

# **LICENSING COMMITTEE - LICENSING HEARING**

#### <u>(SUB-GROUP A)</u>

<u>14 January 2013 at 10.30 am</u> Council Chamber, Argyle Road, Sevenoaks

# AGENDA

Membership:

Cllrs. Mrs. Parkin, Pett and Walshe (substitute)

(Composition: Each Sub-Committee will contain three Members of the Licensing Committee. Any member of the Licensing Committee may act as a substitute on any of the Licensing Sub-Committees.)

\*\*\*\*\*

# **IMPORTANT INFORMATION**

If an interested party (e.g. a parish or town council) has not made a "relevant representation" (section 18(6) and (7) of the Licensing Act 2003), it will not receive a notice of the hearing (Reg. 6(1) Hearings Regulations). The interested party will not, therefore be "a party to the hearing" (Reg. 2 Hearings Regulations). There will therefore be no right to address the hearing (Reg. 16 Hearings Regulations).

The above also applies to a Member i.e. if s/he does not make a "relevant representation" s/he will not be a "party to the hearing" and has no right to address the hearing unless appointed by "a party to the hearing" to assist or represent that party".

Would you please note that all the reports/information listed on this agenda are available from the Democratic Services Team on request (01732 227241). Alternatively you can make an appointment to view the information at the District Council Offices by contacting the Licensing Partnership Manager on 01732 227325.

\*\*\*\*\*

#### Apologies for absence.

- 1. Appointment of Chairman
- 2. Declarations of interest.
- 3. Swanley Service Station, London Road, Swanley, Kent BR8 7HB (Pages 1 22)

(Swanley St. Mary's)

# **1.** Procedure at Sub-Committees of the Licensing Committee (established in accordance with Section 9 of the Licensing Act 2003)

- 1.1 In accordance with Section 9(1) of the Licensing Act 2003, the Licensing Committee has resolved to establish five Sub-Committees, each consisting of three members of the Committee.
- 1.2 The Sub-Committees have delegated authority to determine those functions that are reserved for decision by the Sub-Committees in accordance with Appendix B of the Council's Statement of Licensing Policy dated 7 January 2011.
- 1.3 Hearings shall be conducted in accordance with this Procedure Note and The Licensing Act 2003 (Hearings) Regulations 2005 subject to the right of the Sub-Committee to vary that procedure at their absolute discretion if considered in the public interest.
- 1.4 The quorum for a Sub-Committee shall be two members.
- 1.5 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
- 1.6 The order of business at hearings shall be:
  - (a) Election of Chairman.
  - (b) Declarations of interests.

(c) Chairman explains the procedure to be followed at the hearing, including the setting of equal time limits for all parties and the granting of adjournments.

- (d) Chairman ascertains who is assisting or representing the parties.
- (e) Applicant (or his/her representative) addresses the Sub-Committee.

(f) Applicant questioned by members. At the discretion of the Sub-Committee, other parties may be permitted to question the applicant.

(g) Persons who have made representations in respect of the application (or their representative) address the Sub-Committee. No issues other than those relevant to their representations may be raised.

(h) Members question each party at the conclusion of their address. At the discretion of the Sub-Committee, the applicant may be permitted to question other parties.

(i) Sub-Committee may offer the parties a short adjournment to discuss in the absence of the Sub-Committee whether a solution acceptable to all the parties can be put to the Sub-Committee.

(j) Applicant (or his/her representative) makes closing address.

(k) Sub-Committee may grant a short adjournment. The parties may not speak to members regarding the application during adjournments.

(I) The Sub-Committee considers the application and motions put to accept or reject the application in the terms requested or to grant the application subject to specified conditions. Reasons are to be given for motions.

(m) The parties will be informed of the decision at the hearing or thereafter in accordance with Regulation 26 of the 2005 Regulation.

This page is intentionally left blank

#### LICENSING COMMITTEE (HEARING) – 14 JANUARY 2013

#### APPLICATION FOR A PREMISES LICENCE FROM SWANLEY SERVICE STATION LONDON ROAD SWANLEY KENT. BR8 7HB UNDER THE LICENSING ACT 2003

#### **APPLICATION REFERENCE NO: 12/04074/LAPRE**

Report of the:	Community and Planning Services Director	
Status:	For Decision	
Head of Service	Head of Environment & Operational Services – Mr. Richard Wilson	
Recommendation: Members' instructions are requested		

#### Background

The procedure for Hearings of Sub-Committees of the Licensing Committee established in accordance with Section 9 of the Licensing Act 2003 is attached to the agenda.

