



LICENSING SUB COMMITTEE

Notice of a Meeting, to be held in the Committee Room 2 (Bad Münstereifel Room) -
Ashford Borough Council on Friday, 13th September, 2019 at 10.00 am.

The Members of the Licensing Sub Committee are:-

Cllrs. Krause, Rogers, L Suddards.

Cllr. Ledger (Reserve).

Agenda

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1. **Election of Chairman**
2. **Apologies/Substitutes**

To receive Notification of Substitutes in accordance with Procedure
Rule 1.2(iii)
3. **Declarations of Interest** 1 - 2

To declare any interests which fall under the following categories, as
explained on the attached document:
 - a) Disclosable Pecuniary Interests (DPI)
 - b) Other Significant Interests (OSI)
 - c) Voluntary Announcements of Other InterestsSee Agenda Item 3 for further details
4. **Minutes** 3 - 8

To approve the Minutes of the Meeting of this Sub-Committee held on
19 June 2019.
5. **Procedure Note for Licensing Hearings** 9 - 12
6. **Application for a premises licence for: Bridgefield Mini Market, 1
Ryeland Way, Kingsnorth, Ashford, Kent, TN25 7FU** 13 - 42

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Agenda Item 3

Declarations of Interest (see also “Advice to Members” below)

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted).

However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency alone, such as:

- Membership of amenity societies, Town/Community/Parish Councils, residents' groups or other outside bodies that have expressed views or made representations, but the Member was not involved in compiling or making those views/representations, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: Where an item would be likely to affect the financial position of a Member, relative, close associate, employer, etc.; OR where an item is an application made by a Member, relative, close associate, employer, etc., there is likely to be an OSI or in some cases a DPI. ALSO, holding a committee position/office within an amenity society or other outside body, or having any involvement in compiling/making views/representations by such a body, may give rise to a perception of bias and require the Member to take no part in any motion or vote.]

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG's Guide for Councillors, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution alongside the Council's Good Practice Protocol for Councillors dealing with Planning Matters. See <https://www.ashford.gov.uk/media/2098/z-word5-democratic-services-constitution-2019-constitution-of-abc-may-2019-part-5.pdf>
- (c) Where a Member declares a committee position or office within, or membership of, an outside body that has expressed views or made representations, this will be taken as a statement that the Member was not involved in compiling or making them and has retained an open mind on the item(s) in question. If this is not the case, the situation must be explained.

If any Member has any doubt about any interest which he/she may have in any item on this agenda, he/she should seek advice from the Director of Law and Governance and Monitoring Officer, or from other Solicitors in Legal and Democracy as early as possible, and in advance of the Meeting.

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Licensing Sub-Committee

Minutes of a Meeting of the Licensing Sub-Committee held in Committee Room 2, Civic Centre, Tannery Lane, Ashford on the **19th June 2019**.

Present:

Cllr. Shorter (Chairman);

Cllrs. Krause, Wright.

Also Present:

Licensing Officer, Licensing Officer, Principal Litigator, Legal Work Placement, Member Services Officer.

Mr J Simpson – Home Office Representative

PC A Pringle – Police Representative

Mr K Ahmadzai – Applicant.

Ms J Hammond – Supporting the Applicant.

50 Election of Chairman

Resolved:

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

51 Minutes

Resolved:

That the Minutes of the Meeting of this Sub-Committee held on the 15th April 2019 be approved and confirmed as a correct record.

52 The Codfather, 15 High Street, Ashford, Kent TN24 8TH – Application for a Premises Licence

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 application was for a premises license for the sale of Late Night Refreshment. She drew attention to the previous licence that had been revoked by the Licensing Sub-Committee on 24th January 2019. The application sought Late Night Refreshment

with the premises not being open to the public, and the license to be restricted to a delivery only service. Representations had been received from both Kent Police and the Home Office. Following confirmation that the application was for delivery only, Kent Police had withdrawn their representation. The Home Office had raised concerns regarding the employment of illegal workers at the premises. She highlighted the steps open to the Committee in making their decision, in that they could grant the application as is, grant the application with additional conditions or refuse the application.

Mr Simpson from the Home Office drew attention to his representation and confirmed that a civil penalty fine for £30,000 was imposed on Codfather Kent Ltd, 15 High Street, Ashford on 20th December 2018. This was in respect of an Immigration Enforcement visit, on 15th June 2018, when two male nationals from Afghanistan were found working illegally at the premise. There had been no objection or appeal from the employer so after 28 days appeal rights were exhausted. The penalty was due and still outstanding. He confirmed that the Applicant was the responsible person for employment at that time.

