vehicle and garage. Regular noise disturbance would need to be looked at. She was unsure how the applicant would be able to carry enough stock to prevent him from having to return to the premises in the middle of the night.

Mr Mayne advised that he would work on predicted sales forecasts and carry as much stock as he felt necessary. He felt that an angelic picture had been made of the Close when it was a regular occurrence for the children of the Close to return home in the early hours of the morning.

The Environmental Control Officer advised the Sub-Committee that she was unsure of how the applicant would predict sales and that the capacity of his car would be finite. She concluded by saying that there were still concerns which had not been overcome and it was important to note that the premises would be only 8 metres away from number 8 New Rectory Lane.

In response to questions/comments from Members the Environmental Control Officer advised that the area in question was no bigger than the size of the Council Chamber. Mr Mayne confirmed that he would be using his car to make deliveries. The inclusion of late night refreshment on the application was to allow for expansion of the business in the future, initially he had no intention to provide late night refreshments. Should he decide to provide late night refreshment then it would not be from his premises he would be engaging with a local business to provide that part of the service.

Mr Ciccone, of Kingsnorth Parish Council, addressed the Sub-Committee. He advised Members that he was the Chairman of Kingsnorth Parish Council and supported the residents in objecting to the application. They believed that a license should be granted, but for an appropriate premises, as this one was not conducive for a residential area. Ellingham Industrial Estate was a 3 minute drive away where the units were secure and the operating hours suggested by the applicant would not cause a problem. All parties had a joint responsibility and the license should be refused or withheld until an alternative premises was found.

Mrs Bowen-Nelmes, an interested party, addressed the Sub-Committee. She advised Members that she lived at number 29 New Rectory Lane and was representing 11 households. The up and over garage doors would need to be slammed to be closed which would contribute to the noise nuisance. The concept of using the garage as a warehouse was ill conceived in a domestic location and was not in the public interest. The road was used as a route to schools and would put at the risk the safety of children. The business had the potential to undermine all four of the licensing objectives. Interrupted sleep patterns would have an effect on the emotional and physical wellbeing of the residents. There were 14 children that lived in the vicinity of the premises, ranging from 4years to 15years, and there was a need to protect their rights. She requested that the Sub-Committee refuse the application.

Mrs Warren, an interested party, addressed the Sub-Committee. She advised Members that she lived at number 8 New Rectory Lane and the garage in question was side on to her garden and 30ft from her bedroom window. She was concerned that car lights and noise from opening and closing the garage would disturb her sleep and would have an effect on daily life. She supported the other residents of New Rectory Lane and hoped that the application would be refused.

Mr Gardner, an interested party, addressed the Sub-Committee. He advised Members that he had lived at number 4 New Rectory Lane since it was built in 1994. The construction of his garage, with the exception of the roof tiles, was the same specification as number 9. There had been no security or improvement measures suggested by the applicant. The up and over doors were of lightweight construction and there was no conceivable way of opening and closing them without making noise. The walls were of single skin construction. Although the applicant had made a commitment that his vehicle would contain enough stock for orders placed he would have to return should new orders be placed which would result in the opening and closing of the garage doors and thus awakening the neighbours. The effects that this would have on the children in the area were serious and concerning. A domestic double garage was incapable of resisting burglaries and in reality should the license be granted it would cause 24 hour disruption and create an unmanageable security risk. He hoped that the Committee would reject the application.

Mr Francis, an interested party, addressed the Sub-Committee. He advised Members that he lived at number 16 New Rectory Lane and objected to the application. Ashford Borough Council had carefully located industrial estates in locations isolated from residential areas. In relation to crime and disorder the risk of breaking and entering into the premises itself and surrounding properties was increased. The increase in traffic would result in the younger residents being affected. New Rectory Lane was used as a through road to Tesco and the Civic Centre and the idea of a premises in that location was against the spirit of a residential area. He felt that there would be serious repercussions should the license be granted.

