

Licensing Sub-Committee

Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **13th September 2019**.

Present:

Cllr. Krause (Chairman);

Cllrs. L. Suddards, Rogers.

Cllr. Ledger (Reserve)

Also Present:

Licensing Officer, Licensing Officer, Principal Solicitor, Member Services & Ombudsman Complaints Officer.

Mr Davidprapkaran – Applicant.

Mr Jordan – Applicant's representative.

Miss Thorp – Neighbour

Mr Thorp – Neighbour's representative

138 Election of Chairman

Resolved:

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

139 Minutes

Resolved:

That the Minutes of the Meeting of this Sub-Committee held on the 19th June 2019 be approved and confirmed as a correct record.

140 Application for a premises licence for Bridgefield Mini Market, 1 Ryeland Way, Kingsnorth, Ashford, Kent TN25 7FU

The Chairman opened the meeting and welcomed all those present. He explained the procedure to be followed at the meeting.

The Licensing Officer summarised the application as set out in the report. The applicant already had a nearby premises and no incidents had been reported there. The application had been advertised as required. Representations subsequently received cited various concerns regarding the sale of alcohol. The applicant had agreed to closing hours of 9pm and two of the three representations had been withdrawn. There were three options before the Sub-Committee today as outlined within the report.

The Sub-Committee then heard from the applicant's representative, Mr Jordan. He said the applicant was an experienced operator who already ran a similar premises nearby, and there had been no issues at that business. There had been no representations from the police and no objections from Environmental Health regarding public nuisance. The applicant had engaged with all parties and two representations had been withdrawn. Comprehensive conditions had been added to the licence application and those conditions were higher than for similar business licences. The applicant had invested a large sum and the shop would be fitted out to the highest standard to maintain safety levels. One objection was outstanding. At paragraph 4 of this objection, the main concern was crime and anti-social behaviour. The applicant had a good track record on that issue, but could not be held responsible for crime and anti-social behaviour outside of his control. The business would trade under the name of Budgens who would require that health and safety standards were met, staff were appropriately trained and the shop was fitted out to meet health and safety standards. Paragraph 5 of the objection cited issues which were nothing to do with the application and this was a speculative objection. The applicant had no intention of selling alcohol to underage people. There would be a full mix of goods on sale, and alcohol would only be a small part of what was available. Planning guidance stipulated that the business must close at 10.30pm, but the applicant had agreed to compromise with a 9pm closing time. The staff would be off the premises within 15 minutes of that time so there would be no further noise. It was not economically viable to close at 7.30pm as the bulk of alcohol sales typically took place between 6 – 8.45pm. If this application was not granted, it was possible that this shop could be taken over by Tesco, who would stay open until 11pm.

The applicant confirmed that he understood about legislation relating to public safety, protecting children from harm, and crime and disorder. He would be providing staff training, CCTV, and an incident log.

The Sub-Committee then heard from Mr Thorp, Miss Thorp's father. He said the application covered everything that was expected but there were still concerns about the opening hours. It had been proposed that the closing time was 10.30pm but assurances were sought that the revised closing time would remain 9pm and not be extended at a future date. Regarding litter and anti-social behaviour, Mr Thorp said that although no shop could be blamed for the behaviour of other parties, he questioned whether there was a specified distance where the applicant was responsible for any mess related to the shop. There were concerns about anti-social behaviour. There had been reported incidents of alcohol and drugs in the area. The behaviour of youngsters was like a smouldering fire. With the potential to gain alcohol, this was like pouring more petrol on top. The applicant had invested a lot of money and there would be a vast range of products on sale. Mr Thorp questioned whether it

was necessary to sell alcohol and cigarettes. He asked the Committee to take these concerns into consideration.

The Chairman said that the opening hours would be set in stone. Any change would require a reapplication to alter the hours. Any change in hours otherwise would be a breach of the licence. Litter was a problem throughout the country. It was unlikely that the applicant would want his shop soiled and he would ensure that there were sufficient bins and that people used them. The sale of alcohol and cigarettes was a matter for Westminster to decide whether it was legal or not. At present, the sale of both was legal and individuals had a choice whether to buy them. Whilst there was demand, shopkeepers would continue to sell these items. There was nothing that could be done to ban the sale whilst they were legal products.

The Chairman said that all points had been listened to and would be taken into consideration in making a judgement.

The Sub-Committee then retired to make their decision.

On return, the Chairman read out the Licensing Sub-Committee's decision and reasons. He also advised that any appeal should be submitted to the magistrates' court within 21 days from the date of the notice. A copy of the decision notice and reasoning was issued to the applicant and interested parties after it had been read.

Resolved:

That the licence be granted, subject to:

- i) Such conditions as are consistent with the operating schedule accompanying the application;**
- ii) Any conditions which must under section 19, 20 or 21 of the Licensing Act 2003 be included in the licence (the mandatory conditions).**

The decision notice and formal wording read out by the Chairman is appended to these Minutes.