Mr Ahmadzai advised that the Company had been fined by the Home Office, he felt that this did not relate to him personally.

Mr Simpson advised that Mr Ahmadzai had attended their offices on 21st June 2018 and admitted responsibility for the employment of staff therefore his comment was of interest, however not a matter for the Sub-Committee.

The Principal Litigator advised the Sub-Committee that the fine had been issued by the Home Office, it had yet to be paid, it was not appealed and therefore was valid. It was not, however, a matter for the Sub-Committee to consider.

Mr Ahmadzai advised that he had taken over the Company as a Director and since the revocation of the Late Night Refreshment licence the profitability of the company had deteriorated. He advised that he was under the impression that he had applied for Late Night Refreshment, however it appeared that his Agent who had completed the forms on his behalf had not done so, just solely for Late Night Refreshment for delivery only.

The Principal Litigator drew attention to the application that had been submitted and the hours of operation requested within. Further, she advised that Kent Police had withdrawn their representation based on the application not permitting the public onto the premises after 11pm. The Sub-Committee were only able to determine the application before them.

Mr Ahmadzai advised that his legal representative had not arrived for the Hearing so he did not have the representation he would have liked. Ms Hammond, his future Mother in Law, would act as support to him throughout the hearing and assist with his understanding of the questions put forward. He felt that when submitting the application there had been resistance from the Licensing Team, additionally when displaying the notice there had been issues too. He questioned why he had not been notified and why the application had not been granted.

The Chairman advised that the Licensing Team had followed the correct processes. Communications had been made with both the Applicant and his Agent throughout the process. The Sub-Committee noted that what Mr Ahmadzai would like permitted and what had been applied for were different.

In response to questions from the Sub-Committee Mr Ahmadzai advised that he would not open the premises to the public after 11pm. He confirmed that he would do what was set out in the license and only that which he was permitted to do. In respect of the licensing objectives, since the incident in January all staff had been trained in aggressive behaviour, drunk and disorderly persons. He had a certificate to prove this, which had been seen by the Council. Mr Ahmadzai could not confirm who had provided this training nor the specific course undertaken, but would be able to provide the certificate should the Sub-Committee request it. In respect of the CCTV cameras, Mr Ahmadzai confirmed that he and another member of staff were able to operate the system.

Mr Ahmadzai advised that he would not and did not employ illegal workers. He had been advised by the Home Office of the checks to carry out, however did not have a written policy to support this. Mr Ahmadzai advised that he had not employed any new staff since the incident in January but assured the Sub-Committee that any future new staff would be given appropriate training. In response to questions, Mr Ahmadzai advised that he did not keep records of training undertaken by staff.

The Sub-Committee drew attention to the conditions contained with the application and the subsequent conditions contained at pages 49 and 50 in the agenda papers. The Licensing Officer advised that the original conditions submitted were not suitable therefore others had been proposed and had been agreed by the Agent, the confirmation of this was contained within the agenda papers.

In response to questions from the Sub-Committee, Mr Ahmadzai advised that he did not have an incident book nor did he have a procedure note for the operation of the CCTV system. He was of the understanding that these would not be required until the licence was granted. In conclusion, Mr Ahmadzai advised that he would operate within the licence should it be granted.

The Sub-Committee then retired to make their decision.

On return, the Chairman read out the Licensing Sub-Committee's decision and reasons. A copy of the decision notice and reasoning was issued to the Applicant after it had been read.

Resolved:

That the licence not be granted.

The decision notice and formal wording read out by the Chairman is appended to these Minutes. The decision notice was duly issued to the Applicant at the meeting before the meeting was formally closed.

**LICENSING SUB-COMMITTEE
WEDNESDAY 19TH JUNE 2019**

**APPLICATION FOR A PREMISES LICENCE FOR THE COD FATHER
(15 HIGH STREET, ASHFORD, KENT, TN24 8TH)**

LICENSING SUB-COMMITTEE DECISION AND REASONINGS

LICENSING OFFICERS

Alison Simmonds
Julian Postlethwaite

**REASON FOR
MEETING:**

An application was made for a Premises License for The Codfather, 15 High Street. Representations were made by Kent Police and the Home Office.

DELIBERATION:

The Licensing Sub-Committee listened to the introduction given by the Licensing Officer in respect of the application made, for the serving of Late Night Refreshments by delivery only and the options open to the Committee.