The application is made by Highway Stops Retail Limited, Unit 11, Metro Trading Centre, Second Way, Wembley, HA9 OYJ

A well-established local convenience store that is currently undergoing a full refurbishment and rebranding programme. The shop will have a retail selling space to be in excess of 310 sq. ft., serving both the local community and those from further afield. The store will offer a range of fresh foods, groceries and other products.

#### The application is to:

Section M	To allow sale of alcohol every day from 06:00 hours until 23:00 hours		
Section O	Hours premises are open to the public every day 06:00 hours until 23:00 hours		

The applicant intends to take the following action in order to promote the four licensing objectives if the proposed application is granted:

#### General

CCTV system with recording facilities in place at site. Appropriate staff training to be satisfactorily completed and recorded. Training records can be made available for inspection upon reasonable request by a relevant officer of a responsible authority. Appropriate training manual to be utilised. Refusals book to be maintained, Challenge 21 and PASS accredited proof of age initiative to be operated by all staff. Litter bins to be

emptied daily, forecourt to be swept daily, notices to be prominently displayed requesting customers leaving the premises at night to do so with a minimum of noise, thereby respecting local residents.

#### The Prevention of Crime and Disorder

CCTV system with recording facilities in place at site. Spirits located behind the counter. Appropriate staff training to be satisfactorily completed and recorded. Training records can be made available for inspection upon reasonable request by a relevant officer of a responsible authority.

#### Public Safety

CCTV system with recording facilities in place at site.

#### The Prevention of Public Nuisance

Appropriate staff training to be satisfactorily completed and recorded. Training records can be made available for inspection upon reasonable request by a relevant officer of a responsible authority. Litter bins to be emptied daily, forecourt to be swept daily, notices to be prominently displayed requesting customers leaving the premises at night to do so with a minimum of noise, thereby respecting local residents.

#### The Protection of Children from Harm

Appropriate staff training to be satisfactorily completed and recorded. Training records can be made available for inspection upon reasonable request by a relevant officer of a responsible authority. Appropriate training manual to be utilised. Refusals book to be maintained. Spirits located behind the counter, Challenge 21 and PASS accredited proof of age initiative to be operated by all staff.

Additional document from applicant was a supporting petition with 112 signatures gained, 109 supporting and 3 objecting to a grant of a premises licence see Appendix A.

#### **Representations received from statutory consultees:**

Fire Safety	NO COMMENTS RECEIVED
Trading Standards	NO COMMENTS RECEIVED
Social Service	NO COMMENTS RECEIVED
Police	NO OBJECTIONS
Commercial	NO COMMENTS RECEIVED

Environmental Protection	NO OBJECTIONS
Development Control	NO COMMENTS RECEIVED

#### **Representations received from interested parties:**

1 local resident (Appendix B) and 1 local business (Appendix C)

#### Conclusions

Without prejudice, the Officer would like to draw to Members attention issues that they may wish to consider:

Mandatory conditions – the following conditions will be added to the premises licence when it is issued.

#### The supply of alcohol

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

No supply of alcohol may be made under the premises licence -

(a) at a time where there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

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.

#### **Sources of Information:**

http://www.culture.gov.uk/alcohol and entertainment

**Contact Officer(s):** 

Mrs. Leeann Leeds Ext. 7270

#### KRISTEN PATERSON COMMUNITY AND PLANNING SERVICES DIRECTOR

#### **RISK ASSESSMENT STATEMENT**

This Hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005 No. 44.

The decision of this Hearing will be encompassed within the issued premises licence, and the licence will take effect on the 14<sup>th</sup> January 2013 subject to any appeal to a Magistrates Court or higher Court.

#### Appendix A Agenda Item 3

I, Nirmal Mehan, Site operator, Swanley Service Station, London Road(opposite Walnut 17a; Swanley, BR8 7HA. - have applied (on behalf of Highway Stops Retail limited) for a premises licence from Sevenoaks District Council in order to sell alcohol for consumption off the premises for the hours we are open to trade (06.00 to 23.00 hours - 7 days a week).

