

Licensing Sub-Committee

Minutes of a Meeting of the Licensing Sub-Committee held in Committee Room No. 2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford on the **5th July 2010**.

Present:

Cllr. Goddard (Chairman);

Cllrs. Mrs Blanford, Woodford.

Also Present:

Cllrs. Hodgkinson, Holland

Licensing Officer, Legal Advisor, Member Services & Scrutiny Support Officer.

Mr Ragunathan – Applicant.

Ms Edwards – Applicant's Representative.

Miss Breeze – Interested Party.

89 Election of Chairman

Resolved:

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

90 Minutes

Resolved:

That the Minutes of the Meetings of this Sub-Committee held on the 3rd June 2010 be approved and confirmed as a correct record.

91 Bridgefield Convenience Store, 38 Poppy Mead, Kingsnorth, Ashford, Kent, TN23 3GL – 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 for Bridgefield Convenience Store at 38 Poppy Mead, which was situated on the new Bridgefield development at Park Farm. A petition in support of the application had been submitted to the Borough Council containing 171 signatures, a copy of this was distributed to all those present. The application had been made in the proper manner however the consultation period had to be restarted as the notice at the premises was not correctly displayed on time; this meant that the application was also re-advertised. The application for the premises

licence was contained at Appendix A of the report, along with a plan and photograph contained at Appendices D and E respectively.

The Premises were a general convenience store with residential accommodation above. The application was for the off sale of alcohol from 08:00 to 19:00 seven days a week with the store being open from 06:00 to 19:00 seven days a week. It was the Licensing Authority's responsibility to convert the information in the operating schedule of the application into conditions and these conditions could be found at Appendix F of the report.

Nine parties had made representations. A summary of these representations and copies of the letters were contained in Appendices B and C respectively. The representations had a number of common themes in terms of the licensing objectives and could be summarised as follows:

- The concern about the potential for antisocial behaviour within the vicinity of the premises as a result of the sale of alcohol.
- The fact that it was currently a wholly residential area and that residents felt it was an inappropriate place for a business. Members would have to determine whether this was a relevant factor when considering the application under the Licensing Act 2003.

The Chairman requested clarification as to the proximity of those who had signed the petition to the premises. The Licensing Officer advised that those residing in Poppy Mead, Bluebell Road and Violet Way were in close proximity to the premises however the remainder were situated further away.

Ms Edwards, on behalf of the applicant, spoke in support of the application. She advised the Sub-Committee that the premises had planning permission for use as a convenience store and had been operational for three weeks. The applicant had been trained in licensing law and understood his duties to uphold the licensing objectives. The objections that had been received related to potential problems. She had visited the premises and stated that the location was open with no nooks and crannies and there appeared to be a village square under construction. It was envisaged for the store to serve the local community rather than attract customers from other areas in the Borough. In relation to proxy sales the applicant would take appropriate steps to ensure that this did not occur, however should this happen he would ban the individual(s) involved and report the matter to the Police. As the area was highly residential the applicant hoped to involve the residents to avoid such matters occurring. She concluded by advising that the proposed hours for the sale of alcohol were not onerous and would not exacerbate late night issues that had been experienced in the area.

A Member enquired as to the where the applicant had gained his experience and at which type of premises this had occurred. Mr Ragunathan confirmed that he had worked at a store in Crawley selling alcohol. Ms Edwards added that Mr Ragunathan was au fait with the Challenge 21 scheme. Mr Ragunathan further explained that he had lived in Willesborough from 2001 to 2004 and moved to Park Farm to set up a family business.

Miss Breeze, an interested party, spoke in objection to the application. She advised Members that whilst she was content with the store and hoped that it would succeed she questioned whether the store needed to sell alcohol. There was an ongoing

issue with teenagers on the estate causing problems, whilst the Police and local PCSOs were aware of the situation; she felt that should the store be permitted to sell alcohol then this could exacerbate the issue. Tesco, at Park Farm, experienced problems relating to youths and underage drinking, this was an ongoing issue and was regularly discussed at local PACT meetings. The store was in close proximity to Tesco and she questioned whether the store needed to sell alcohol. Occurrences of anti-social behaviour were not limited to the evening hours. There was concern that as Tesco had been unable to resolve issues of anti-social behaviour, even though the premises were regularly patrolled, Bridgefield Convenience Store would become a target as it was not a well patrolled area.

In response to a question from a Member, Mr Ragunathan advised that that the store would not be able to compete with Tesco's prices and so alcohol would be priced higher than in a supermarket.

Members questioned whether there were many activities for young people in the area and the distance from the Convenience Store to Tesco. Miss Breeze advised the Sub-Committee that there were not many things for young people to do on the estate; it was a regular occurrence for them to play on the estate. She further advised that the distance from the Convenience Store to Tesco was a 15 minute walk or a two minute journey in a car.

Miss Breeze added that her main concern was the effect that the sale of alcohol from the premises would have on the community. She felt that the applicant should attend a PACT meeting to give him greater understanding of the issues experienced by local residents in relation to anti-social behaviour.

Ms Edwards concluded by saying that the applicant fully appreciated the problems that local residents currently experienced and assured the Sub-Committee that he would do everything in his power to abide by the licensing objectives.

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

The Sub-Committee then retired to make their decision.

On return the Legal Advisor read out the decision.

Resolved:

That the premises licence be granted and the off sale of alcohol be permitted from:

08:00 to 19:00 seven days a week.

Subject to the conditions consistent with the operating schedule set out in Appendix F of the Licensing Manager's report, and the following additional conditions:-

- (i) 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.**

- (ii) The Licence Holder will ensure that CCTV equipment is installed and working on the premises.**
- (iii) The Licence Holder will ensure that the CCTV system incorporates a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days.**
- (iv) The Licence Holder will ensure that all staff undertake the necessary training in legislation relevant to the licensing laws and the social impact of the sale of alcohol.**
- (v) 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.**
- (vi) The Licence Holder will take all reasonable steps to ensure that adequate waste receptacles are available for use by customers immediately outside the premises, subject to the Council's approval.**
- (vii) 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.**
- (viii) The Licensee or a nominated representative shall receive and respond to complaints.**

The Licensing Manager be delegated authority to amend the wording of the conditions as appropriate.

The Legal Advisor informed those present of their right of appeal to the Magistrates' Court and the Right to Review a Premises Licence.