The Sub-Committee heard from Home Office representative who advised that a civil penalty fine for £30,000 was imposed on Codfather Kent on 20th December 2018. This was in respect of an Immigration Enforcement visit, on 15th June 2018, when two male nationals from Afghanistan were found working illegally at the premises. There was no objection or appeal from the employer so after 28 days appeal rights were exhausted. The penalty was due and still outstanding. The Applicant was the person responsible at that time for the employing of staff.

The Sub-Committee heard from the Applicant who advised that the application before the Committee was not that that he wished to pursue, however understood that was what was before the Sub-Committee for consideration.

There was significant discussion regarding the fine from the Home Office, the Legal Advisor clarified that the fine was valid, had not been appealed and was not a matter for the consideration of the Sub-Committee.

The Sub-Committee noted that CCTV was in operation in the premises. The Applicant advised that this was kept for 28 days and he and a member of his staff could operate this, however there were no written instructions on the operation of this system.

The Sub-Committee questioned what written procedures were in place to ensure the running of the business. The Applicant confirmed that he did not have any procedures in place, let alone any written procedures. He was questioned whether records had been kept regarding training that

had taken place following the hearing in January. The Applicant confirmed that training had taken place and that he had a certificate to prove this. He could not, however, confirm what training this was nor whom it had been provided by, he did note that he would be able to provide a copy to the Sub-Committee should it be necessary and noted that he had provided this to the Licensing Team previously.

The Sub-Committee questioned what steps were in place to ensure that illegal workers were not employed in the future. The Applicant advised, with assistance, that he had a checklist provided to him by the Home Office. However, he did not have any written policies to support or expand upon the check list.

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 representation from the Home Office and the perceived ongoing risk and in particular the last paragraph in the written representation: *'The Home Office (Immigration Enforcement) have presented this evidence to inform the licensing committee's consideration and to draw to its attention the significant risk that the licensing objective of preventing crime and disorder is being undermined.'*

Furthermore, the demonstrable lack of understanding by the Applicant regarding control procedures and record keeping was of the utmost concern to the Sub-Committee. The absence of written policies to support the operation of the business and in particular the employment, training and operation of the CCTV all of which would support the Licensing Objectives.

The Sub-Committee questioned how the delivery service would work and to that end the Legal Advisor contacted the Applicant to enquire how the food would exit the premises and how orders would be placed for delivery. The Applicant responded that the food would leave the premises via the rear exit and orders would be received via Just Eat or the telephone, with drivers using cars for delivery.

The Sub-Committee noted that the conditions originally put forward as part of the application had been superseded by those contained on pages 49 and 50, a fact that the Applicant did not seem to be aware of when questioned. In respect of the making of the application, it was apparent to the Sub-Committee that numerous errors had been made which had been highlighted by the Licensing Officer and it appeared from the Applicants statements during the meeting that the application had been made by his agent, with the Applicant having little to no input nor understanding of the process or the application put forward.

Further to the aforementioned conditions, it was clear that the CCTV would not cover the area in which the licensable activity would be taking place, namely the rear of the premises.

The Sub-Committee were of the opinion that the evidence put forward by the Applicant, and that given verbally at the meeting, was not sufficient to support the licensing objectives, in particular the objective of preventing crime and disorder. The lack of written policies and procedures did not give the Sub-Committee any confidence that should the application be granted that the Applicant would promote any of the licensing objectives.

DECISION MADE:

The licence not be granted.