.

As local people living or working in the neighbourhood please would you select/tick a response/comment from the three alternatives listed below to best describe your views regarding this application together with your name, address & signature. I ask you in particular when considering your view whether the application, if successful, is likely to adversely affect the "2003 Licensing Act", which defines it's four licensing objectives as: the Prevention of Crime and Disorder; the Prevention of Public Nuisance; Public Safety, and the Protection of Children from Harm. Please confirm you are over 18 years of age. I thank you for taking the time to do so. Please print in block capitals.

Name	Address	Signature	Exupport the Coppose Application Applica	
Justina -	2 Sharely	ASZ.		1.a [13
		G SAMER	1	
	BES THESLOWALL	AT the gene		<i>i</i> 1 1 2
	4 Copper All			4/12 2412
and the second se	living willy	N Matthew		
P START 4	+ Line Ra	GRUUUM		U_1Z
0.1400.1	i constituce	<2	V	
~	Pyle Road	Tople .	$\checkmark$	1/10
	UK W I CRT	101		1/1/2
I (dobing 1-	1 Way lands	Alole g	×	12/12
Chines New	Kry Close		~	12/12/12
Jen- 146	Reassell inter	Harris	4	Blizer
LEE 23	Lune Rd		4	1312
Distant 15	NINGH	Page 5	$\checkmark$	BR,

I, Nirmal Mehan, Site operator, Swanley Service Station, London Road(opposite Walnut Way), Swanley, BR8 7HA. - have applied (on behalf of Highway Stops Retail limited) for a premises licence from Sevenoaks District Council in order to sell alcohol for consumption off the premises for the hours we are open to trade (06.00 to 23.00 hours - 7 days a week).

As local people living or working in the neighbourhood please would you select/tick a response/comment from the three alternatives listed below to best describe your views regarding this application together with your name, address & signature. I ask you in particular when considering your view whether the application, if successful, is likely to adversely affect the "2003 Licensing Act", which defines it's four licensing objectives as: the Prevention of Crime and Disorder: the Prevention of Public Nuisance; Public Safety, and the Protection of Children from Harm. Please confirm you are over 18 years of age, I thank you for taking the time to do so. Please print in block capitals.

I support the Application No Comment of Signature ( comment) Address 112 Greensche BENIES MANNALL MEN 6 - male ( Cabo FTI ALDER WAY 16 ket heret A enue B CONTEN WAY 13 ACAICIA WAIK LUKES COTINES 3/12 RYGIN XI NUMBER LUNDER KUND 20 GATT Limerrid 101din 12 Degeldin ST INETAY 60 1. With Altonis H, Old Fain Page 6

I, Nirmal Mehan, Site operator, Swanley Service Station, London Road(opposite Walnut Way), Swanley, BR8 7HA. - have applied (on behalf of Highway Stops Retail limited) for a premises licence from Sevenoaks District Council in order to sell alcohol for consumption off the premises for the hours we are open to trade (06.00 to 23.00 hours - 7 days a week).

As local people living or working in the neighbourhood please would you select/tick a response/comment from the three alternatives listed below to best describe your views regarding this application together with your name, address & signature. I ask you in particular when considering your view whether the application, if successful, is likely to adversely affect the "2003 Licensing Act", which defines it's four licensing objectives as: the Prevention of Crime and Disorder: the Prevention of Public Nuisance; Public Safety, and the Protection of Children from Harm. Please confirm you are over 18 years of age. I thank you for taking the time to do so. Please print in block capitals.

