

Licensing Panel

Thursday, 13 April 2023

10:00am

Present:

Cllr Frank Wardle (Chair)

Councillors: Lyn Milner
Derek Ashenden

Katie Honeywood	Licensing Assistant
Emily Lane-Blackwell	Senior Licensing Officer
Venky Krishnan	Legal Advisor to the Panel
Suresh – Arka Licensing	Applicant, Agent
Thiruchchelvam Sathiskumar	Applicant
Ben Clarke	Committee Services Officer (Minutes)

1. Apologies for absence

The two shop owner objectors gave apologies for absence

2. Declarations of Interest

No declarations of interest were made.

3. Consideration of an application for a new premises licence for Agishaan Mini Market, 2a Hermitage Road, Higham, Rochester, Kent, ME3 7DA

The Licensing Panel were asked to consider an application for a new premises licence for Agishaan Mini Market, 2a Hermitage Road, Higham, Rochester, Kent, ME3 7DA.

The applicant's original application sought the following licensable hours for sale of alcohol, off sales only:

- Monday to Saturday 05:30 to 23:00
- Sunday 06:00 to 22:00

During the 28 day consultation period, representations were received from Environmental Health, Trading Standards, Kent Police and two local shop owners.

Following a request from Environmental Health to amend their operating schedule the applicant agreed to the below amendments for sale of alcohol licensable hours:

- Monday to Saturday 06:30 to 23:00
- Sunday 07:30 to 22:00

The applicant agreed to amend the operating schedule to include conditions which were proposed by Kent Police; those conditions could be found at appendix three.

The applicant agreed to amend the operating schedule to include conditions which were proposed by Trading Standards; those conditions could be found at appendix four.

The two objections in relation to public nuisance from two members of the public could be found at appendix five.

The Applicant's Agent addressed the Panel and summarised why the applicant should be granted the new premise licence and addressed each objection which had been presented to the Panel in turn.

The Chair opened the Panel to allow questions from Councillors; the below responses were received from the Applicant's Agent:

- All staff, both permanent and temporary, will receive training on selling alcohol to customers and a register of the training given to staff would be kept by the applicant
- The premise operated a 25 age check verification policy and all staff selling alcohol will be over the age of eighteen
- There was a window opposite where the alcohol would be placed in the premises

The Panel suggested that the applicant use a poster to cover the window opposite where the alcohol would be placed in the premises so that it was not visible from outside the premises.

The premises requested that the premises only sell alcohol on Christmas Day during Sunday trading hours (07:30-22:00 hours)

The meeting adjourned at 10:10am to deliberate.

The meeting re-convened at 10:22am.

Determination

The Chair advised that, in coming to their decision, the Panel had considered all of the information provided in the report by the Licensing Assistant; the evidence and testimony presented by all parties attending the Panel; the advice of the Panel's Legal Advisor; the Council's Statement of Licensing Policy; the statutory guidance of the Secretary of State and the promotion of the four licensing objectives.

Having considered all those matters and advice given, the Panel decided to grant the application for a new premises licence using the operating hours agreed with Environmental Health and with the conditions agreed by Kent Police and Trading Standards:

1. The licensable hours for sale by retail of alcohol, off sales only
 - Monday to Saturday 06:30 to 23:00
 - Sunday 07:30 to 22:00

2. The premises would operate Sunday trading hours for sale of alcohol on Christmas Day
3. All persons who sell or supply alcohol to customers must have licensing training.
4. Training must take place within six weeks of employment
5. Any new employees will be supervised until the training has taken place.
6. Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation.
7. Such training will include challenging every individual who appears to be under 25 years of age and to refuse service where individuals cannot produce acceptable means of identification, acceptable forms of ID and using the refusal register. Such training (including any refresher training) will be logged and provided not less than every twelve months. The training log will be made available for inspection by Police and authorised persons.
8. Training records must be kept on the premises and shall contain the nature, content and frequency of all training
9. Records must be made available for inspection by police, police licensing officer and authorised officers from Gravesham Borough Council on demand either electronically or in hard copy.
10. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
11. Cameras shall record all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs
12. Equipment must be maintained in good working order, with recordings correctly time and date stamped. Recordings MUST be kept in date order, kept for a period of 31 days and handed to police and authorised officers upon request
13. The premises licence holder must ensure at all times a DPS or appointed member of staff are on the premises and are capable and competent at downloading CCTV footage in a recordable format to the police and local authority on request
14. The recording equipment and discs/tapes shall be kept in a secure environment under the control of the DPS or other responsible named individual.
15. In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the police licensing officer immediately.
(licensing.north.division@kent.police.uk).
16. A refusals log must be kept at the premises and made immediately available on request to the police or an authorised person.
17. Staff to be trained to complete a refusal/incident book/record immediately after the refusal/incident but no later than the end of their shift.

18. The refusals log is to be inspected on a monthly basis by the DPS and noted in the log and a record made in the log of any actions that appear to be needed to protect young people from harm. The log must record all refused sales of alcohol and include the following:
- Day, date & time of refusal.
 - Item refused.
 - Name or description of person refused sale.
 - The alcohol and reason for refusal.
 - Any other incident/crime to be noted on the register.
19. Each entry is to be checked and signed by the DPS/Licensee no later than 1 week after the entry has been made. The register must be made available for police, police licensing officer and authorised officers from Gravesham Borough Council on demand either electronically or by hard copy.
20. A Challenge 25 proof of age scheme shall be operated at the premises with appropriate signage on display. All customers who appear under the age of 25 will be challenged to prove that they are over 18 when attempting to purchase alcohol. Acceptable forms of ID include a photo driving licence, passport, or home office approved identity card bearing the holographic 'PASS' mark. If the person seeking alcohol is unable to produce an acceptable form of identification, no sale or supply of alcohol shall be made to or for that person
21. A4 posters shall be displayed conspicuously on the premises in customer facing areas carrying messages in respect of:
- Challenge 25 - to advise potential purchasers that suitable proof of age will be required for all purchasers who appear to be under 25.
 - Proxy purchasing - intended to warn adults not to buy alcohol for those under 18 years-of-age.

Close of meeting

The meeting ended at 10:28am.