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: 19th June 2019

PROCEDURE NOTE FOR LICENSING HEARINGS

1. Prior to the meeting of the Committee¹, the Committee will have read and familiarised themselves with the Licensing Officer's report and documents referred to in it.
2. The hearing will take place in public, subject to a discretion to exclude the public and/or parties where the public interest in doing so outweighs the public interest in the hearing taking place in public². The Committee may also exclude anyone behaving disruptively.³
3. The parties⁴ are entitled to be assisted or represented by any person, whether or not legally qualified. A party is entitled to withdraw any of their representations orally at the hearing or at least 24 hours before the day or the first day of the hearing.⁵
4. The Committee may extend any time limit in the Regulations for a specified period where it considers this to be necessary in the public interest, but must state the period of the extension and the reason for it.⁶ For example, the Committee may extend the time for making a request to call a witness (see paragraph 16- below).
5. Where a party has notified the authority that he does not intend to attend, the Committee will proceed with the hearing in his absence. Where he has not so notified the authority but does not attend, the Committee may adjourn the hearing to a specified date where it considers it necessary in the public interest to do so. Otherwise, it will proceed with the hearing.⁷
6. Before proceeding in the absence of a party who has not indicated that they do not wish to attend, the Licensing Officer will attempt to ascertain the reason for that party's non-attendance.
7. The Committee may adjourn the hearing to a specified, or extra, date where it considers this to be necessary for the determination of the case.⁸ There are limitations on the ability of the Committee to adjourn the case beyond the time limits for determination during the transitional period and on reviews following closure orders by the police.⁹
8. At the outset of the meeting, a Chair will be elected and any personal and/or prejudicial interests declared.¹⁰
9. Except where the Regulations make specific requirements, the procedure will be in the discretion of the Committee.¹¹

¹ In this Note the expression "the Committee" includes a sub Committee.

² Reg 14 Licensing Act 2003 (Hearings) Regulations 2005

³ Reg 25.

⁴ Reg 2(1) "a person to whom notice of the hearing is to be given under Reg 6(1)" – includes objectors and responsible authorities, such as the Police.

⁵ Reg 10

⁶ Reg 11.

⁷ Reg 20.

⁸ Reg 12.

⁹ Reg 13.

¹⁰ Model Code of Conduct

10. At the beginning of the hearing, the Committee will explain to the parties the procedure it proposes to follow.¹²
11. The Chairman will indicate that all the papers before the Committee have been read and that the Committee is familiar with the issues. He will ask the parties to avoid repetition.
12. The Chairman will indicate the order of presentation.
13. If there are a number of objectors present, the Chairman may request that a spokesperson be appointed. He will make it clear that any party¹³ who wishes to speak will be able to do so, and that the appointment of a spokesperson does not mean that the objections of any interested party will be given less weight.
14. The Chairman may also indicate how the Committee intends to deal with conditions proposed by the parties or by the Committee itself. He may ask the parties to attempt to agree a schedule of conditions for use if the Committee is minded to grant the application. This will not mean that the Committee has formed any view of the merits. It will only come to its decision at the end.
15. A party is entitled to be represented or assisted by another person, whether or not that person is legally qualified.¹⁴
16. If a party wishes a person (other than himself or his representative) to appear at the hearing he must have made a request to do so prior to the hearing within the times prescribed in Reg. 8. The request must name the person and give a brief description of the point(s) on which that person may be able to assist. In such a case, the Committee will determine the application for permission at the outset of the hearing.¹⁵ In determining that request, the authority will consider the representations of all parties upon the matter and may consider the relevance of the proposed evidence, the assistance it will in fact offer to the Committee and the prejudice to the parties, if the evidence is admitted or excluded.¹⁶
17. Each of the parties has a right to:
 - a. address the Committee;
 - b. give clarification of any point, where such clarification has been sought by the Council in its notice of hearing;
 - c. question any other party, but only where this is expressly permitted by the Committee (see para 21 below).¹⁷
18. The Committee must allow an equal maximum time for the parties to exercise their rights as set out in para 17 above.¹⁸

¹¹ Reg 21.

¹² Reg 22

¹³ see footnote 4

¹⁴ Reg 15.

¹⁵ Reg 22

¹⁶ Reg 22

¹⁷ Reg 16.

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Agenda Item 6



ASHFORD
BOROUGH COUNCIL

Agenda Item No: 6
Licence Reference WK/201906440
Report To: LICENSING SUB COMMITTEE
Date: 13 SEPTEMBER 2019
Report Title: **Licensing Act 2003 - Application for a premises licence for: Bridgefield Mini Market, 1 Ryeland Way, Kingsnorth, Ashford, Kent, TN25 7FU**
Report Author: Alison Simmonds

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: **Vasthiyampillai Davidprakaran**

Premises: **Bridgefield Mini Market, 1 Ryeland Way, Kingsnorth, Ashford, Kent, TN25 7FU**

Members are asked to determine whether to grant the premises licence, with or without additional conditions pursuant to the Act

Key Decision: NO

Affected Wards: Mersham, Sevington with Finberry

Recommendations: **The Committee is asked to determine the application and decide whether to grant the premises licence, with or without additional conditions pursuant to the Act.**

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: ali.simmonds@ashford.gov.uk

Agenda Item No. 6

Report Title: Licensing Act 2003 - Application for a premises licence for: Bridgefield Mini Market, 1 Ryeland Way, Kingsnorth, Ashford, Kent, TN25 7FU

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: **Vasthiyampillai Davidprapakaran**

Premises: **Bridgefield Mini Market, 1 Ryeland Way, Kingsnorth, Ashford, Kent, TN25 7FU**

Issue to be Decided

2. Members are asked to determine whether to grant the premises licence, with or without additional conditions pursuant to the Act.