Councillor Wedgbury, the Ward Member, addressed the Sub-Committee. He advised Members that he was representing the residents of New Rectory Lane. Park Farm was a residential area and was designed to not have any commercial uses when it was developed. When the residents purchased their homes they felt secure in the knowledge that the covenants placed on their homes would prevent commercial enterprises being set up. He was disappointed but not surprised that the Police had not commented on the application nor opposed it. It was from his personal experience that a sledgehammer could open a garage door with one blow. He felt that if it became apparent that alcohol was being stored at the address then there would be a substantial rise in crime and criminal activity which could result in the breaking into of other addresses in the vicinity. The Police were aware of the facts but were negligent. There was potential for people to turn up and try to place an order whereby the applicant could deliver to a car across the road as they would have passed the pavement and made a delivery. He urged the Committee to refuse the license. If the applicant wished to apply for a license for a small commercial unit at an alternative location then he would be pleased to speak on his behalf.

Councillor Mrs Hicks addressed the Sub-Committee. She felt that the applicant had seen a window of opportunity but had not thought the idea through. Planning permission had not been applied for for the change of use. This was an important decision for the Borough.

The Licensing Officer confirmed that a delivery could be made by crossing the road.

Mr Mayne advised the Sub-Committee that he had been excluded from the meeting of Neighbourhood Watch that had discussed the application, had he been invited he would have been able to set the record straight. He would not operate 24 hours a day seven days a week however he had requested the hours to allow for flexibility for the businesses expansion. The Committee could impose a restriction on hours should they wish to do so.

The Licensing Officer then summed up the nature of the application and the issues for the Sub-Committee to consider. She reminded the Sub-Committee that they may grant the license with no modifications to the conditions to the licence, modify the conditions of the licence or reject the whole or part of the application.

The Sub-Committee then retired to make their decision.

On return the Legal Advisor read out the decision.

LHS/LS  
091009

**Resolved:**

**That the application for a Premises Licence be refused on the grounds of public nuisance caused by noise and light from deliveries.**

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KL/  
LHSX0941

**Agenda Item No:**

**Licence Reference** WK/200909705

**Report To:** LICENSING SUB COMMITTEE

**Date:** 7TH DECEMBER 2009

**Report Title:** **Licensing Act 2003 - Application for a premises licence - Best One Convenience Store, 10 Cradlebridge Drive, Willesborough, Ashford, Kent TN24 0RN**

**Report Author:** Licensing Manager



**Summary:**

The report advises Members of a licence application under the provisions of the Licensing Act 2003.

Application type: Application for a premises licence

Applicant: **Mr Sivarajah**

Premises: **Best One Convenience Store, 10 Cradlebridge Drive, Willesborough, Ashford, Kent, TN24 0RN**

Members are asked to determine whether to grant the application.

**Key Decision:** NO

**Affected Wards:** North Willesborough (Ashford)

**Recommendations:** **The Committee is asked to determine the application and decide whether to grant the premises licence.**

**Policy Overview:** The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy. Where the decision departs from the Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and such departure must be supported by clear and cogent reasons.

**Financial Implications:** The costs associated with processing the application are taken from licensing fee income.

**Other Material Implications:** **HUMAN RIGHTS:** In considering this application the Sub Committee will balance the competing Human Rights of the various parties including the right to respect for private and family life, the protection of property and the right to a fair hearing.



**LEGAL:** Under the Licensing Act 2003 the Council has a duty to exercise licensing control of relevant premises.

**Exemption  
Clauses:**

Not applicable

**Background  
Papers:**

None

**Contacts:**

james.hann@ashford.gov.uk – Tel: 01233 330721

**Report Title: Licensing Act 2003 - Application for a premises licence for Best One Convenience Store, 10 Cradlebridge Drive, Willesborough, Ashford, Kent, TN24 0RN**

**Purpose of the Report**

1. The report advises Members of a licence application under the provisions of the Licensing Act 2003.

Application type: Application for a premises licence.

Applicant: **Mr Sivarajah**

Premises: **Best One Convenience Store, 10 Cradlebridge Drive, Willesborough, Ashford, Kent, TN24 0RN**

**Issue to be Decided**

2. Members are asked to determine whether to grant the application.

**Background**

***The Licensing Objectives***

3. The licensing authority must carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm (LA 2003, s4 (1)).

***Application details***

3. The application is made for a new premises licence.
4. See Appendix A for the Application for a new Premises Licence, along with plans (a map showing the location of the premises is provided at Appendix G). The application has been made in the proper manner.
5. Representations have been received hence the determination coming before Members.

