

LICENSING HEARING

Minutes of the meeting held on 17 May 2022 commencing at 10.30 am

Present: Cllr. Clack (Chairman)
Cllr. Bonin
Cllr. Pett

Also Present:	Mr Patel	Applicant
	Mr Crockard	Applicant's Representative
	Mr Gibson	Respondent's Representative
	David Lagzdins	Legal Advisor (SDC)
	Susan Lindsey	Senior Licensing Officer (SDC)
	Charlotte Sinclair	Democratic Services Team Leader (SDC)

1. Appointment of Chairman

Resolved: That Cllr Clack be appointed as Chairman of the Licensing Hearing.

2. Declarations of interest

There were none.

3. LICENSING ACT 2003 - Swanley Locals, 31 Azalea Drive, Swanley

The Chairman welcomed everyone to the meeting.

The Hearing gave consideration to the report by the Senior Licensing Officer giving details of an application for a premises licence for Swanley Locals, 31 Azalea Drive, Swanley, BR8 8HS. She provided a brief overview of the application, explaining that the application was for the sale of alcohol for consumption off the premises Monday - Sunday 06:00 - 23:00 at a local convenience store and that during the consultation period 9 representations had been received. Members' attention was also brought to the further representation made by one of the objectors. The steps the Applicant intended to take to promote the Licensing Objectives were set out on pages 23 - 26 of the report.

The Sub-Committee were advised that appropriate weight needed to be given to the steps the applicant intended to take to promote the licensing objectives, and to consider representations presented by all parties, Home Office Guidance, the Sevenoaks District Council Statement of Licensing Policy and any other relevant legislation. It was also brought to Members' attention that paragraph 10.15 of the Section 182 Statutory Guidance of the Licensing Act states that unless there are good reasons, based on the licensing objectives, for restricting hours, then the sale of alcohol should be in-line with the shops retail opening hours. The Hearing was

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reminded that all parties had the right to appeal within 21 days of the publication of the Notice of Determination.

The Applicant's representative advised that his client had offered additional conditions and restrictions and believed that these would be enough to mitigate any public nuisance complaints. He advised that the store had a separate slip road access for delivery and waste collections, however he would not be able to guarantee a time when deliveries happened as it came from a central company.

The Objector's representative advised that in the past there had been aspects of anti-social behaviour and his client had worked hard with the public and police to reduce this. Their concern with the application was that there had been no acknowledgment of previous anti-social behaviour or provided specific steps to address them.

Members asked questions of clarification.

The Licensing Sub-Committee heard from the Environmental Health representative who had concerns that deliveries and waste collections could cause a public nuisance to the local residents without further conditions this. However, he acknowledged that such noise would only have a limited connection to the licensed activities.

The Applicant's representative advised that the Applicant would want to work with neighbours and avoid any anti-social behaviour, and that he was an experienced convenience store operator.

At 11.19am the Hearing Members withdrew to consider the issues raised, accompanied by the Council's Legal Advisor and Clerk to the Hearing for the purpose of providing advice only.

At 11.42 am the Hearing Members, Council's Legal Advisor and Clerk to the Hearing returned.

Resolved: That having had regard to the representations made by the applicant and the interested parties, the Licensing Objectives, Statutory guidance issued under section 182 of the Licensing Act 2003 (as amended) and the Council's licensing policy the Sub-Committee's decision was to grant the licence in line with the application subject to minor amendments to proposed conditions for the purpose of enforceability. In coming to the decision limited weight had been given to the letters of support, however the Committee were satisfied that the conditions proposed would meet the licensing objections including the prevention of public nuisance and the protection of children from harm. Noting restrictions on deliveries and waste collection, refusal book CCTV and Challenge 25. The Full decision notice would be published within 5 working days of the hearing.

THE MEETING WAS CONCLUDED AT 11.45 AM

CHAIRMAN