

LICENSING HEARING

Minutes of the meeting of the Licensing Hearing held on 14 January 2013 commencing at 10.30 am

Present: Cllrs. Mrs. Parkin, Pett and Walshe

Also present	Mr. N. Mehan	-	Applicant
	Mr. R. Baker	-	Applicant's Agent
	Mr. C. Hook	-	Applicant's Solicitor Advocate
	Mr. J. S. Minhas	-	Representative of Objector
	Mr. M. Davitt	-	Objector
	Mr. J. S. Hayer	-	Objector
	Mrs. L. Leeds	-	Licensing Officer
	Mr. L. Roberts	-	Legal Adviser
	Ms V. Etheridge	-	Democratic Services Officer

1. APPOINTMENT OF CHAIRMAN

Resolved: That Cllr. Pett be appointed Chairman of the meeting.

2. DECLARATIONS OF INTEREST.

There were no declarations of interest.

3. SWANLEY SERVICE STATION, LONDON ROAD, SWANLEY, KENT BR8 7HB

The Hearing gave consideration to a report by the Community and Planning Services Director giving details of an application under the Licensing Act 2003 for a premises licence at Swanley Service Station, London Road, Swanley Kent BR8 7HB. It was noted that objections had been received and that accordingly the application had been referred to the Sub-Committee for determination.

The Hearing heard from the applicant's solicitor advocate who referred all to the detailed application and report. He advised that Mr. Mehan would be the designated premises supervisor and had held a personal licence for three years with experience at other sites. The site already had a refusal book system for the sale of tobacco products and the sale of fuel was also already restricted so there was already a strong regulatory regime. The concern of the objectors whilst understood was not a valid consideration under the licensing objectives. The key authorities such as the Police had not raised any objections, and the Fire Authority already had regulatory oversight of the site.

In response to questions from the Sub committee the applicant replied that there were four CCTV cameras within the shop, and more outside on the forecourt. He produced a map of the premises which was shown to all present at the hearing, to show where the alcohol would be displayed for sale.

The Hearing heard from two of the objectors present. One of the objectors was a representative of a local corner shop which also sold alcohol. The owner was concerned that his business would not survive the competition of a larger retailer with an ability to sell alcohol at more discounted rates. He also expressed concern as to children's safety and invitation to commit crime, and the dangers of encouraging drinking and driving.

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Another objector who worked at the shop objected to the hours applied for, as the newsagents were only allowed to sell alcohol from 0800 hours.

A Member of the Sub Committee advised that the newsagents were within their right to apply for a variation to their licence.

In response to the points made the applicant's solicitor advocate advised that the hours applied for were in line with the opening hours, that the alcohol sold was bought via the standard wholesale network and as a convenience store it was more likely to sell at premium prices. Four of the staff were familiar with the area and the question of children hanging around was one for management of the premises. With reference to drinking and driving, most people drove to and from large supermarkets and purchased alcohol. He also advised that the shop doors had electronically operated shunt locks. In response to a further question from the Sub Committee, the applicant advised that all staff had undergone Challenge 25 training and that there was a designated premises supervisor from another garage that would cover when he was away.

At 11.12 a.m. the Hearing Members, withdrew to consider the issues raised. The Council's Legal Advisor was available to give advice as required to the Members and the Clerk attended to note the decision.

At 11.28 a.m. the Hearing Members, Council's Legal Advisor and Clerk returned to the Council Chamber.

The Chairman informed the Hearing that the Sub-Committee had had regard to the representations made by the Applicant and interested parties as well as the guidance issued under s 183 of the Licensing Act 2003 and the Council's Statement of Licensing policy. That whilst there was sympathy for the position of the newsagents, commercial considerations were not matters that the law allowed the Licensing Sub Committee to consider. The matter of 'fair play' in terms of licensing hours was for them to resolve and apply for a variation to their current licence. The concerns raised about young people congregating around the business was one for the management to deal with. If there was evidence that there was any activity which lead to a breach of any of the licensing objectives, then these would need to be brought to the attention of the licensing regime who would call for a review of the license where appropriate. The integrity of the objectors was not doubted. However the thrust of the Licensing Act was one of permissiveness but checks and balances were in place to ensure that order prevailed. There was therefore no valid reason the premises license should not be granted on the terms for which it had been applied, and it was therefore unanimously,

Resolved: That a Premises Licence in respect of Swanley Service Station, London Road, Swanley Kent BR8 7HB, subject to the conditions contained in the licence attached as an appendix to these minutes, be granted.

THE MEETING WAS CONCLUDED AT 11.30 am

Chairman

Notice of determination for application premises licence

To: HIGHWAY STOPS RETAIL LTD

Of: SWANLEY SERVICE STATION, LONDON ROAD SWANLEY KENT BR8 7HB

Ref: 12/04074/LAPRE

Sevenoaks District Council being the licensing authority, on the 16 November 2013 received an application for a premises licence in respect of premises known as Swanley Service Station, London Road Swanley Kent BR8 7HB.

On the 14 January 2013 there being valid representations which were received had not been withdrawn, a hearing was held to consider these representations, and having considered them the Licensing Sub-Committee determined as follows:

To grant the Premises Licence:

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

Mandatory Conditions:

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.

This licence granted at the Hearing is effective from the 14 January 2013

Minute Annex

Dated: 14 January 2013

Signed

Chair – Licensing Hearing

Signed

Designation – Licensing Officer

Please address any communications to:

Licensing Regime
Community and Planning Services
Council Offices
PO Box 182
Argyle Road
Sevenoaks
Kent TN13 1GP

Note: Pursuant to Part 1 of Schedule 5 of the Licensing Act 2003 as amended, any party eligible to appeal must appeal to a magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.