

## **Licensing Sub-Committee**

Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **1<sup>st</sup> December 2017**.

### **Present:**

Cllr. Feacey (Chairman);

Cllrs. Mrs Dyer, Shorter.

Cllr. Mrs Webb (Reserve)

### **Also Present:**

Environmental Protection and Licensing Team Leader, Licensing Officer (JP), Licensing Officer (AS), Principal Solicitor, Member Services Officer.

PC Alistair Pringle – Licensing Enforcement Officer, Kent Police

Mr Rahman – Applicant

Mr Russell – Applicant's Representative

Mr Thorneycroft – Interested Party

## **243 Election of Chairman**

### **Resolved:**

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

## **244 Ashford Pizza and Kebab, 25-27 Tufton Street, Ashford – Application for a Premises Licence**

The Chairman opened the meeting and welcomed all those present. The Principal Solicitor advised that this meeting was a public meeting and it was intended to hear the whole application in public. However, if during the course of the hearing any items arose that required private or confidential matters to be discussed, it may be necessary to exclude the press and public for that part of the meeting. 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 (JP) then gave a brief summary of his report. The matter for consideration by the Sub-Committee was an application for a premises licence. The application had been made and advertised in the correct manner. The Applicant had advertised the last date for representations incorrectly, however this was identified and rectified promptly, therefore it had been deemed appropriate for him to re-

advertise with the correct date and move the last date for representations back. The premises were trading as a pizza and kebab outlet and had applied for the following hours as part of their premises licence; Late Night Refreshment (eat in and takeaway) Sunday to Thursday 23:00 to 01:30 and Friday and Saturday 23:00 to 04:00, with Hours open to the public Sunday to Thursday 11:30 to 01:30 and Friday and Saturday 11:30 to 04:00.

The Licensing Officer (JP) drew attention to Appendix E of the agenda papers, contained therein were conditions consistent with the Applicants operating schedule and agreement with Kent Police. Seven parties had made representations; these could be found in full in Appendix H of the agenda papers. Five of the representations were from residents living in properties within the Church Yard. One was from a business. Representations were received from Kent Police, however following negotiations with the Applicant an agreement was reached in respect of operating hours and conditions (Appendix E).

The main concern arising from the representations was the potential for anti-social and drunken behaviour from customers in and around the premises and specifically from those customers that may enter the Church Yard. The Licensing Officer (JP) advised that the residents of Church Yard Passage and Church Yard had these concerns as a result of previous complaints and issues experienced in the area in the past. He concluded by outlining the decision options available to the Sub-Committee.

Mr Russell introduced himself and the Applicant, Mr Rahman, and advised those present that he would be representing Mr Rahman. They had taken note of the objections received from the public and understood that those in the vicinity of the premises had experienced issues from other premises previously. This was not the only fast food outlet in the town and was located near to other general business premises and was opposite a public house. He confirmed that the premises would not generate any further problems in the area. They had held discussions with Kent Police and wanted to comply fully with the conditions put forward. He drew attention to the public house opposite the premises and confirmed that that was open late.

Mr Thorneycroft advised the Sub-Committee that he worked for Hallett & Co, who had made a representation. Hallett & Co owned the driveway that was adjacent to the premises and the garage along Bull Yard. There had been problems in the past in relation to anti-social behaviour, in particular people accessing the garage used by staff and urinating and defecating. To resolve this issue shutters had been installed on the garages. Their concern related to the late opening hours and the potential for drunken behaviour and vandalism in the driveway in their ownership. These were genuine concerns, whilst staff may not be at work during these late hours, the issues that awaited them in the morning had been real and therefore affected them nevertheless. Drawing attention to the conditions contained at Appendix E, it was noted that CCTV was to be installed. He requested clarification as to what 'all areas' meant, in particular if the cameras were to be installed as to overlook their property. If this was to be the case then he considered that their consent would be required and there would be issues relating to data protection to consider. Further clarification was also requested in relation to the removal of customer waste from the

immediate vicinity of the premises, did this just relate to the public area at the front of the premises or did it encompass the driveway to the side?