***Additional steps***

6. The applicant states within section P of the application form the additional steps they intend to take in order to promote the four licensing objectives if the proposed licence is granted.
7. The conditions put forward by the Licensing Manager as taken from section P of the application form are as given within Appendix F. Note it is the responsibility of the Licensing Authority to prepare conditions that are “consistent” with the operating schedule (s.18).

8. It is stressed that while a licensing authority has no discretion to add or modify a condition where there is no relevant representation, it may not issue a licence with conditions that are illegal.

### ***Representations from Responsible Authorities***

9. No representations were received from the responsible authorities.

### ***Representations from Interested Parties***

10. 32 parties have made representations. A summary of these representations is provided in Appendix B. Copies of the letters are contained in Appendix C.
11. All of the representations are parties living in the area.
12. The representations have a number of common themes in terms of the licensing objectives and they can be summarised as follows:
  - The prevention of public nuisance and the prevention of crime and disorder, in the forms of anti social behaviour and noise and litter pollution are the objectives raised with reference to the behaviour of potential customers.
  - Some of the representations have suggested that there is no “need” for a premises selling alcohol in the area due to the close proximity to other premises. Members will be aware of the Secretary of State’s Guidance on this matter; “There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy. “Need” is a matter for planning committees and for the market.”
13. Under section 35(5) of the Licensing Act 2003, representations are relevant if they are about the likely effect of the grant of the licence on the promotion of the licensing objectives and (subsection 6) are made by an interested party living or working in the vicinity or a responsible authority within the prescribed period, are not withdrawn or, in the opinion of the licensing authority, frivolous or vexatious.
14. Members will note that there are nine letters from 12 individuals, representing 8 residential properties.
15. A petition was received from Mr P Ikeson and is provided in Appendix D. As there were a number of issues unresolved by the petition, a letter was sent out to all those named on 26<sup>th</sup> October requesting clarification on a number of points. A copy of this letter is provided in Appendix E and the responses are included in the letters from interested parties making representations which is provided in Appendix C.
16. Members must be satisfied that the representations are relevant and should note the absence of responses from a number of the people who have signed the petition.

17. The prescribed period for the receipt of such representations in this case is, by Regulation 22(b) of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 "during a period of 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant". In this case the application was given to the authority on 15th October 2009 and the last date for receipt of relevant representations was therefore 13th November 2009.

### ***Relevant premises history***

18. The premises is a convenience store located in a cul-de-sac in a residential area. The premises does not currently sell alcohol and has applied for a premises licence to permit the selling of alcohol from 07.00 until 23.00 seven days a week.
19. The unit is currently empty and there has been a succession of retail units in this location, including World of Video until 2006 and more recently Ripple Spas.
20. The application concerns only the sale of alcohol for consumption off the premises.
21. The applicant has volunteered a number of conditions for the premises licence that are replicated in Appendix F.

### **Options**

#### ***General***

22. Members attention is drawn to the following matters:
  - All applications are to be considered on their merits as well as against the relevant policy and statutory framework.
  - Due regard should be given to the provisions of the Human Rights Act 1998, Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 and Section 17 of the Crime and Disorder Act 1998 and, so far as possible, reflect local crime prevention strategies.
  - The operating schedule forms part of the completed application form for a premises licence. The operating schedule should include information, which is necessary to enable any responsible authority or interested party to assess whether the steps to be taken to promote licensing objectives are satisfactory.
  - The licensing authority may not impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It may then only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations. However, in order to minimise problems and the necessity for hearings, it would be sensible for applicants to consult with responsible authorities when schedules are

being prepared. This would allow for proper liaison before representations prove necessary.

