

Licensing Panel

Monday, 08 March 2021

10.00 am

Present:

Cllr Lyn Milner (Chair)

Cllrs: Leslie Hoskins
Baljit Hayre

Lisa Hopson	Licensing Officer
Vicky Nutley	Assistant Head of Legal Services (Place)
Kunarathnam Sivakaran	Applicant
Tim Munro	Applicants Agent
Ben Clarke	Committee & Scrutiny Assistant (Minutes)

18. Apologies for absence

An apology of absence was received from Cllr Frank Wardle. Cllr Les Hoskins substituted, and Cllr Lyn Milner took over the role of Chair.

19. Declarations of Interest

No declarations of interest.

20. Consideration of application for a premises licence for 50 Istead Rise, Kent, DA13 9JF

The Chair welcomed everyone to the meeting and apologised to all parties for the minor delay due to technical problems.

The Licensing Panel was asked to determine an application, to which representations had been made, for the grant of a new premises licence under the Licensing Act 2003 - application reference 21/00087/LAPL01.

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

The application was submitted by Mr Kunarathnam Sivakaran for the grant of a premises licence under section 17 of the Licensing Act 2003. A copy of the application was attached at Appendix 2.

The application was for:

- Sale of alcohol off the premises 8:00 to 23:00 Monday to Sunday

The Applicants Agent addressed the Panel and outlined the reasons for the application, his background history working in other off licence establishments and addressed the concerns raised by the objectors.

The Chair opened the Panel to questions from Councillors; the below responses were received from the Applicants Agent:

- The applicant recognised there was a need in the market and felt that his premises was in a good position to also sell alcohol as well as other day to day products
- The Police and Environmental Health were happy with the operating schedule and had no objection to the application
- The premises would not be selling high strength cans over 7%; the main focus would be on the middle range beers/cider which were more popular
- The premises would be selling cans in single units as well as packs; the Applicants Agent added that by requiring a minimum purchase of at least four cans it would encourage customers to purchase and consume larger amounts of alcohol than they needed
- High strength spirits would be kept behind the counter and the isle that would be selling lower strength cans was within eyesight of the counter; there would be no shutters/coverings placed over the alcohol during the hours of 6am-8am when it was not allowed to be sold. During that time, the trained premises employees would not be selling any alcohol to customers
- Mr Sivakaran would be the leaseholder, designated premises supervisor (DPS) and a personal licence holder. He would not be at the premises all the time it was open, but a premises licence holder, employed by Mr Sivakaran, would always be on the shop floor when the premises was open for business
- There was no need for security; the neighbouring off licence did not have any security and they were open for the same hours
- The supplementary piece of evidence given by the landlord addressed the concerns raised by the objectors

As the objectors were not present, the Panel considered the written representations attached at appendices 5 and 6.

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 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 10:35am 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 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:

Conditions for Licence

Condition 1

The premises must have CCTV in place which covered the front door of the premises and the immediate front area of the premises.

Condition 2

Whilst operating during the hours of 6am to 8am, the alcohol in front of the counter and on the shop, floor must be covered.

Close of meeting

The meeting ended at 10:52am.