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

4. The application is for a premises licence. See **Appendix A** for the application for a premises licence, along with a plan of the internal layout of the premises.
5. The application has been made and advertised in the correct manner.

Representations from Responsible Authorities

6. There are no representations from the relevant Responsible Authorities.

Representations have been received from local residents and the Parish Council.

7. 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 or responsible authority within the prescribed period, are not withdrawn or, in the opinion of the licensing authority, frivolous or vexatious

8. The prescribed period for the receipt of such representations in this case is, by Regulation 22(b) of the Licensing Act 2003 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".
9. Three parties have made representations; these are detailed in **Appendix B**.

The main concerns arising from the representations are the potential for noise nuisance and anti-social behaviour, particularly due to the proximity to the local play park and residential flats, and the effect of having a licence until 2230.

Relevant premises operating hours

10. The application proposes to permit:

Sale of alcohol* (Off-sales only)	Monday to Sunday 08:00 – 22:30
Hours premises open to the public*	Monday to Sunday 06:30 – 22:30
*Seasonal variations	An additional 30 minutes until 23:00 on Christmas and New Years Eve, Boxing Day and Bank Holidays

General

11. 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 other 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 appropriateness to impose conditions due to the representations raised. It may then only impose such conditions as are appropriate 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 will afford an opportunity for responsible authorities and other 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 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be 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. It is important to remember that 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 of other parties living and working in the area of a licensed premises. Public nuisance may also arise as a result of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 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 appropriate 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.

- The Guidance states “the conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out 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 which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.”
- It is perfectly possible that in certain cases, because the test is one of appropriateness, 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

12. The steps an authority may take are:

- a) Grant the licence subject to
 - i) Such conditions as are consistent with the operating schedule accompanying the application modified to such an extent as the authority considers necessary for the promotion of the four licensing objectives, and
 - ii) any conditions which must under section 19, 20, or 21 of the Licensing Act 2003 be included in the licence (the mandatory conditions).
- b) Exclude, or limit, the scope of any of the licensable activities to which the application relates.
- c) Refuse to specify the person named in the application as the Designated Premises Supervisor (DPS).
- d) Reject the application.

Consultation

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

Implications Assessment

14. 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

15. 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 C.

Handling

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

Conclusion

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

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**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We VASTHIYAMPILLAI DAVIDPRAPAKARAN

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
BRIDGEFIELD MINI MARKET 1 RYELAND WAY KINGSNORTH			
Post town	ASHFORD	Postcode	TN25 7FU

Telephone number at premises (if any)	
Non-domestic rateable value of premises	None (checked VOA website 17/7/19)

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | | |
|--|--------------------------|-----------------------------|
| a) an individual or individuals * ✓ | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname DAVIDPRAPAKARAN			First names VASTHIYAMPILLAI		
Date of birth	4/11/1979	I am 18 years old or over	<input checked="" type="checkbox"/>	Please tick yes	
Nationality BRITISH CITIZEN					
Current residential address if different from premises address		38 POPPY MEAD KINGSNORTH			
Post town	ASHFORD			Postcode	TN23 3GL
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		<input type="checkbox"/>	Please tick yes
Nationality					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
2	0	082019

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

THIS IS A BRAND NEW BUISNESS AND THE SITE IS TO BE REFURBISHED TO A HIGH STANDARD TO BECOME A GENERAL CONVENIENCE STORE.

THE NEW SHOP WILL OFFER A WIDE RANGE OF GOODS INCLUDING NEWSPAPERS, MAGAZINES, CONFECTIONERY, BREAD, MILK, DAIRY PRODUCTS, CIGARETTES, HOUSEHOLD ITEMS, LOTTERY TICKETS AND ALCOHOL (SUBJECT OF COURSE TO THE LICENCE).

THE FOCUS OF THE SHOP WILL BE AS A GENERAL CONVENIENCE STORE FOR THE BENEFIT OF THE LOCAL COMMUNITY.

