

MAIDSTONE BOROUGH COUNCIL

Licensing Act 2003 Sub Committee

**MINUTES OF THE MEETING HELD ON TUESDAY 24 FEBRUARY
2015**

Present: Councillors Mrs Joy, McKay and Newton

6. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

7. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

8. EXEMPT INFORMATION

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

9. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES -
APPLICATION TO VARY A PREMISE LICENCE UNDER THE LICENSING ACT
2003 FOR S & I FOOD AND WINE, 44 TONBRIDGE ROAD, MAIDSTONE,
KENT, ME16 8SE

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

The Legal Advisor explained that the hearing was regarding an application to vary a Premises Licence under the Licensing Act 2003 made by Ismet Kadri Osman for S & I Food And Wine, 44 Tonbridge Road, Maidstone, Kent, ME16 8SE.

In respect of this application two objections had been received from other persons and no objections had been received from responsible authorities. As no objectors were present, Mrs Bolas explained to Members that under Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005 if a party has not informed whether they are attending or not and does not attend, Members can decide to either adjourn the hearing where they consider it to be necessary in the public interest or continue with the hearing in the party's absence. If a decision is taken to continue, consideration must be given to the written objections received. Members decided to continue with the hearing.

Mr Osman, the applicant, stated in his opening remarks that the current licence provided for an 8.00 a.m. start to sale of alcohol which was too

late for a convenience store which intended to attract those on their way to work and provide breakfast items and newspapers, with 6.00 a.m. being more appropriate. The variation applied for was also to extend the alcohol sales hours to 1.00 a.m. on Friday and Saturday evenings to provide a late service that was not currently provided by other local convenience stores. The opening hours would also be varied to the same as those for sale of alcohol.

Members were then given the opportunity to ask questions.

In response to a question Mr Osman explained that he lived above the premises and that there were no parking spaces for premises along the road, but there was a loading bay opposite the premises. Responding to concerns raised regarding an increase of traffic, Mr Osman stated that the area is already busy until 1.00 a.m. as there is a dance venue 50 yards from the premises.

In response to a question regarding whether Mr Osman had already opened the shop, he replied that it was scheduled to open in 2-3 weeks and explained that he had previous experience in retail. Mr Osman clarified there would be two employees which would increase to three during busy times, but would fundamentally consist of himself and his wife.

A Member sought confirmation that alcohol was intended to be sold from 6.00 a.m. to which Mr Osman responded that he did not mind if alcohol selling started later. Mr Osman explained that the premises had come with the licence that was already in effect.

The Legal Advisor enquired as to whether alcohol would be on display for sale, and if so would it be difficult to cover up at 6.00 a.m. Mr Osman stated that liquor would be behind the counter and beers would be in the fridge and so should not be difficult to cover up.

A Member drew attention to the shop floor plan and asked what the fridge between the drinks cooler and the fire extinguisher would be used for, pointing out that on the plan it showed that 2/3 of one wall were wines and beers. Mr Osman explained that the beers would only be in the first fridge, and that the counter would be longer than shown on the plan.

In response to a question Mr Osman confirmed that it would be difficult but it would be possible to cover spirits and beer using a roller shutter.

In response to a question regarding whether the main source of income was expected to be convenience products or alcohol, Mr Osman replied that he expected it to be a combination of both.

In response to an enquiry as to why the 11.00 p.m. closing time wasn't trialled first before an application for variation was made, Mr Osman explained that he did not want to keep changing the opening times and would rather stabilise opening times so that this is clear for customers,

however the most important variation was the earlier opening at 6.00 a.m.

Mr Osman was asked what steps would be taken to protect the safety of those serving in the shop, to which Mr Osman responded that there would be more people serving in the evening. Asked whether staff could be vulnerable to theft, Mr Osman confirmed that there would be cameras on the premises. Mrs Bolas explained that the current licence already had restrictions such as Challenge 25 and CCTV. Mr Osman confirmed he would consider subscribing to Maidsafe.

Responding to a question regarding how his personal licence had been used previously, Mr Osman told Members that he had used it for retail for three years in London.

Members had no further questions.

The Committee then retired to consider the application and

RESOLVED: That the variation application be granted.

Reasons for determination:

Prevention of Crime and Disorder

Reasons (state in full): See attached

Promotion of Public Safety

Reasons (state in full) see attached

Prevention of nuisance

Reasons (state in full): See attached

Protection of Children from Harm

Reasons (state in full) see attached.

Members carefully considered the application, evidence from the licence holder, Mr Osman, at the meeting and the written representations of Mr Turner and Mrs Clews on the papers at appendix C, neither in attendance.

Members took into account that there were no representations made by the Police indicating likelihood of any crime and disorder issues and no other evidence that such issues would arise in the hours applied for. Members also took into account that there were no representations from environmental officers concerning noise nuisance and that whilst the area of the premises is residential it is close to town and on a main road, in an already busy and noisy area. It was considered that many users of the premises would attend on foot. The impact of the variation hours was not considered such as to warrant refusal. The application hours would not affect the protection of children from harm objective as travel to school would not generally take place between 06:00 and 08:00 and not after 23:00 at weekends.

Public safety would not be differently affected during the variation hours to the existing hours. Staff numbers and training were considered appropriate. The number of shops and off licences and demand in the area is not a consideration for the sub-Committee.

Conditions already in place on the licence will extend to the varied hours and cover issues such as CCTV, refusals records, delivery during daytime hours, staff training, challenge 25 and other matters which deal with possible nuisance issues. No further conditions are considered appropriate or proportionate for the additional hours.

Informative: - The licence holder and any responsible authority or other person should be aware a review of the premises licence on grounds related to the licensing objectives can be sought should there prove to be any problems in future.

10. DURATION OF MEETING

10.07 a.m. to 11.37 a.m.