- Where problems have occurred, the application for the new licence or certificate will afford an opportunity for responsible authorities and interested parties to raise the issue through representations and for conditions addressing any nuisance previously caused to be attached following a hearing where necessary. The views of local residents will be important in establishing the extent of any history of problems.
- The conditions put forward within this report are suggested on the basis of:
  - information contained within the application form;
  - interested parties representations and
  - on those measures currently in existence.
- The 2003 Act requires licensing authorities following receipt of relevant representations to make judgements about what constitutes public nuisance and what is necessary, in terms of conditions attached to specific premises licences to prevent it. It is therefore important that in considering the promotion of this licensing objective, licensing authorities focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- Public nuisance is not narrowly defined in the 2003 Act and retains its broad common law meaning for the Act's purposes. The prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined in the 2003 Act) in the vicinity of licensed premises.
- Where applications have given rise to representations, any necessary and appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late evening or early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise may also prove necessary to address any disturbance anticipated as customers enter and leave the premises and therefore, in the immediate vicinity of the premises.
- In the context of preventing public nuisance, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, or premises management cannot be justified and will not serve to promote the licensing objectives in relation to the licensing activities carried on at the premises. Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who

engages in anti-social behaviour is accountable in his own right. However, it would be perfectly reasonable for a licensing authority to impose a condition it considered necessary following relevant representations from an interested party that requires the licence holder to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living near-by to a peaceful night. After a licence has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate.

- The Guidance states “the conditions that are necessary for the promotion of the licensing objectives should emerge initially from a prospective licensee’s risk assessment which should be undertaken by applicants or clubs before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule that it is proposed to take to promote the licensing objectives.”
- It is perfectly possible that in certain cases, because the test is one of necessity, where there are other legislative provisions, which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.

### ***Decision options***

23. In addition to those matters outlined in the applications operating schedule if members are minded to grant the application they may wish to consider the following conditions:

#### ***All Four Licensing Objectives***

- a) The Licence Holder shall ensure that the premises has in place an internal CCTV system. The system will be maintained in working order and footage must be retained for a period of time to the satisfaction of the Police.

#### ***Prevention of Public Nuisance***

- a) Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents and leave the premises and the area quietly.
- b) The Licence Holder shall ensure that adequate waste receptacles are available for use by customer immediately outside the premises.
- c) The Licence Holder shall ensure that staff monitor the immediate vicinity of the premises and ensure that any litter is collected and disposed of appropriately.
- d) The licensee or a nominated representative shall receive and respond to complaints.

## **Legal options open to members**

24. Members may grant the licence with no modifications to the conditions to the licence, modify the conditions of the licence or reject the whole or part of the application.

## **Consultation**

25. All relevant parties have followed the consultation procedures required under the Licensing Act 2003.

## **Implications Assessment**

26. The decision should be made with regard to the Secretary of State's Guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal / challenge is increased.

## **Human Rights**

27. While all Convention Rights must be considered, those which are of particular relevance to the application are:
- Article 8 - Right to respect for private and family life
  - Article 1 of the First Protocol - Protection of Property
  - Article 10 – Freedom of Expression

The full text of each Article is given in the attached Appendix H.

## **Handling**

28. The timings for handling the application are set out in the Licensing Act 2003 and related regulations.

## **Conclusion**

29. Members must ensure that the application is considered on its merits, as well as against the relevant guidance, policy and statutory framework.

Contact:	Licensing Manager
Email:	James.hann@ashford.gov.uk

**APPENDIX C**  
**SUMMARY OF REPRESENTATIONS FROM INTERESTED PARTIES**

<b>Name &amp; Address</b>	<b>Representation Details</b>
Mr & Mrs Davies Davis, 7 Harvey Road, Willesborough, Ashford, Kent, TN24 0AD	Object Prevention of crime and disorder Prevention of public nuisance
Mr & Mrs Barton 21 Foxglove Road, Willesborough, Ashford, Kent, TN24 0RA	Object Prevention of crime and disorder Prevention of public nuisance
Mr & Mrs Ikeson 19 Foxglove Road, Willesborough, TN24 0RA	Object
Mr Loveman 17 Foxglove Road, Willesborough, Ashford, Kent, TN24 0RA	Object
Winder 5 Foxglove, Willesborough, Ashford, Kent, TN24 0RA	Object
Mr & Mrs Henry 9 Foxglove Road, Willesborough, Ashford, Kent, TN24 0RA	Object
Mrs Pearson 3 Foxglove Road, Willesborough, Ashford, Kent	Object
Mr & Mrs Balcombe 42 Cradlebridge Drive, Willesborough, Ashford, Kent	Object
Mr & Mrs Coles 13 Foxglove Green, Ashford, Kent	Object
Mr & Mrs Stevens 9 Harvey Road, Willesborough, Ashford, Kent, TN24 0RB	Object
Mr Walker 14 Harvey Road, Willesborough, Ashford, Kent, TN24 0AD	Object Crime & Disorder, Public Safety, Protection of Children from Harm
Miss Kirby 18 Harvey Road, Willesborough, Ashford, Kent, TN24 0AD	Object
Young 15 Harvey Road, Willesborough, Ashford, Kent, TN24 0AD	Object
Stainer 15 Foxglove Road, Willsborough, Ashford, Kent, TN24 0RA	Object
Mayhew 15 Foxglove Road, Willesborough, Ashford, Kent, TN24 0RA	Object
Ms Mark-Evans 7 Foxglove Road, Willesborough, Ashford, Kent, TN24 0RA	Object



