

## **MAIDSTONE BOROUGH COUNCIL**

### **LICENSING ACT 2003 SUB COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON FRIDAY 11 JANUARY 2013**

**Present:**            **Councillor Mrs Parvin (Chairman), and  
Councillors Barned and Mrs Joy**

1.    DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

2.    DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

3.    EXEMPT ITEMS

RESOLVED: That the Items on the Agenda be taken in public as proposed.

4.    APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT  
2003 TO BE GRANTED FOR MARTINS, 327 BOXLEY ROAD, MAIDSTONE,  
ME14 2HN

The Chairman requested those present to introduce themselves, explained the procedures and Members confirmed that they had read all the papers.

Mrs Bolas explained that the hearing was regarding an application dated 15, November 2012, for a licence for the supply of alcohol at Martins, 327 Boxley Road, Maidstone from 6am to 11pm daily. A representation had been received in time from Dr Worden. Mrs Bolas explained that the statutory position can only take account of representations made on the grounds of the four licensing objectives, public health and need were not within those.

Mr Crank, representing the applicant, stated in his opening remarks that Martin McColl Ltd (the applicant) wish to increase the convenience element within the store with further chilled food and a small range of alcohol. The original application was submitted to cover the current operating position of the premises, however they do plan to shut the shop by 10pm and therefore the licence is only required from 6am to 10pm. Mr Crank noted there had been no objection from the Police.

He stated that the applicants were very experienced and had over 700 premises with licences. Procedures are in place to observe the licensing principles – Crime & Disorder – CCTV will be monitored in the store and linked to Head Office with cameras at the entrance, till points, alcohol display and other areas of the shop. They will operate a 'Challenge 25' policy and all staff will be trained in this policy. They have interactive tills

so that when an age restricted product is scanned, the staff Member has to indicate whether the individual looks under or over 25, if under 25, ID shown and recorded on the till that ID has been seen and a permanent record is kept. The applicant employs an external company that carries out spot checks on their stores and staff are advised that selling alcohol to under age is "gross misconduct". The Manager of the store is a personal licence holder and two other members of staff have passed the personal licence holder test, although they are not personal licence holders yet. Training is refreshed on a quarterly basis and the premises has internal shuttering.

Mr Crank mentioned that some elements of the objection were on public health grounds and as this is not within the licensing objectives, he felt they were not valid.

He also stated that the applicant would be happy for the terms in the operating plan to be included as conditions on the licence.

The objector was then given the opportunity to ask questions of the applicant. The applicant responded that alcohol for sale would be a limited range of wines, beers and spirits and the smallest quantity to be sold would be 1 can of beer. It was accepted that the premises could potentially trade until 10 pm but it would usually be to 8pm, the nearby fish and chip shop opens until 9pm and the off licence to 10pm.

Members were then given the opportunity to ask questions of the applicant. In response to questions, the applicant's representative stated that they currently have 3 members of staff – the Manager has been there 1 year and the 2 other members of staff have been working there for a long time (5 years +), all are mature ladies.

There were no questions of clarification.

Dr Worden, the objector, stated that he was a retired GP and was previously an Environmental Health Sanitary Inspector. He said that he knew the shop well and was a regular customer. The shop is next to a recreational area where youngsters play football and he felt that if the shop were to sell alcohol it would be temptation for the youngsters. He was concerned that the youths would consume alcohol in the car park or on the green area and this could lead to trouble, as well as large congregations of people which could cause a nuisance to the residents of the flats above the shops. He also stated that there were no public toilet facilities in the immediate area.

The Applicant had no questions for the Objector.

Members were then given the opportunity to ask questions of the Objector. He was asked if he had spoken to any of the residents of the flats above the shop, to which he replied no.

There were no questions of clarification.

All parties were then given the opportunity to give a closing speech.

The objector stated that his reasons are based on probability, but from his previous experience he feels this is reasonable. People arriving at the shop between the hours of 9pm and 10pm will be disturbing. He would prefer, if a licence was to be granted, that it is for shorter hours.

The Applicant's representative stated that the application has been properly presented and addresses the licensing objectives. He also stated that, in light of the evidence presented, the fact that the police have not objected, the lack of substantive evidence from the objector and the slight reduction in the hours, the application should be granted until 10pm.

There were no questions of clarification.

The Committee then retired to consider the application and

RESOLVED: That the application be granted for 06:00 to 22:00 hours daily

**Reasons for determination:**

■ **Prevention of Crime and Disorder**

and

■ **Prevention of nuisance**

Reasons (state in full):

Members did not consider the representations made relating to alcohol related disease and availability of alcohol in the area as these are not relevant to the licensing objectives.

Members did fully consider the impact of granting the application on crime and disorder, including anti-social behaviour, and public nuisance and did not feel there was any evidence that these issues would in fact arise. They took account of the fact that there were no objections from Police or residents living above the shop or those adjacent.

The premises to be licensed are currently a newsagents shop and the application is made to support a change to increased convenience store elements e.g. chilled and grocery items and alcohol for consumption off the premises.

Mandatory conditions and those consistent with the operating schedule, supplied with the application, will apply. These conditions include CCTV, Challenge 25, staff training on sale of alcohol and Challenge 25 and quarterly refreshers, a refusals record and prominent signage. Members were satisfied with the business procedures on training, CCTV, till prompts and level of staffing, together with these conditions, being appropriate and proportionate to promote the licensing objectives on prevention of crime and disorder and public nuisance.

Informative: The parties should be aware that should evidence of issues arising relating to the licensing objectives occur then application can be made for review of the premises licence at any time.

5. DURATION OF MEETING

10.00 am to 11.02 am.