THE PROPOSED ALCOHOL SALES WOULD JUST BE A PART OF THE OVERALL BUSINESS TO OFFER CUSTOMERS THE COMPLETE ALL-ROUND GENERAL CONVENIENCE SERVICE.

THE APPLICANT HAS PLENTY OF RETAIL KNOWLEDGE AND EXPERIENCE OF WORKING IN LICENSED CONVENIENCE STORES IN THE AREA. HE LIVES AND WORKS LOCALLY SO KNOWS THE AREA WELL.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

--

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

- | Provision of regulated entertainment (please read guidance note 2) | Please tick all that apply |
|--|----------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |

g) performances of dance (if ticking yes, fill in box G)

h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) AN EXTRA 30 MINUTES UNTIL 11PM ON CHRISTMAS EVE, BOXING DAY, NEW YEARS EVE, AND BANK HOLIDAYS.		
Mon	08:00	22:30			
Tue	08:00	22:30			
Wed	08:00	22:30			
Thur	08:00	22:30			
Fri	08:00	22:30			
Sat	08:00	22:30			
Sun	08:00	22:30			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name VASTHIYAMPILLAI DAVIDPRAPAKARAN	
Date of birth 4/11/1979	
Address 38 POPPY MEAD KINGSNORTH KENT	
Postcode	TN23 3GL
Personal licence number (if known) AS/LN/020100888	
Issuing licensing authority (if known) ASHFORD BOROUGH COUNCIL	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) AN EXTRA 30 MINUTES UNTIL 11PM ON CHRISTMAS EVE, BOXING DAY, NEW YEARS EVE, AND BANK HOLIDAYS.
Day	Start	Finish	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
Mon	06:30	22:30	
Tue	06:30	22:30	
Wed	06:30	22:30	
Thur	06:30	22:30	
Fri	06:30	22:30	
Sat	06:30	22:30	
Sun	06:30	22:30	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

See attached

b) The prevention of crime and disorder

See attached

c) Public safety

See attached

d) The prevention of public nuisance

See attached

e) The protection of children from harm

See attached

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.√
- I have enclosed the plan of the premises.√
- I have sent copies of this application and the plan to responsible authorities and others where applicable. (APPLICATION SUBMITTED ELECTRONICALLY SO LICENSING AUTHORITY WILL CIRCULATE THE APPLICATION)
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.√
- I understand that I must now advertise my application.√
- I understand that if I do not comply with the above requirements my application will be rejected.√
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). √

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or
--------------------	--

	her proof of entitlement to work, if appropriate (please see note 15)
Signature	Ian Rushton
Date	22/7/2019
Capacity	Agent

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Ian Rushton			
Jl Licence and Retail			
77 Womack Gardens			
Post town	St Helens	Postcode	WA9 5UY
Telephone number (if any)	07909 511953		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
ijrushy@hotmail.com			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between

Application for a new premises licence

Bridgefield Mini Market, 1 Ryeland Way, Kingsnorth, Ashford, TN25 7FU

Operating schedule/proposed licence conditions

General conditions

A CCTV camera system capable of providing evidential quality images in all lighting conditions shall be used covering the interior and the immediate exterior (entrance) of the shop. Images will be retained for a period of at least 30 days and be made available to the Police and Licensing Authority upon request within a reasonable time period.

The CCTV recording equipment shall be kept secure under the control of the premises licence holder (PLH) and/or another named responsible individual.

A staff training scheme shall be used for all staff authorised to sell alcohol. The training will emphasise the importance of preventing under age sales and complying with licence conditions. Refresher training will be provided annually, records will be kept and be made available to responsible authorities

All staff selling alcohol will be authorised to sell alcohol in writing and a record of the authorisation will be kept in the shop available for inspection.

Crime and Disorder

The PLH and staff will be vigilant and monitor the area immediately outside the shop to ensure that youths do not cause annoyance by congregating.

Spirits will be kept behind the counter and not available for customers to self-serve.

Any incidents of crime and disorder at or immediately outside the premises, witnessed by staff, will be recorded in an incident book kept at the premises. This book will be kept in the shop and available for inspection.

The premises shall operate a strict alcohol refusals policy - alcohol will not be sold to;

(1) Any person recognised or identified as a street drinker (regardless of their level of inebriation at the time);

- (2) Any person found to be drinking alcohol in the street;
- (3) Any person who is drunk or appears to be drunk;
- (4) Any person suspected of trying to buy alcohol for another person who is drunk or appears to be drunk;
- (5) Any person unable to provide valid ID when requested by staff;
- (6) Any person who is verbally or physically abusive towards staff or customers.
- (7) To any person suspected of trying to buy alcohol for another person(s) who may be under age.

