

Licensing Panel

Thursday, 05 November 2020

10.00 am

Present:

Cllr Steve Thompson (Chair)

Cllrs: Lyn Milner
Leslie Pearton

Emily Lane-Blackwell	Senior Licensing Officer
Vicky Nutley	Assistant Head of Legal Services (Place)
S. Thanu	Applicant
Keith Manchanda	Applicant's Agent
Ben Clarke	Committee & Scrutiny Assistant (Minutes)

6. Apologies for absence

An apology for absence was received from Cllr Emma Morley; Cllr Milner substituted.

7. To declare any interest Members may have in the applications being considered. When declaring an interest a Member must state what their interest is.

No declarations of interest.

8. Consideration of Application for a Premises Licence for 69 Stonebridge Road, Northfleet, Kent DA11 9DT - 20/02036/LAPL01

The Chair welcomed everyone to the meeting and went through the process he intended to follow during the Panel. He further explained that once everyone had made their submissions and all questions had been answered, the hearing would close to all parties except the Panel, the Council's Legal Advisor and the Committee & Scrutiny Assistant, for the Panel to consider their decision.

The Licensing Panel was asked to consider an application for a new premises licence under the Licensing Act 2003 in respect of the premises known as Convenience Store, 69 Stonebridge Road, Northfleet, Kent DA11 9DT.

The Senior Licensing Officer gave a brief overview of the application and background information to the Panel.

The application was submitted by Arcci Designs on behalf of Mr Thurkatharan Murugaiyah for a New Premises Licence under section 17 of the Licensing Act 2003.

The application was for:

Off sales of alcohol Monday to Saturday 07.00 to 23.00 and Sunday 08.00 to 22.00.

Following the 28 day consultation period the below representations were received:

- On 4 September, Licensing received a representation from a member of public. The detail of the objection could be found at Appendix 4
- On 8 September, Licensing received confirmation from Kent Police and the agent that an agreement had been made. There were four conditions that would be added to the operating schedule. Details of these can be found as Appendix 5. It was noted that condition 4 could not be implemented as it was already covered by legislation. Therefore only conditions 1, 2 and 3 would be added to the operating schedule

The applicant's agent addressed the Panel and outlined the reasons for his applicant's application, his background history, addressed the concerns raised by the objector and his approach to ensure the Licensing Objectives were adhered to.

The Chair invited the Applicant to also address the Panel if he wished to do so but the Applicant stated that the Applicants' Agent had accurately outlined all of the necessary information.

The Chair opened the Panel to questions from Councillors; the below responses were received from the applicant's agent:

- There wasn't a public house within five yards of the proposed location as stated in the objectors written representation
- The previous use of the building was a kebab takeaway and the applicant had no prior involvement in that operation
- The applicant had only just taken control of the building and was seeking to convert it into an convenience store with an off-licence
- The licensable hours (7am-11pm) were requested as they had been used before successfully in a prior establishment of the applicant and it would allow night shift workers to be able to purchase products upon completion of their shifts early in the morning
- Advice from experts had been sought on the layout of the shop to monitor footfall better and regulate the amount of people in the store; the layout also encompassed positions for CCTV cameras
- The strong spirits and wine would be located behind the counter and no alcohol; would be visible from outside the store
- Two people will be in the store at all times and will monitor the outside of the store to ensure there were no congregations of large groups. The staff in the store would also keep the outside of the store clean and well maintained
- The applicant was a personal licence holder and there will be a training manual for staff which they would all have to complete; records of training would also be kept for Council staff to inspect

Following a question regarding the discussion the Police had with the Applicant, the Chair advised that the Panel would not have sight of those discussions and information would not be submitted for consideration regarding the background history of the Applicant.

The Chair queried if the Applicant would agree to a number of conditions if the Panel were minded to agree to grant the premises licence; the Applicants' Agent confirmed that they would accept the suggested conditions if the Panel came to that decision after the meeting.

As the objector to the application was not present, the Chair read aloud the written representation from the objector to the Panel which could be found attached at appendix four to the report.

As the objector was not present, the Chair the Applicants' Agent to address the concerns laid out in the written representation.

The Applicants' Agent felt that the letter was inaccurate due to the specific mention of 'premises within five yards' which was not true and advised that it was unfortunate that the objector was not in attendance so that they could speak directly about the inaccuracies.

The Applicants' Agent also raised several allegations concerning the objector and the premises; the Chair advised that 'here say' could not be considered during the Panel but he did ask the Senior Licensing Officer and the Assistant Head of Legal Services (Place) to look into the allegations after the meeting to see if they warranted passing onto more appropriate authorities.

The Chair opened the Panel to questions from Councillors; the below responses were received from the applicant's agent:

- The applicant would be willing to have a member of staff on the door during home games at the nearby football stadium in order to monitor people going into the store

Cllr Pearton and Cllr Milner both expressed concern over the reference to 'premises within five yards' due to its inaccuracy.

The Chair moved onto final submissions and indicated to the Panel that those with final submissions had five minutes to address the Panel.

The Applicants Agent addressed the Panel.

Upon completion of final submissions, the Chair advised that the hearing had been completed and in line with the Licensing Act, the meeting would be adjourned so that the Panel Members could to come to a decision on the application. The Panel was advised that only the three Councillors, the Assistant Head of Legal Services (Place) (for Legal advice only) and the Committee & Scrutiny Assistant (for minute writing purposes only) would reconvene.

The Chair advised that the decision would be communicated in writing to all interested parties within 5 working days'.

The Panel was adjourned at 10:40am and moved into Part B.

Determination

The Chair advised that, in coming to a decision, the Panel had considered all of the information provided in the report by the Senior Licensing Officer presented to the Licensing Panel; the evidence presented by all parties attending the hearing; the advice of the Council's Legal Advisor; the Council's Statement of Licensing Policy; the statutory guidance of the Secretary of State; the Human Rights Act 1998; and the licensing objectives. The Panel came to the decision that in order to ensure the promotion of the licensing objectives that the application be granted with the following conditions and licensed opening hours:

Licensed Hours

Off sales of alcohol Monday to Sunday 09.00 to 23.00

Conditions for Licence

Condition 1

No alcohol is to be on display or visible from outside the premises. Additionally, no alcohol is to be advertised on the premise windows, doors or outside on the pavement.

Condition 2

On days when there is a live sporting event at Ebbsfleet football stadium there is to be a SIA licensed door supervisor in place one hour before the event commences and one hour after the event concludes.

Condition 3

The premises will display signs that read 'Challenge 25' and the policy 'Challenge 25' will be followed when selling alcohol to anyone within the premises; the policy states that anyone buying alcohol who appears to be below the age of 25, seven years above the age required to buy alcohol in the UK, can be asked to provide an acceptable form of ID.

Condition 4

The premises will display signs that request that customers keep the noise to the minimum when leaving the premises in order to respect the neighbours.

Condition 5

Whilst the premises is open during licensable hours, two members of staff must be on duty and one member of staff must be a personal licence holder.

Close of meeting

The meeting ended at 11:10pm.