Mr Rybner 7 Foxglove Road, Willesborough, Ashford, Kent, TN24 0RA	Object
Miss Osbone 2 Sandilands, Willesborough, Ashford, Kent, TN24 0RD	Object
Mr & Mrs Plant 114 Cradlebridge Drive, Ashford, Kent	Object
Mr & Mrs Marshal 87 Cradlebridge Drive, Willesborough, Ashford, Kent, TN24 0RF	Object
Mr Jones 116 Cradlebridge Drive, Willesborough, Ashford, Kent, TN24 0RF	Object
Mr & Mrs Sharp 85 Cradlebridge Drive, Willesborough, Ashford, Kent, TN24 0RF	Object
Mr & Mrs Lowe 81 Cradlebridge Drive, Willesborough, Ashford, Kent, TN24 0RF	Object
Mrs Hole 24 Cradlebridge Drive, Willesborough, Ashford, Kent, TN24 0RH	Object
Mr & Mrs Bettles 1 Foxglove Road, Willesborough, Ashford, Kent, TN24 0RA	Object Prevention of Public Nuisance Public Safety
Mr Brown 38 Cradlebridge Drive, Willesborough, Ashford, Kent, TN24 0RH	Object
Mr & Mrs Fincher 120 Cradlebridge Drive, Willesborough, Ashford, Kent, TN24 0RL	Object
Mr Mitchener Licensing Solutions, 253 Botley Road, Burrige, Southampton, Hampshire, SO31 1BJ	Applicant's representative
Unknown 9 Holmlea Close, Willesborough, Ashford, Kent, TN24 0RB	Object
Unknown 4 Holmlea Close, Willesborough, Ashford, Kent, TN24 0RB	Object
Unknown 6 Holmlea Close, Willesborough, Ashford, Kent, TN24 0RB	Object
Unknown 10 Foxglove Road, Willesborough, Ashford, Kent, TN24 0RA	Object
Unknown 112 Cradlebridge Drive, Willesborough, Ashford, Kent, TN24 0RL	Object

**APPENDIX F**  
**CONDITIONS CONSISTENT WITH THE APPLICANTS OPERATING SCEHDULE**

**General - All four Licensing Objectives**

- 1) The Licence Holder will through the operation of the recognised 'proof of age' scheme, Challenge 21, ensure that any one who appears to be under 21 and is attempting to buy alcohol on the premises will be asked to provide accepted photographic proof of age. This will be limited to a photo driving licence, passport or ID card bearing a PASS logo.
- 2) The Licence Holder will ensure that a record of all refusals for the sale of alcohol is maintained
- 3) The Licence Holder will ensure appropriate and prominent signage throughout the store confirming the minimum legal age for the purchase of alcohol.
- 4) The Licence Holder will ensure that all staff are fully trained in alcohol sales with regular refresher training.
- 5) The Licence Holder will ensure that spirits are kept behind the counter.
- 6) The Licence Holder shall ensure that the premises is protected by a security system including intruder alarm and sensors as appropriate.

**The Prevention of Crime & Disorder**

No further steps identified

**Public safety**

- 1) The Licence Holder will ensure that all staff are adequately trained in fire safety procedures and the use of fire safety and fire fighting equipment.

**Prevention of Public Nuisance**

No further steps identified

**The Protection of Children from Harm**

No further steps identified

## **APPENDIX H - HUMAN RIGHTS**

### Article 8

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

### Article 1 of the First Protocol

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws, as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

### Article 10

3. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
4. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.