A notice advising customers of the refusals policy shall be on display.

A recruitment procedure will be in place which includes the steps that will be taken by the licence holder to check the immigration status and the eligibility of an individual to work in the UK in accordance with the Home Office Guidance for employers on preventing illegal working in the UK.

'Crimestoppers' promotional material will be on display to promote the initiative.

Public safety

Appropriate fire safety equipment to be available, and the PLH shall comply with other legislative requirements to ensure that the shop is safe for customers and staff.

Public nuisance

The PLH and other staff will be vigilant and monitor the area immediately outside the premises to ensure that youths do not congregate.

Deliveries to the premises will be arranged at times so as not to cause any public nuisance.

Notices will be on display in the premises asking customers to leave the premises quietly.

Staff will monitor the area immediately outside the premises on a regular basis to check for, and properly dispose of, any litter from the premises.

Protection of children from harm

The licence holder shall ensure that anyone who appears to be under 25 years old who attempts to purchase alcohol will be asked to prove their age by producing an acceptable form of photographic ID such as a passport, photo driving licence, military ID and PASS accredited proof of age cards.

A refusals register (for the sale of alcohol) will be kept and be available for inspection by responsible authorities.

Notices shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person under 18 years of age.

A due diligence checklist (aimed at preventing any underage sales) will be kept and be available for inspection by responsible authorities.

NOTE TO RESPONSIBLE AUTHORITIES - IF YOU HAVE ANY QUERIES OR COMMENTS ON THESE PROPOSALS, PLEASE CONTACT IAN RUSHTON ON 07909 511953 OR BY EMAIL ijrushy@hotmail.com TO DISCUSS FURTHER - PRIOR TO MAKING ANY REPRESENTATIONS.

LICENSING ACT 2003

Mr V Davidprakaran has applied for a new premises licence at 1 Ryeland Way Ashford TN25 7FU to allow the sale of alcohol (off sales) 8am-10.30pm daily. The application can be inspected at Ashford BC Licensing Civic Centre Annery Lane Ashford TN23 1PL during office hours and at www.ashford.gov.uk. Any representations must be in writing to the above address no later than 19 August 2019. It is an offence knowingly or recklessly to make a false statement in connection with an application, the maximum fine for which a person is liable on summary conviction is £5000.

T562185

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Ashford Borough Council

19 AUG 2019

CS & W Business Support

Mr W Lines & Miss A Thorp
7 Ryeland Way
Kingsnorth
Ashford
Kent
TN25 7FU

ABC Licensing Committee
Ashford Borough Council
Civic Centre
Tannery Lane
Ashford
Kent
TN23 1PL

18 August 2019

Dear Ian Rushton

Re: application for Bridgefield mini market, at 1 Ryeland Way, Kingsnorth, Ashford, Kent, TN25 7FU

I am writing to object the application of a licence to sell alcohol for the mini market at 1 Ryeland Way.

I believe it is wholly inappropriate to grant an alcohol licence for this premise.

This area has already suffered several incidents of antisocial behaviour and criminal damage caused by youths late at night. These incidents have been reported to the police on numerous occasions.

The readily available alcohol will only exacerbate this situation.

The proximity of the children's play park located adjacent to the premises has already seen intoxicated youths causing vandalism and leaving broken glass scatter among the play equipment. Having a licenced premise will only increase this behaviour as alcohol will be readily available.

The proposal to stay open till 22.30 will increase unnecessary noise levels to the residents and families, several of whom have very young children. It is obvious that a 22.30 closing time still means disturbance until 00.00 with restocking, tidying and youths loitering outside the shop.

I believe a closing time closer time 19.30 will a far more considerate closing time to the residence that will be impacted to heavily by this application.

