

LICENSING HEARING

Minutes of the meeting of the Licensing Hearing held on 24 April 2012 commencing at 10.30 am

Present: Cllrs. Raikes and Walshe

Also present: Ms. L. Phillips - Applicant's Representative
Ms. T. Moseley - Objector
Mrs. L. Leeds - Licensing Officer
Mrs. H. Langford - Legal Adviser
Ms V. Etheridge - Democratic Services Officer

1. APPOINTMENT OF CHAIRMAN

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

2. DECLARATIONS OF INTEREST.

No declarations of interest were made.

3. CO-OPERATIVE STORE, 30-32 HEVER ROAD, WEST KINGSDOWN, TN15 6HD.

The Hearing gave consideration to a report by the Community and Planning Services Director giving details of an application for a variation to the Premises Licence, under the Licensing Act 2003 for the Co-operative Store, 30-32 Hever Road, West Kingsdown, Sevenoaks, TN15 6HD. The application was made by The Co-operative Group Food Ltd, New Century House, Manchester, M60 4ES. It was noted that an objection had been received and that accordingly the application had been referred to the Sub-Committee for determination.

The Hearing heard from the applicant's representative in support of the application. She explained that the request for an extension to the hours would make the store more convenient and bring the store in line with all other Co-operative Stores. However there was no plan to change the current opening hours at the moment. With reference to the objector's noise concerns she wanted to assure all present that the applicant took the issue very seriously and that it had been raised with the General Manager of the store. It was proposed that music would be turned down between the hours of 07:00 hours and 08:00 hours. However she believed that this was a private nuisance matter and as such did not relate to the licensing objectives. With reference to the concern expressed about youths in the area, this potentially fell under the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm and advised all those present of the details within the application which dealt with these licensing objectives. She also pointed out that whilst this was of concern, the Police had raised no objections. The Chairman queried where deliveries to the store were made.

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The Hearing heard from the objector who raised concerns of noise nuisance from the music and tanoy system within the store, and of youths hanging around and approaching adults to purchase alcohol for them. However through community policing this problem had recently improved. She did not see that the extension offered any greater convenience or community benefit and was not suitable for a rural village store. Further to the questions raised to the applicant's representative she explained where store deliveries were made and outlined some of the difficulties experienced. The objector did not wish to be obstructive but wanted to be able to enjoy her leisure time at home without worrying about the noise and asked whether the music system could be placed on a time, or the store's ceiling or her floor be soundproofed by the applicant. She was disappointed that no other residents had written in as concern had been expressed to her by others and she knew that one resident had written to their Member of Parliament. The Chairman sought confirmation that it was a residential area. It was noted that it was a residential area with a number of properties in close proximity to the store. The map within the agenda papers was referred to.

At 11.23 a.m. the Hearing Members and Council's Legal Adviser withdrew to consider the issues raised.

At 11.45 a.m. the Hearing Members and Council's Legal Adviser 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 the Objector's comments on noise and concerns about behaviour occurring outside the store. However they had also taken into account the absence of representations from other local residents and the Police.

The Chairman further advised that the Sub-Committee had taken account of the guidance issued under s.183 of the Licensing Act 2003 and the Council's Statement of Licensing policy, in particular paragraph 5.2 which stated that the Council would interpret Public Nuisance in its widest sense which the Sub-Committee took to include where noise impacts on those living in the area.

It was therefore unanimously,

Resolved: That the variation to the Premises Licence in respect of the Co-operative Store, 30-32 Hever Road, West Kingsdown, Sevenoaks, TN15 6HD, be granted, subject to the conditions contained in the licence attached as an appendix to these minutes.

THE MEETING WAS CONCLUDED AT 11.48 am

Chairman

LICENSING ACT 2003 – Sections 35 and 36

Notice of determination of application for variation of premises licence

To: Co-op Welcome

Of: The Co-operative Group Food Limited , 30-32 Hever Road, West Kingsdown. TN15 6HD

Ref: 12/00679/LAPRE

Sevenoaks District Council being the licensing authority, on the 12 February 2012 received an application for a variation to a premises licence in respect of premises known as Co-op Welcome, 30-32 Hever Road, West Kingsdown, TN15 6HD.

On the 24 April, 2012 there being a valid representation which was received and had not been withdrawn, a hearing was held to consider this representation, and having considered it the Licensing Sub-Committee determined as follows:

To grant the variation of the Premises Licence

Section M: To allow sale of alcohol everyday from 06:00 hours until 23:00 hours.

Section O: Hours premises are open to the public everyday from 06:00 hours until 23:00 hours.

To add the conditions on the Licence as follows:

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.

To add an additional condition on the Licence as follows:

1. That no sound (whether recorded music, store announcements or other sounds) shall be broadcast within the store via ceiling mounted loudspeakers before 08:00 hours and after 22:00 hours

Reason: For the Prevention of Public Nuisance

Minute Annex

This licence granted at the Hearing is effective from the 24 April 2012.

Dated: 24 April 2012.

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.