PC Pringle advised the Sub-Committee that although the Police had resolved their concerns, he was present at the meeting to answer any questions that they may have. In respect of the areas to be covered by CCTV 'all areas' would encompass all entrances and exits, any area further beyond that would require further consultation. He wouldn't expect cameras to exceed the perimeter of the premises. There were issues in relation to data protection that would need to be considered and he would encourage the Applicant to be au fait with this prior to installation.

Drawing attention to the CCTV system to be installed, a Councillor felt that there could be an advantage to the system covering the driveway into Bull Yard. He urged the Applicant and Mr Thorneycroft from Hallett & Co to enter into an open discussion regarding this matter. Furthermore, CCTV systems were only as effective as their installation and management. Training records should be kept and the responsible person held to account for the system. He emphasised that the importance of a correctly operating CCTV system was paramount.

In response to questions from the Sub-Committee, Mr Thorneycroft advised that the issues with anti-social behaviour and the garage pre-dated the premises and had come to a head at the start of the year. No vandalism or issues had been experienced since the shutters had been installed. The photos that had been submitted as part of their representation showed litter that had appeared after the opening of the premises. Whilst this had not occurred since, they had been in contact with the Applicant regarding this. He also noted that the bins were being stored on their driveway which had not been agreed upon. The bins had previously been stored in the courtyard but a large store had recently been installed which means that the bins could no longer fit. Hallett & Co were of the opinion that the bins being stored on land in their ownership was tantamount to trespass. There were also a number of issues that required resolving with the Applicant in relation to covenants.

Mr Russell advised that the issues in relation to refuse collection and storage were being addressed. The courtyard to the rear of the premises was used by a number of premises and had been cleared up recently. Mr Rahman had addressed the concerns of Hallett & Co and there had been no reports of litter since. Mr Russell confirmed that refuse and food waste collections had been increased, so these now took place on a weekly basis. In respect of the storage of bins, these could be stored in the courtyard, to enable this they would request smaller bins.

The Sub-Committee drew attention to the proposed condition in respect of conflict management. Training records would be required and they would expect staff on duty to be trained and comply with this training. Mr Russell confirmed that some discussions had been held with Kent Police in respect of this training and they were in the process of arranging for this to take place. He anticipated that this training could be undertaken by the end of the week. PC Pringle confirmed that they could move forward with this training. He further confirmed that the premises would be closely monitored for compliance with the conditions of their licence.

The Sub-Committee then retired to make their decision.

On return the Member Services Officer read out the Licensing Sub-Committee's decision and reasons.

**Resolved:**

**The application be granted with the following conditions:**

- 1. CCTV to be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions.**
- 2. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas.**
- 3. Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order and kept for a period of 31 days.**
- 4. The premises licence holder must ensure at all times an appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority on demand.**
- 5. The recording equipment and discs/tapes shall be kept in a secure environment under the control of the responsible named individual.**
- 6. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.**
- 7. All staff to be trained in 'conflict management'. A register of completed training should be kept at the premises and be made available to the Police and Local Authority on demand.**
- 8. A member of staff will be appointed to ensure customer waste is cleared from outside the immediate vicinity.**
- 9. All refuse and food waste to be stored within the courtyard on the premises.**
- 10. Opening/Operating hours to be as follows;**

**Public/Bank Holidays – Late night refreshment and opening hours until 04:00.**

<b>Late Night Refreshment (Eat in and takeaway)</b>	Sunday to Thursday 23:00 – 01:30	Friday and Saturday 23:00 – 04:00
<b>Hours premises open to the public</b>	Sunday to Thursday 11:30 – 01:30	Friday and Saturday 11:30 – 04:00

The decision notice and formal wording read out by the Member Services Officer is appended to these minutes.

The Chairman requested that Mr Russell explained the conditions to Mr Rahman and emphasised the importance of complying with these.

