

APPLICATION FOR A PREMISES LICENCE FROM MARTINS, 19 - 21 THE ROW, NEW ASH GREEN, KENT. DA3 8JB FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003

LICENSING COMMITTEE (HEARING) – 3 SEPTEMBER 2013

Report of Head of Environment & Operational Services – Mr Richard Wilson

Status: For Decision

Key Decision: No

Executive Summary: (Only to be inserted if report is more than 2 A4 sides long – if not – delete.) Set out the key issues in the report.

This report supports the Key Aim of (insert information from Community Plan or Best Value Performance Plan or delete if unnecessary and irrelevant.)

Portfolio Holder Cllr. Ms. Lowe (Housing & Community Safety)

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

Mrs. Leeann Leeds Ext. 7270

Recommendation: Members' instructions are requested

Introduction and Background

1. The procedure for Hearings of Sub-Committees of the Licensing Committee is established in accordance with Section 9 of the Licensing Act 2003.
2. The application is made by Martin McColl Ltd, Martin McColl House, Ashwells Road, Brentwood, Essex. CM15 9ST
3. The application is to allow licensable activities at the premises.
4. The application is to allow:

| | |
|-----------|--|
| Section M | To allow sale of alcohol for consumption off the premises every day from 09:00 until 21:00 hours |
| Section O | Hours premises are open to the public from 06:00 until 23:00 hours |

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

6. **General:**

We are a national retailer that sells alcohol as part of a broad offering of goods and services. We have held off-licenses in our stores for many years and are an approved British Institute of Inn-Keeping examination centre. We have written training policies and formal training programs are in place, which ensure our people are equipped to meet all licensing objectives. All training and revision / refresher materials are reviewed regularly. We have introduced our "Think 25" policy to all our stores, this policy is brought to the customers attention through point of sale material at the checkout and wherever alcohol is displayed for sale.

7. **The Prevention of Crime and Disorder:**

The premises has digital CCTV system that covers many areas of the shop floor, including the proposed area which will be used for display of beer and wine. High value alcoholic products such as champagne and spirits will be displayed behind the sales counter.

Images are retained for a minimum of 31 days and made available on request by an authorised person.

A member of the Management team is on the premises all the time the store is open.

8. **Public Safety:**

A member of the Management team is on the premises all the time the store is open and is trained to manage the store including looking after the safety of the public.

The store adheres to all rules and regulations relating to public safety.

9. **The Prevention of Public Nuisance:**

These premises are proposed to be licensed for the consumption of liquor off the premises only. In addition to there being no consumption on the premises, there is no form of entertainment on the premises. There are no outdoor area utilised for the benefit of member of the public and the nature of the operation does not require the employment of door supervisors or use of dedicated cab firms. The store is an active member of the community and is always happy to liaise with police and enforcement authorities should the need arise.

10. **The Protection of Children from Harm:**

All staff are trained and have regular refresher training on the corporate "Think 25" policy. Staff are trained to look at the customer and "Think 25" when selling age restricted products.

A till prompt will appear on the initial sale of alcohol that will remind the seller of the Think 25 policy and remind staff not to sell alcohol to anyone under the age of 18. The Company also provide continual external support through test purchasing

operations. When alcohol is refused by the seller the refusal is recorded and refusals frequently checked on a regular basis by a Manager.

The store displays signage around the store informing both staff and customers of our "Think 25" policy

11. Representations received from statutory consultees:

| | |
|--------------------------|----------------------|
| Fire Safety | NO OBJECTIONS |
| 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 |

12. Representations received from interested parties:

2 received from local residents

Key Implications

Financial

None directly arising from this report.

Legal Implications and 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 03rd September 2013 subject to any appeal to a Magistrates Court or higher Court.

Equality Impacts

| Consideration of impacts under the Public Sector Equality Duty: | | |
|--|--------|------------------------|
| Question | Answer | Explanation / Evidence |
| a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate | No | N/A |

| Consideration of impacts under the Public Sector Equality Duty: | | |
|--|--------|------------------------|
| Question | Answer | Explanation / Evidence |
| against different groups in the community? | | |
| b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity? | No | |
| c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above? | | |

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.

Mandatory Conditions in force from 06 April 2010

4. 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.

Appendices

Appendix A – Representations from local residents

Appendix B – Location maps

Background Papers:

<https://www.gov.uk/government/organisations/home-office/series/alcohol-licensing-premises-licence-application>

Mr Richard Wilson
Head of Environment & Operational Services