No Comment' or Application Address Signature Name \*Comment' DALTON'S KD BRISTON Baston ROCKENHILL JCLOKE 30 BA (AST III 5 MARIELEI W Bridgel SULATIES 112/12 Chiply Inglis pare Man OT. ( falbut (onte Unssel CLOSE EDAK Mimeki Calling Liesca Hart Alle hompa MOM IAIR KINSTH Viterry 43 Church WATERTON walnut WAY Page 7

I, Nirmal Mehan, Site operator, Swanley Service Station, London Road(opposite Walnut Way), Swanley, 888 7HA. - have applied (on behalf of Highway Stops Retail limited) for a premises licence from Sevenoaks District Council in order to sell alcohol for consumption off the oremises for the hours we are open to trade (06.00 to 23.00 hours - 7 days a week)

As local people living or working in the neighbourhood please would you select tick a response comment from the three alternatives listed below to best describe your views regarding this application together with your hand, address & signature 1 ask you in particular when consutering yout view another the application, if successful is fikely to advecsity affect the "2005 Eucensing yet" which defines a solution licensing objectives as: the Prevention of Crime and Disorder, the Prevention of Public Nuisance: Public Sufety and the Protection of Calibrea transition. Please confirms on art ever (8 years of age, 1 thank you for taking the time to do so Please print in block capitals.

+ X 50 - 5- E- German Jie Ha 1× 1 pill Page 8

I, Nirmal Mehan, Site operator, Swanley Service Station, London Road(opposite Wainut Way), Swanley, BR8 7HA. - have applied (on behalf of Highway Stops Retail limited) for a premises licence from Sevenoaks District Council in order to sell alcohol for consumption off the premises for the hours we are open to trade (06.00 to 23.00 hours - 7 days a week)

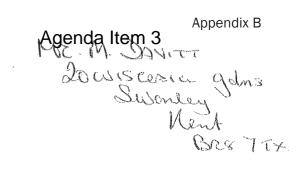
As local people living or working in the neighbourhood please would you select/tick a response/comment from the three alternatives listed below to best describe your views regarding this application together with your name, address & signature. I ask you in particular when considering your view whether the application, if successful, is likely to adversely affect the "2003 Uccensing Act", which defines it's four licensing objectives as: the Prevention of Crime and Disorder; the Prevention of Public Nuisance; Public Safety, and the Protection of Children from Harm. Please confirm you are over 18 years of age. I thank you for taking the time to do so. Please print in block capitals.

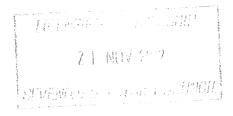
Name	Address	Signature	I support the Application	Loppose the Application	No Comment or Comment	Dau	
LI DIANCOUD	45 PUSSET WAY SHALLEY	WIDER	V			25/1/12	20
M d'Sullin	IN . I WSTERIA GON	5 Misullion	1			25/10/0	
MAN 29/2	43 GAddel Rd. Ashi Cisse sianne	ALA	' v			25/1	
			1			25/11	2
	11 20 37 MPRYA HI		V			estiv	2
16ALLAGHE	f 6 Crescent Carden	Styre	~			25/ 11	25
	24 Confer way		1			25/11	2
t Boxa (1	4 Almond Unit	Feed V	V			25/11	L
Silling	retting trade to and	R Polit					2
r Jiega	por transmission	85152				SII	2
W By ling	Ewoodlands Frank	Dill	V			25/11	3
& Nobb 7 w. Tahla	LCEDAR CLOSE	Vicel not	V			36/11	=)
		nan	V			Sala	3
	ZBROOMMIS		/			26/11	<b>?</b> )
	Conforway (	CA-BOOK	1			24h	14
		Fare the	4			xI.	3
	Hockon Jen	HURbed	1			26/	3
Trades of		health V M				14	38
		Page	9				20

I, Nirmal Mehan, Site operator, Swanley Service Station, London Road(opposite Walnut Way), Swanley, BR8 7HA. - have applied (on behalf of Highway Stops Retail limited) for a premises licence from Sevenoaks District Council in order to sell alcohol for consumption off the premises for the hours we are open to trade (06.00 to 23.00 hours - 7 days a week).

As local people living or working in the neighbourhood please would you select/tick a response/comment from the three alternatives listed below to best describe your views regarding this application together with your name, address & signature. I ask you in particular when considering your view whether the application, if successful, is likely to adversely affect the "2003 Licensing Act", which defines it's four licensing objectives as: the Prevention of Crime and Disorder: the Prevention of Public Nuisance: Public Safety, and the Protection of Children from Harm. Please confirm you are over 18 years of age, I thank you for taking the time to do so. Please print in block capitals.