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**LICENSING SUB-COMMITTEE**  
**Friday 1<sup>st</sup> December 2017**

**APPLICATION FOR A PREMISES LICENCE FOR ASHFORD PIZZA & KEBAB,  
25-27 TUFTON STREET, ASHFORD TN23 1QN, UNDER THE PROVISIONS OF  
SECTION 17 TO THE LICENSING ACT 2003**

**LICENSING SUB-COMMITTEE DECISION AND REASONINGS**

**OFFICER CASE  
STATEMENT OF :**

Licensing Officer

**REASON FOR  
MEETING:**

An application was made by Mr Muhammed Rahman for a premises licence for the Ashford Pizza & Kebab, 25-27 Tufton Street, Ashford TN23 1QN.

**DELIBERATION:**

The Sub-Committee was advised at the meeting by the Licensing Officer of the application. There had been seven parties that had made representations. Five of those, were from residents living within properties in the Church Yard. One representation was from a business. The Police had made a representation that had been withdrawn following agreement being met with the Applicant in relation to conditions.

The Sub-Committee heard from a representative on behalf of the Applicant in respect of discussions that had been held with the Police. He clarified that the premises were not the only fast food outlet in the area and the premises were opposite a public house that also served hot food.

Further clarification was given by an interested party in respect of issues that had been experienced in the area particularly in relation to anti-social behaviour and littering. Clarification had also been requested in relation to the proposed condition regarding CCTV cameras and the areas to be covered.

The Sub-Committee heard from the Police representative regarding discussions that had been held in respect of the agreed conditions. It was made clear that the Applicant would need to be au fait with details in relation to data protection and CCTV coverage. In addition it was agreed that members of staff would be trained in conflict management, with records being kept.

Councillors requested clarification on the issues that had been reported regarding anti-social behaviour and litter. They were advised that shutters had been installed to prevent egress to

premises. Further to the litter issue, discussions had been held regarding this. Some improvement had been made however there were still issues outstanding particularly in relation to the storage of refuse bins. The Sub-Committee sought clarification of the frequency of refuse collections. They were advised that these had been increased to weekly. Smaller bins could be requested which would allow bins to be stored in the courtyard.

Upon retiring to consider the application, the Sub-Committee recited to themselves the following:

That their 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, and the licensing objectives of prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. Where the decision departs from either the guidance or policy clear or cogent reasons must be given. Members should be aware that if such departure is made the chances of appeal/challenge is increased.

The Sub-Committee also refreshed their minds of the options open to them.

The Sub-Committee particularly noted that there was a need for the Applicant to hold discussions with Hallett & Co, their neighbour, in relation to CCTV cameras and the areas which may be covered. It was felt that this would be mutually beneficial, given issues that had previously been experienced.

The Sub-Committee noted the representations made by the residents of the Church Yard and that none of those making representations had attended the meeting to expand on their concerns.

The Sub-Committee further considered the issues highlighted by the conditions put forward by the Police, in particular the need for staff to be trained in conflict management and operation of CCTV.

**DECISION MADE:**

That:

The application be granted with the following conditions:

- 1. CCTV to be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions.**
- 2. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas.**

3. **Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order and kept for a period of 31 days.**
4. **The premises licence holder must ensure at all times an appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority on demand.**
5. **The recording equipment and discs/tapes shall be kept in a secure environment under the control of the responsible name individual.**
6. **An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.**
7. **All staff to be trained in 'conflict management'. A register of completed training should be kept at the premises and be made available to the Police and Local Authority on demand.**
8. **A member of staff will be appointed to ensure customer waste is cleared from outside the immediate vicinity.**
9. **All refuse and food waste to be stored within the courtyard on the premises.**
10. **Opening/Operating hours to be as follows;**

**Public/Bank Holidays – Late night refreshment and opening hours until 04:00.**

<b>Late Night Refreshment (Eat in and takeaway)</b>	Sunday to Thursday 23:00 – 01:30	Friday and Saturday 23:00 – 04:00
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**Additional notes made by the Sub-Committee at the meeting -**

- The Sub-Committee encouraged the Applicant to hold discussions with Hallett & Co in respect of the coverage of the CCTV system of the passageway in the ownership of Hallett & Co.
- The Sub-Committee strongly advised that conflict management training for staff should be undertaken within 10 working days or as soon as reasonably practicable thereafter.
- 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.