LICENSING SUB-COMMITTEE
FRIDAY 13th September 2019

APPLICATION FOR A PREMISES LICENCE FOR BRIDGEFIELD MINI MARKET
(1 RYELAND WAY, BRIDGEFIELD)

LICENSING SUB-COMMITTEE DECISION AND REASONINGS

LICENSING OFFICERS

Alison Simmonds Julian Postlethwaite

REASON FOR MEETING:

An application was made for a Premises License for Bridgefield Mini Market. Three representations were received to the application, two of which were subsequently withdrawn.

DELIBERATION:

The Licensing Sub-Committee listened to the introduction given by the Licensing Officer in respect of the application made for a premises licence.
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The Sub-Committee heard that the applicant already had a nearby premises and no incidents had been reported there. The application had been advertised as required. Representations subsequently received cited various concerns regarding the sale of alcohol. The applicant had agreed to closing hours of 9pm and two of the three representations had been withdrawn. There were three options before the Sub-Committee today as outlined within the report.

The Sub-Committee heard from the applicant's representative, Mr Jordan. He said the applicant was an experienced operator who already ran a similar premises nearby, and there had been no issues at that business. There had been no representations from the police and no objections from Environmental Health regarding public nuisance. The agenda had engaged with all parties and two representations had been withdrawn. Comprehensive conditions had been added to the licence application. The applicant had invested a large sum and the shop would be fitted out to the highest standard to maintain safety levels. The conditions applied to this licence application were higher than for similar businesses. One objection was outstanding. At para 4 the main concern was crime and anti-social behaviour. The applicant had a good track record on that issue, but could not be held responsible for crime and anti-social behaviour outside of his control. The business would trade under the name of Budgens who would require that health and safety standards were met, staff were appropriately trained and the shop was fitted out to meet health and safety standards. Paragraph 5 of the objection cited issues which were nothing to do with the application and this was a speculative objection. The applicant had no intention to sell alcohol to underage people. There would be a full mix of goods on sale, and alcohol would only be a small part of

what was available. Planning guidance stipulated that the business must close at 10.30pm, but the applicant had agreed to compromise with a 9pm closing time. The staff would be off the premises within 15 minutes of that time so there would be no further noise. It was not economically viable to close at 7.30pm as the bulk of alcohol sales typically took place between 6 – 8.45pm. If this application was not granted, it was possible that this shop could be taken over by Tesco, who would stay open until 11pm.

The applicant added that he understood about legislation relating to public safety, protecting children from harm, and crime and disorder. He would be providing staff training, CCTV, and an incident log.

The Sub-Committee then heard from Mr Thorp, Miss Thorp's father. He said the application covered everything that was expected but there were still concerns about the opening hours. It had been proposed that closing time was 10.30pm but assurances were sought that the revised closing time would remain 9pm and not be extended at a future date. Regarding litter and anti-social behaviour, Mr Thorp said that although no shop could be blamed for the behaviour of other parties, he questioned whether there was a specified distance where the applicant was responsible for any mess related to the shop. There were concerns about anti-social behaviour. There had been reported incidents of alcohol and drugs in the area. The behaviour of youngsters was like a smouldering fire. With the potential to gain alcohol, this was like pouring more petrol on top. The applicant had invested a lot of money and there would be a vast range of products on sale. Mr Thorp questioned whether it was necessary to sell alcohol and cigarettes. He asked the Committee to take these concerns into consideration.

The Chairman said that the opening hours would be set in stone. Any change would require a reapplication to alter the hours. Any change in hours otherwise would be a breach of the licence. Litter was a problem throughout the country. It was unlikely that the applicant would want his shop soiled and he would ensure that there were sufficient bins and that people used them. The sale of alcohol and cigarettes was a matter for Westminster to decide whether it was legal or not. At present, the sale of both was legal and individuals had a choice whether to buy them. Whilst there was demand, shopkeepers would continue to sell these items. There was nothing that could be done to ban the sale whilst they were legal products. The Chairman said that all points had been listened to and would be taken into consideration in making a judgement.

The Sub-Committee then retired.

The Sub-Committee considered the following relevant licensing objectives; prevention of Crime and Disorder, Public Safety, the

Prevention of Public Nuisance and the Prevention of Harm to Children.

During deliberations the Sub-Committee considered the written and verbal (made through her father) representation of Miss Thorp, and the representations made by Mr Davidprapakaran and Mr Jordan.

The Sub-Committee noted the conditions put forward as part of the application, as set out on pages 32 – 34 of the application.

The Sub-Committee were of the opinion that having considered the representations of both parties, it would grant the licence, subject to

- iii) Such conditions as are consistent with the operating schedule accompanying the application;
- iv) Any conditions which must under section 19, 20 or 21 of the Licensing Act 2003 be included in the licence (the mandatory conditions).

DECISION MADE:

The licence be granted subject to option 12a.

Right of Appeal

- There is a right of appeal against this decision. An appeal must be commenced by notice of appeal given by the Appellant or anybody affected by this decision to the Magistrates Court within 21 days of the date of this notice.

Dated: 13th September 2019