Luppose the Esupport the Application Date **Application** No Comment' or Address 't omment' 20 DANFIA 02:08 25 way value Wanter JALUT 25/11 . 1 JOCK R 20 mofile GOAFD Pall Tit 1516 KARA Cal 10 3 BRISHIN SWANLEY madelock 12. OWNER arbe 18 14 15 16 17 Dentit may 29 Alleman 18 19 T.WILLEM FLAT 14.33 BEAN ROD 15/11/2 71 Page 10





Sir/ Marlam.

I would have to appose that the total epocyce Next Door To S. S. News. IS Reposed a bicence to sell alatol. I work in S.S. News I we pre an applicance, and IT will Affect this Business. We Have Supermarkets Awel ANOTHER News Agent that sell Alabel. I don't Think That we Need another one: The customers that Come in the SHOP SAY "Not ANOTHER one" Dank & Dawing.

Yours Smerly

This page is intentionally left blank

Appendix C S. Agenda Item 3 LICENSING PARTINE RESHIP 1 HEATH. ebosh Book 12 DEG TOTE OF London Rend Sunday SEVENOAKS DISTRICT GRAINCH. Kenz BRS THB. 1 Jun 12.

DEAR SIR / MADAM.

WE WERE ASKED BY CUSTOMERS. TO DO a PETITION. FOR THE SALE OF ALCOHOL INS THE TOTAL GARAGE NEXT DOOR to DS NEWSAGENT THESE ARE SOME OF THE CONCERNS CUSTOMERS And My self M. DAVITT & JASSWINDER ARE AS Follows in THESE WE AND CUSTOMERS HAVE OBJECTION AGAINST AN ISSUE OF THEM TO GET A LICENCE.

- PREVENTION of CRIME And disorder.
- A
- PREMENTION OF PUBLIC NUSANCE. 3
- 4 PROTECTION FROM CHILdREN OF HORM AHEARINGENE.
- 5 DRIVER And DRIVING. CONCERNS.

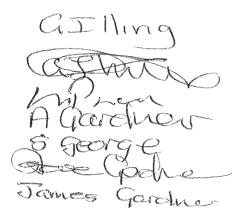
6 NOT ANOTHER MPLICENCE. ALL THESE PROPER HAVE SIGNED THIS PETITION AGAINST THE TOTAL GARAGE WHO ARE NOT HAPPY WITH THESE ISSUES THAT ARE Changing to THE PRICEL GADAGE. IN SUMMILLY.

Yours Sweely. J. S.NCH

Agenda Item 3 PETITION AGAINST TOTAL GARAGE. IN SAGENSAGENTS FOR ARPLYING FOR A LICENCE TO SELL ALCHOL. PAGR NAME A Deess BLINSHAM 49 SERMON DRIVE SWANCEY, MENT D VEZEY. 51 MAID5700/6 ROAD SDLUP RENTS ... SIFAREBROTHER 67. WISTERIA GARDONIS SWANLEY M. CRANCERY 20 Blood BD. DiDANLEY, M. VAUCHAN - CONSTORES 20 Block. Ro Swarnesry, J. ARTHURS 28 WOODVIEW ROAD SWANLEY S. Richoncelly IG APK CU may cothang glumb)-Ling H-Langder HU Swally Dr Keyumt ZR. May -3, WOODVIEW RD SWANLEY 13 ASPEN CLOSE SWANGEY STHER 91 18 St James way Sideup SILling J Illing 18 St James way Sidcup

Page 14

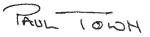
Mage 2.



MARINA DISACON

NORMAN FRONCH

PSANAGELI TBUD



InSorters

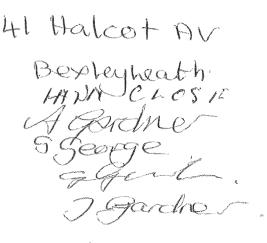
B. Brittan

memorel

)SHallas D WEATT



Agenda Item 3 5



(2)

