

**LICENSING COMMITTEE (HEARING) – 30 SEPTEMBER 2009**

**APPLICATION FOR A PREMISES LICENCE FROM THE CONVENIENCE STORE, THE OLD FORGE, 8 THE GREEN, HIGH STREET, BRASTED, WESTERHAM, KENT. TN16 1JL FOR A NEW APPLICATION UNDER THE LICENSING ACT 2003**

**APPLICATION REFERENCE NO: 09/00506/PRE**

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Report of the: Community and Planning Services Director

Status: For Decision

**Portfolio Holder** Cllr. Mrs Bracken

**Head of Service** Head of Environment & Operational Services – Mr. Richard Wilson

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**Recommendation:** Members' instructions are requested.

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### **Background**

- 1 The procedure for Hearings of Sub-Committees of the Licensing Committee established in accordance with Section 9 of the Licensing Act 2003 is attached at Appendix A.
- 2 The application is made by Quick Shop Ltd, 6 Bruce Grove, London. N17 6RA for The Convenience Store, The Old Forge, 8 The Green, High Street, Brasted, Westerham, Kent. TN16 1JL. The premises is a small lock up convenience store located in Brasted High Street who wish to sell alcohol only in sealed containers for consumption off the premises.

### **The application is:**

Section M	To allow sale of alcohol for consumption off the premises every day from 07:00 until 23:00 hours.
Section O	Hours premises are open to the public every day from 06:00 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**

- 3 Quick Shop Ltd. is a responsible experienced operator owning several other supermarkets currently with more planned to join the group within the next 12 months. Citizen Card application packs will be available in each store in the group.
- 4 Appropriate risk assessments will be conducted once the store is open and trading.

**The Prevention of Crime and Disorder**

- 5 The premises will be fitted with one of the most modern central station intruder alarm systems constantly monitored by dedicated staff. Beneath the counter there will be panic buttons to protect the staff from attack and alert the authorities of any incident. A digital CCTV system will also be fitted and operated with recorded images being available to the police up to 31 days after the recordings are made.
- 6 This group of shops is continually training new staff and has a full training package.

**Public Safety**

- 7 As an experienced operator the owners are fully aware of their responsibilities regarding public safety and health and safety issues surrounding the sale of food and drink.

**The Prevention of Public Nuisance**

- 8 Alcohol will only be sold in sealed containers for consumption off the premises and away from the immediate vicinity.
- 9 No alcohol will be served to any person who is drunk or under the influence of drugs, or to any person where it is believed they will cause a public nuisance.

**The Protection of Children from Harm**

- 10 A challenge 21 scheme will be in force inside the store. If a customer appears to be under the age of 21 they will be challenged to provide photographic ID to confirm they are of the correct age to purchase age restricted purchases. Only Pass cards, photo driving licence and passport ID will be accepted.
- 11 Staff will be trained to recognise and deal with underage customers attempting to purchase goods from the store and record such incidents in a refusal register which will be maintained at the counter of the store.

**Representations received from statutory consultees:**

Fire Safety	<b>NO ADVERSE COMMENTS</b>
Trading Standards	<b>NO ADVERSE COMMENTS</b>
Social Service	<b>NO ADVERSE COMMENTS</b>
Police	<b>NO OBJECTIONS</b>
Commercial	<b>NO OBJECTIONS</b>
Environmental Protection	<b>NO ADVERSE COMMENTS</b>
Development Control	<b>NO OBJECTIONS</b>

**Representations received from interested parties:**

- 12 One resident in support, one resident objection, one objection from a person involved in a business in the vicinity (attached at Appendix B).

**Conclusions**

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

- 14 Mandatory conditions – the following conditions will be added to the premises licence when it is issued:

(a) {b MC1 - The supply of alcohol}

(b) {b MC0101} - 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.

(c) {b MC0102} - Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**Item No. 3**

- 15 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.

**Risk Assessment Statement**

- 16 This Hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005 No. 44.
- 17 The decision of this Hearing will be encompassed within the issued premises licence, and the licence will take effect on the 30 September 2009, subject to any appeal to a Magistrates Court or higher Court.

**Sources of Information:** <http://www.culture.gov.uk/beer> and <http://www.culture.gov.uk/entertainment>

**Contact Officer(s):** Miss. Jessica Bolton Ext. 7480

**KRISTEN PATERSON  
COMMUNITY AND PLANNING SERVICES DIRECTOR**