

Licensing Sub-Committee

Minutes of a Meeting of the Licensing Sub-Committee held in Committee Room No.1 (Fougères Room), Civic Centre, Tannery Lane, Ashford on the **13th November 2014**.

Present:

Cllr. Galpin (Chairman);

Cllrs. Chilton, Mrs Hutchinson.

Also Present:

Cllr. Shorter.

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

Mr Sen – Applicant, Mr Ozbuluter – Applicant's Representative.

223 Election of Chairman

Resolved:

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

224 Declarations of Interest

Councillor Chilton made a 'Voluntary Announcement' as he had used the Applicant's café in Stanhope.

225 Minutes

Resolved:

That the Minutes of the Meeting of this Sub-Committee held on the 1st October 2014 be approved and confirmed as a correct record.

226 The Crusader, Brookfield Road, Ashford, Kent, TN23 4EZ – Application for the variation of the 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 Support Officer then gave a brief summary of her report. She said the application to be considered by the Sub-Committee was for the variation of the Premises Licence for the Crusader and she confirmed that the application had been made in a correct manner. Mr Sen had held the licence since 25th September 2014 and there had been no complaints since then. The Applicant had applied to vary the premises licence to add the off sale of alcohol to match the existing hours for the on sale of alcohol at the following times:

Sunday to Wednesday 10.00 – 23.30
Thursday to Saturday 10.00 – 01.30
Bank Holidays, Christmas Day and New Year's Day 10.00 – 01.00

Off sales would be made from the premises or with food orders upon delivery. Payment for alcohol delivery would be made online or over the phone. In addition, the applicant had applied for late night refreshment at the following times:

Sunday to Wednesday 23.00 – 23.30
Thursday to Saturday 23.00 – 01.30

One representation had been received from one of the Ward Members concerning the potential for increased noise and disturbance within the vicinity of the premises. It was also stated within the representation that issues had previously been raised directly with the Ward Members about people gathering in the area, which the Licensing Team were not aware of. The Licensing Team had had three previous complaints regarding loud music, but all were relating to the previous licence holder.

Mr Ozbuluter, who worked with the Applicant, spoke in support of the application. He explained that they had considered the licencing objectives and felt that their business worked in line with the objectives. The main thrust of this explanation was that any alcohol purchased was with food and for consumption at home, having been delivered to the home address. As such, there was no likelihood of any nuisance or issues of public safety to local residents as the alcohol was delivered to a residential address for quiet enjoyment at home. It was further explained that the price point was that much more than nearby supermarkets, and as such it was proffered that those who were likely to cause nuisance in the area would not be getting their alcohol from this premises. However, they had not noticed any gathering of people as indicated in the representation made. The Applicant had vast experience of running licenced premises and had never encountered any issues in the past in respect of his many premises licences. It was further explained that there would be comprehensive training in place for staff in respect of sale of alcohol.

In response to a question, the Licensing Support Officer confirmed that no representations or correspondence had been received from the other Ward Member.

Mr Ozbuluter clarified that food payments could be made in cash on delivery but any payment for alcohol to be delivered with the food order would have to be paid for either online or over the phone. He also confirmed that where drivers were in doubt about the age of the person receiving the alcohol, they would refuse to leave the order. He said that references were taken before employing new drivers, and their performance was monitored.

The Licensing Support Officer 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, 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 variation of the Premises Licence be granted as applied for.

The decision notice and formal wording read out by the Legal Advisor is appended to these minutes.

LICENSING SUB-COMMITTEE
Thursday 13 November 2014

APPLICATION TO VARY A PREMISES LICENCE
THE CRUSADER, BROOKFIELD ROAD, ASHFORD, KENT.

LICENSING SUB-COMMITTEE DECISION AND REASONINGS

**NAME AND
ADDRESS OF
PREMISES:**

The Crusader
Brookfield Road,
Ashford,
Kent,
TN23 4EZ

APPLICANT:

Ufuk Sen

**REASON FOR
HEARING:**

To determine application for a variation to a premises licence further to receipt of one valid representation received from an interested party.

DELIBERATION:

The Licensing Sub-Committee was advised at the meeting that there was only one representation on the application for variation, that this was to be found on page 31, the author of the representation was not attending the meeting. Further, the committee were advised that there had been no complaints received from any party, e.g. Environmental Services, police, fire service, or any residents in respect of the current running of the premises.

The applicant explained that they had considered the licencing objectives and they felt that their business worked in line with the objectives. The main thrust of this explanation was that any alcohol purchased was with food and for consumption at home, having been delivered to the home address. As such, there was no likelihood of any nuisance or issues of public safety to local residents as the alcohol was delivered to a residential address for quiet enjoyment at home. Further it was explained that the price point was that much more than nearby supermarkets, as such it was proffered that those who were likely to cause nuisance in the area would not be getting their alcohol from this Premises. That said, they had not noticed any gathering of people as indicated in the representation made.

Further, the applicant ran through his vast experience of running licenced premises and how he had never

encountered any issues in the past in respect of his many premises licences. It was further explained that there would be comprehensive training in place for his staff in respect of the sale of alcohol.

The Sub-Committee considered in detail the representation contained within the committee bundle at page 31, which was not expanded upon at the Sub-Committee hearing.

In light of the above, the Sub-Committee considered the following relevant licensing objectives.

1. Prevention of Crime and Disorder

No representations had been made regarding this licensing objective.

2. Public Safety

No representations had been made regarding this licensing objective.

3. The Prevention of Public Nuisance

The Sub-Committee had regard to the representation made regarding this objective in respect of groups of people gathering to drink beer in the vicinity. It was noted that there was no evidence to suggest that any of the residents were suffering the effects of this nuisance from the premises or patrons. Rather these were anticipated concerns. The Sub-Committee considered that the measures in place would alleviate these concerns.

In respect of anti-social behaviour, again it was noted that there was no evidence to suggest that residents were suffering the effects of anti-social behaviour from the premises or patrons currently but that these were anticipated concerns. The Sub-Committee considered that the measures in place would alleviate these concerns. The Sub-Committee thought that the commitment to work closely with the police as detailed in their operating schedule very encouraging.

4. Prevention of Harm to Children

The Sub-Committee had regard to the representation made regarding this objective and the concerns expressed by Cllr Chris Clark. Again it was noted that there was no evidence to suggest that this is a current problem but that these were anticipated concerns. The Sub-Committee considered that the measures in place would alleviate these concerns. The

Sub-Committee thought that the condition as detailed in their operating schedule whereby they premises would have steps in place to ensure that alcohol is handed over to persons at the delivery address, only when effective age verification had taken place and that if there was any doubt then the alcohol would not be left and the police would be informed was very responsible.

DECISION MADE:

Application as applied for.

Additional notes made by the Sub-Committee at the meeting -

- This licence, like any other licence, is subject to review at the instigation of any Responsible Authority or Interested Person should there be any concerns regarding the operation of, and/or, breaches of the licence.
- Other Persons and Responsible Authorities were reminded that they may apply for a review of this licence “after a reasonable interval” pursuant to section 51 of the Licensing Act 2003.
- Entitlements to appeal for parties aggrieved by the decisions of the Licensing Authority are set out in Schedule 5 to the 2003 Act.
- In the case of a Premises Licence, an appeal has to be commenced by the giving of a notice of appeal by the appellant to the justices’ chief executive for the magistrates’ court within a period of 21 days beginning on the day on which the appellant was notified by the licensing authority of the decision to be appealed against.