65 WISTORIA GARDON'S SWANLEY 48 HOATHWEEN GANS Swarty

53 WIGTOR FARM GIANG

128 CLAREMONT ROAD BR84QT

52HEATHWOOD COS, BRSTHIN

19 RUSSETT WAY SWANLEY, KONT.

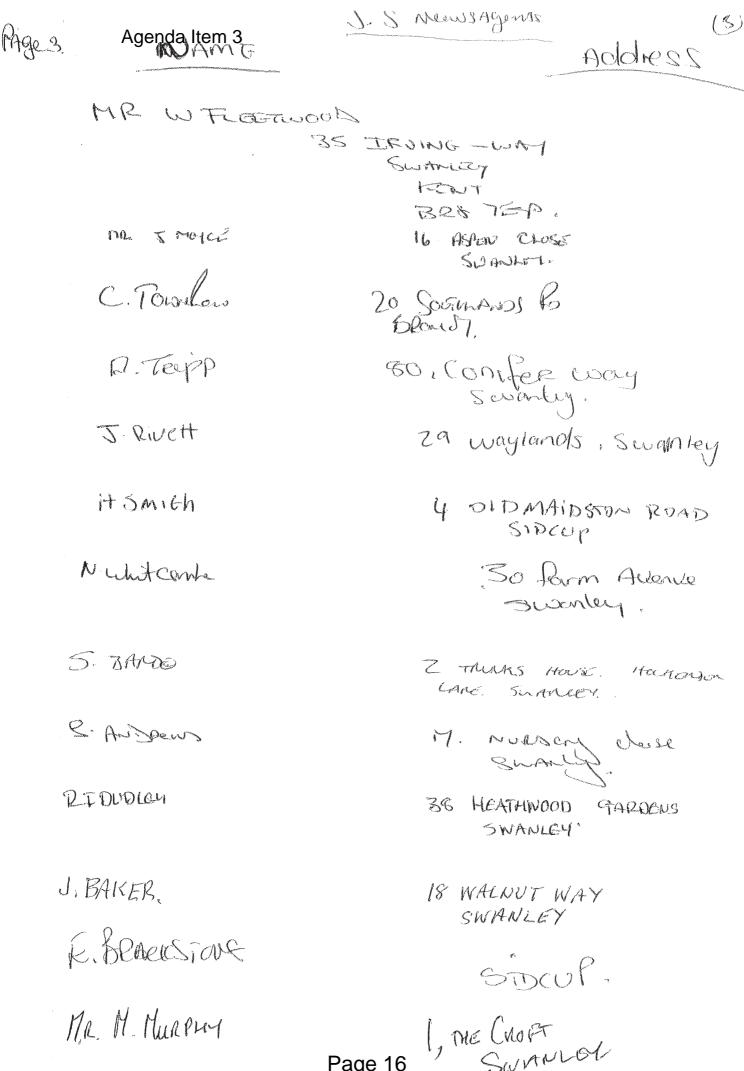
Single Ling

120 Conifer Way Swanley 176 Nussett Muy Swanley Heathwood Gardens Swanley

W SHERA Selfuren Hackershow

BRS Falt swanley

Page 15



Page 16

NAME DAVID Leutchford C CLARKE COLC N Stivaen S Day Sola MicHIDEL DIXON BRIAN DIXON Hoone MOONE WYATT WHATT Lee Javelan 4000 Prode. V. Hood S. barber (melle R chuter Emprim R MARTIN So warring JOE CLEALEY Samantha Scala Roulling SHEPHORD

Address 1 COMMON LANZ WILMINGTON 34 CLIUR RN 37 DAle Rd Swanley RUSSENT WAS SWARESY. 61 RUSSOFF WAY 61 1 ASPEN CLOSET SWAMPY 1 ASPEN CLOSER Samular RUSSETT WAY 1 . ULIDEN ROAD SWANCET 60 HEARY WOOD Gra 53, Russett Way Swarley 12, Hoodrien R.J. Swarley 53, Russett Way, Swarley 18. Contra-way Swales 21 Dale Roold Swales I VINSONS COTTAGES HOCKENDEN LANE GORBENSIDE 6 )) . 5 ~ 3 1 CONFOR WAY 1 confer waw 2 WHITE MAR BUNKACOS 10 Brambling close Greenhibber 37 HART DYKE ROAD, 37 WISTREAD GARPIENS RUESETT W 30 ASPENTLOSE BRSTUB 12 Courper Ave. bourne whop A 17 CRASCKNI GONS

(4)