Yours faithfully

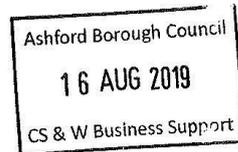


Ashleigh Thorp & William Lines



KINGSNORTH PARISH COUNCIL
Parish Manager: Mr Peter Le Rossignol
Kingsnorth Recreation Centre, Field View, Ashford,
Kent, TN23 3NZ
Telephone: 01233 502969
Email: kingsnorth.manager@btconnect.com
Website: www.kingsnorthparishcouncil.co.uk

Ian Rushton
Licensing Section
Ashford Borough Council
Civic Centre
Tannery Lane
Ashford
Kent TN23 1PL



14 August 2019

Dear Ian,

Premises Licence for supply of alcohol 08:00 – 22:30 for Bridgefield Mini Market, 1 Ryeland Way

I am writing on behalf of Kingsnorth Parish Council to raise objections to the above premises licence for supply of alcohol for the following reasons:

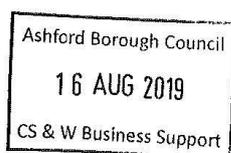
1. The Parish Council are concerned about the length of the hours the store intend to sell alcohol and would like to see these reduced to help prevent crime and disorder in the area as this is already an issue.
2. The premises are located next to a public play park and open space that attracts groups of young people to congregate in the evening causing anti-social behaviour. We feel that restricting the above license application will help public safety and prevent public nuisance to residents.
3. The premises are located on the ground floor of a residential block with flats directly above and to the side of the unit. Allowing this license will cause a public nuisance to residents living in these properties.
4. The public play park and open spaces directly in front of the premises is used by residents and young children we feel that allowing this license could put the children using the play park in danger of harm due to misuse of the area. Residents and users of the play park regularly clear up litter including used glass bottles and condoms from the area before allowing their children to play.

The current license for the following premises named Bridgefield Convenience Store we believe to be owned/managed by the same applicant is located at 38 Poppy Mead, Kingsnorth, Kent, TN23 3GL which is 0.4miles from the new proposed shop and had originally applied for a license to sell alcohol from 08:00 – 19:00, seven days a week with the premises being open from 06:00 – 19:00 seven days a week and the Parish Council would like to see the same license terms and hours applied to this store. We note that these hours have now been extended to 21:00.

The Parish Council would also like to suggest that the applicant is required to have CCTV that covers the outside of the shop and the Play Park and is actively involved in deterring anti-social behaviour around the shop.

Yours sincerely,


Peter Le Rossignol
Kingsnorth Parish Council Manager



Mr D G Ashman
10 Herdwick Close
Bridgefield
Ashford
Kent
TN25 7FH

REF: 1 Ryeland Way New Premises Licence

To whoever it may concern,

Ashford Borough Council

I am writing in objection to the licensing of the newly opening convenience store at 1 Ryeland way, Bridgefield

It appears that several factors have been overlooked in the planning of the inappropriate proposed siting of the premises in respect of the site being just yards from an under elevens play park, we already have issues with groups of youths loitering in the park starting fires/being noisy late at night/littering and discarding substance abuse canisters/condoms ready for small children to find early in the morning.

I believe we were told that the commercial unit in question would be a retail unit operating within offices hours (IE: 9:00am – 5.00pm) and now it is going to be basically an off licence open until 10.30 pm

Also we are led to believe that the proprietors are relocating from the convenience store from across the bridge on the troubled park farm side of Bridgefield, groups of youths congregate near the shop intimidating local residents and generally being a nuisance even though the existing shop is only open until 9.00pm!

I hope you will take onboard our concerns as this has been a relatively respectable community and the idea of more disrupt ,intimidation and vandalism which a late opening off licence and confectionery shop will undoubtedly attract.

Additionally the impact this could and probably will bring affects the immediately neighbouring dwellings by driving down house prices and gives the area a worsened reputation, three of our neighbours have very recently got for sale boards outside their homes.

All this taken into account we would not be against alternative retail businesses but the idea of fuelling the fire of misery for the community and destruction of a play park is disheartening to say the least.

The Prevention of Crime and Disorder

We already have video evidence of youths exchanging money for drugs in the under 11,s play park!

Groups of youths can already be seen most nights drinking alcohol in the under 11,s play park

Public Safety

We have witnessed groups of inebriated youths shouting intimidating abuse at residents and myself.

The Prevention of Public Nuisance

Youths already in the park late at night swearing noisily whilst kids are trying to sleep, that's without the attraction of a shop/off licence

Youths already congregate near shop on park farm side of bridge which I gather will be closing

The protection of Children from Harm

Youths already dropping litter, legal high canisters starting fires and damaging childrens equipment at night in under elevens play park without having a convenience store on site!

All this so the small kids and parents who rise early in the morning can find unsavoury items bought from the inappropriately placed late night opening store the night before littered across the park!

Dangerous and unhygienic!

So yes, we object!

MR D G ASHMAN

APPENDIX C - 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.

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