



Despatched: 19.03.12

LICENSING COMMITTEE - LICENSING HEARING
(SUB-GROUP E)

2 April 2012 at 10.30 am

Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Cllr Clark (substitute), Raikes and Walshe.

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 Committee 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 Manager on 01732 227325.

1. **Appointment of Chairman**
2. **Declarations of interest.**
3. **Mill Hill Service Station and Londis Convenience Store, Petrol Filling Station, Mill Hill, Edenbridge (Pages 1 - 12)**

(Edenbridge South and West)

Would Members please note that any further correspondence in relation to this application will be circulated before the meeting or tabled at the meeting.

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LICENSING COMMITTEE (HEARING) – 2 APRIL 2012

APPLICATION FOR A PREMISES LICENCE FROM THE MILL HILL SERVICE STATION AND LONDIS CONVENIENCE STORE, PETROL FILLING STATION, MILL HILL, EDENBRIDGE, KENT. TN8 5NG FOR APPLICATION UNDER THE LICENSING ACT 2003

APPLICATION REFERENCE NO: 12/00405/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 at Appendix A.

The application is made by Petrocell Holdings Limited, 274-278 Wickham Road, Shirley, Croydon, Surrey. CR0 8BJ

The application is to:

Section M	To allow sale of alcohol every day from 06:00 hours until 22:00 hours for consumption off the premises.
Section O	Hours premises are open to the public every day from 06:00 hours until 22:00 hours.

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

General

Well trained staff. Firm underage policies. Digital CCTV system with cameras and monitors. Discs will be retained for 31 days.

Due diligence procedures - Challenge 25 policy, plus a no ID, no sale policy. Refusal book.

Londis "Under Age" licensing initiatives.

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The Prevention of Crime and Disorder

Staff trained in 2003 Act Licensing Laws and authorised to sell alcohol age policies.

Challenge 25 and no ID, no sale policy. Refusal book to record all refusals of sale will be installed before trading.

Digital CCTV system with cameras and monitor with recorder in office. Audio recording will also be in place. There will be a P/A button in the counter area.

Public Safety

Trained staff in all aspects of forecourt retailing. Well illuminated entrance and forecourt.

The Prevention of Public Nuisance

Trained staff

The Protection of Children from Harm

Well trained, mature staff. Age prompt on tills for age prohibitive products (tobacco and alcohol). Strong under age policies - Challenge 25, no ID no sale. Refusal book to record all refusals of sale will be installed before trading.

Representations received from statutory consultees:

Fire Safety	NO OBJECTIONS
Trading Standards	NO COMMENTS RECEIVED
Social Service	NO COMMENTS RECEIVED
Police	NO OBJECTIONS
Commercial	NO OBJECTIONS
Environmental Protection	NO OBJECTIONS
Development Control	NO COMMENTS RECEIVED

Representations received from interested parties:

3 local residents (attached).

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 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](http://www.culture.gov.uk/alcohol%20and%20entertainment)

Contact Officer(s): Mrs. Leeann Leeds. 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 2nd April 2012 subject to any appeal to a Magistrates Court or higher Court.

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

- 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.
- 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.
- 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.
- 4 The quorum for a Sub-Committee shall be two members.
- 5 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
- 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.

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- (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.
- (l) 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.



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LICENSING PARTNERSHIP
15 FEB 2012
ZH
SEVENOAKS DISTRICT COUNCIL

Mill Hill
Edenbridge
Kent

13th February 2012

Licensing Partnership
PO Box 182
SEVENOAKS
TN13 1GP

Re: 12/00405/LAPRE

To Whom it may concern:-

**Application by Petrocell Holdings Ltd. to sell Alcohol at the BP Petrol Station, Mill Hill,
Edenbridge**

I write to register my objection to the above application. Many young people on foot visit the BP Garage to purchase food and drink. Many of these people are under the permitted age for the purchase of alcohol; many appear to be older but are not and it would be difficult for any retailer to determine their correct age.

This Petrol Station at Mill Hill is situated close to Blossoms Park. Many of these young people gather in the Park in groups to talk and have fun. There is no supervision. I already find these groups intimidating and the thought of the addition of alcohol to the situation is very frightening and disturbing. Often I have litter thrown in my garden by people leaving the garage and youths come in from the park and urinate in my drive because the garage will not allow the youths to use their toilet. How much worse would this be if they are drinking more beer?

I hope you will turn down this application.

Yours sincerely

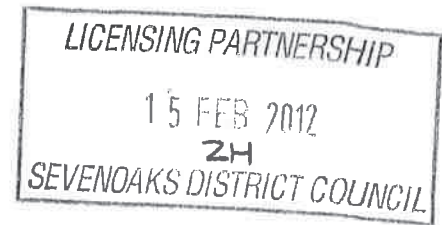


Miss E R Woolger

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12/00405/LAPRE

Mill Hill
Edenbridge
Kent



Licensing Partnership
PO Box 182
SEVENOAKS
TN13 1GP

Your Reference: 12/00405/LAPRE

13th February 2012

Dear Sir/Madam

Application by Petrocell Holdings Ltd. to sell Alcohol at the BP Petrol Station, Mill Hill, Edenbridge

We write to register our objection to the above application. The Petrol Station at Mill Hill is situated almost opposite to Blossoms Park on the outskirts of Edenbridge. The park is not supervised. Many young people visit the park mainly to play on the skate board ramps, to play cricket in the nets and to relax around the park. There are also groups of young people, mainly male, who come simply to gather and drink. When we walk around the park each morning with our dog we frequently find many discarded empty beer cans and alcohol bottles. Currently many of the young people frequent the garage and buy soft drinks, sweets, ice creams etc. To provide an easily accessible supply of alcohol for these young people would, in our opinion, be very irresponsible. The temptation to drink would be greater and not easily resisted by those under peer pressure. We have numerous problems, both health and social, in our society and this is reflected in Edenbridge. There have been incidents of vandalism in the park and to properties close by and with the added fuel provided by alcohol these, we are sure, would increase. The park can only be accessed on foot by crossing the busy B2026 and any one under the influence of alcohol would be at greater risk of injury.

For the over-age drinker Edenbridge already has seven Public houses and two Off Licences along with two Supermarkets selling alcohol and one Garage. All of these are located in more built up areas of the town where supervision is more likely.

On a more general point, the selling of alcohol by a garage, although we accept an established practice, seems to be at odds with any common sense regarding road safety and driving with excess alcohol.

The responsibility of approving applications for the sale of alcohol was passed by the government from the Magistrates Court to the Local Authority in the belief that the interests of the local electorate would be more accurately reflected. We would hope that this will be so in this matter and that the application will not be granted.

Yours sincerely

Mr & Mrs N H Woolger

License Partnership
Sevenoaks District Council
PO Box 182
Argyll Road
Sevenoaks, Kent.

Mill Hill
Edeubridge
Kent
20-2-12.

Dear Sirs, Re: Application for an
Alcohol license.

I would like to register my objection to the above proposed by Petrocell at Mill Hill Garage, Edeubridge.

The site of the above is opposite Blossoms Park which has a skate park. There is a real danger to young children because of broken glass etc. There is an ongoing problem with littering at the site, at present mainly from plastic bottles being thrown around.

I feel that alcohol, teenagers and a skate park is not a good mix.

The garage is situated on the busy B2026, so I believe this will be an accident waiting to happen.

3

I trust my views will be taken into consideration, when you decide on this application

Yours faithfully