Agenda Item 3

J. S. Menderagendon Agenda Item 3 NAME ROBIN HOARE C ANRESS B Everest A DIGHTON 9. 9. Scott shadd NU MP AT. 13. Venn C. Salner elthoun proven Rotto Santos Of Perint D. V. Balo M- Hou D. FAMES DPRIOR pattleson KINIGHT truce Ker ONTHE Smith Stat Man HORSFALL CLANK Hannsen Brocklos Wasch hillgham Page 18

ERACEH ASH CLOSE SWANLEY 43 FARM SWANCKI SBA CHERRY AVENUE Swan 2 HEISETT PLACE JUAN 65 Confer Way Swarly desse granter Aspe 27 16 WOODVIEW NA 31 WISTERIA GSUS 17 WESTERIA GODS MASPEN Chede IL. CEDAR CLOSE 6 WASTER CAR 25 adjug aleve 26 CRESCENT GDNS LAWN RLOSS S 43, IRVing Way, BRS. FEP. 3 ACTA WALK BRO TR 6. CEDAR CLOSE 4 ADALDUT WAY. 3 GREENSIDE KENT 4 BROOK ND-TO NURSERY CLOSE. SWAN ZI DULLE RD SWAN 130 19 lidder einer sucht 120 RUSSETT, WAY 64 Oliver Ko 22 WAINT NIDY 8 HOMTPHELD ROMAN

88 HART PURCE PARD SWINNEY 17, HEATHWOOD GARDENS 65 UKNAN WAY SUMMAN SE ALDER MAA 7 58 ALDER MAA 7 58 ALDER MAA 7 44 MENTWOOD GARDENS.

LONDON RD, BRO TRD

4 CRESCENT GARDENS SWANLEY. KENT. 128 RUSSEN WAL BR& JUT. SIN/AN/EV. Nome Nikki Shappard AV. Redo BK Rudozes

AR Clanscorde

Agenda Item 3

24 Wisteria Gardens Swanley BRS 77X.

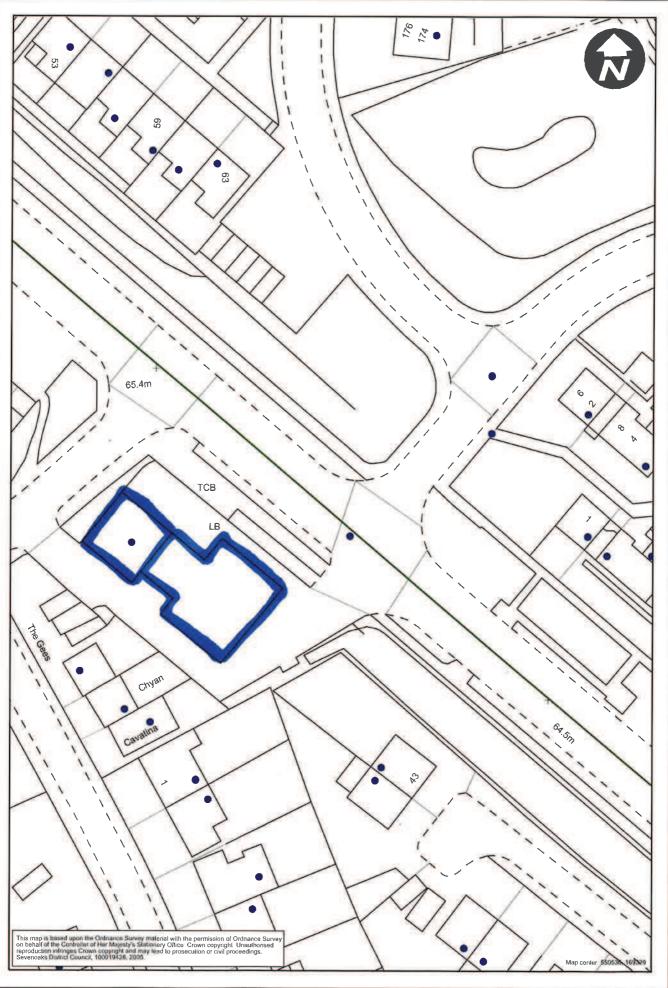
HUNSON COTES HOALGNDON LANG

32 HART DYKE BD.

.

,

This page is intentionally left blank



This page is intentionally left blank