



**LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL**

**LICENSING ACT 2003  
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

**NOTICE OF DETERMINATION**

Application Ref No: 22/04808/LAPRE

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Applicant: Mr Engarshal Sinnarasa

Regarding The Green Convenience Store, 4 The Parade, The Green, Bearstead, Kent ME14 4DN

Date(s) of hearing: 9 February 2023

Date of determination: 9 February 2023

Committee Members: Councillor Trzebinski (Chair)  
Councillor Coates  
Councillor Joy

Legal Advisor in attendance at hearing(s): Helen Ward, Lawyer (Contentious), MKLS

Democratic Services Officer in attendance at hearing: Oliviya Parfitt

Senior Licensing Officer for application: Lorraine Neale

This was an application for:

- Variation       Grant  
 Provisional Statement     Review     Other .....

for a

- Premises Licence     Club Premises Certificate     Personal Licence  
 Temporary Event Notice

**A: Representations, evidence and submissions:**

The Committee considered the representations, evidence and submissions of the following parties:

**Applicant**

Mr Engarshal Sinnarasa (Applicant)  
Mr Frank Fender (Applicant's Representative)

**Responsible Authorities**

N/A

**Interested Parties**

Cllr Val Springett  
Graham Barrett

**Witnesses and legal representatives in support of interested parties**

N/A

**Representations considered in the absence of a party to the hearing:**

Those contained within the Report prepared for the Licensing Sub Committee

**B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Maidstone Borough Council**

The Committee has taken into account the following provisions of the Licensing Act 2003 and the Regulations thereto:

Section 4 which relates to the licensing objectives  
Sections 16-24 which relate to the grant of a premises licence;

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 2 which relates to the licensing objectives  
Chapters 8 & 9 which relate to premises licences & determinations  
Chapter 10 which relates to conditions attached to licences;

The Committee has taken into account its Statement of Licensing Policy.

## **C: Determination:**

### **The Committee has decided to:**

- Grant the application as applied for with an additional condition that reads:  
*Where the premises is open for the sale of alcohol beyond 9.30pm, a minimum of two staff will be on duty at the premises from 9.30pm until close.*

### **Reasons for determination:**

#### **■ Prevention of Crime and Disorder**

The Licensing Sub Committee welcomed the investment that the applicant had made to the premises and recognised their experience in operating similar businesses. The applicant explained that he operated three other convenience stores which, although licensed until 10pm or 11pm, generally did not operate beyond 8pm in the winter or 9pm at weekends in the summer. On questioning from the Licensing Sub Committee the applicant confirmed that there would be another member of staff on duty in the summer when they trade later at the other premises.

The Licensing Sub Committee welcomed the contact the applicant had made with the interested parties and local councillors regarding the application.

The Licensing Sub Committee noted that the operating schedule that had been offered was robust in terms of CCTV and staff training and they considered that this would help ensure the premises would promote licensing objectives.

The Licensing Sub Committee recognised that the Police had not made any objection to the application and noted their policy at paragraph 4.5 that the Police are the main source of information on crime and disorder matters. The Licensing Sub Committee also considered the evidence provided concerning anti social behaviour during later hours from the interested parties. The Licensing Sub Committee heard that the applicant did not know what hours he would definitively operate to, which would be dictated by market forces. On questioning, he explained that he operated with extra staffing at his other shops when they operate later hours. They welcomed his commitment made during the hearing to work closely with the community to deal with concerns regarding trading in the later hours. The Licensing Sub Committee queried the inclusion of an additional condition regarding staffing levels and noted the comments made by all parties, in particular by the applicant that they would be in agreement to a condition that an additional member of staff be on duty beyond 9.30pm when the premises was trading later than 9.30pm, as if he were to be open that late it would be due to other circumstances in the area which would likely dictate the need for further staff on duty. The Licensing Sub Committee recognised that a number of the concerns raised in representations were already occurring and could not be apportioned to the premises. They balanced that with their duty to promote the

licensing objectives and in particular that they were required to consider the prevention of crime and disorder.

The Licensing Sub Committee noted that a number of representations raised the issue of an earlier closing hour. They did not feel that the evidence supported any intervention in the hours sought by the applicant for the sale of alcohol, subject to it being supported by the operating schedule proposed and the additional condition agreed at the hearing. They noted in particular their policy at paragraph 3.6, whereby hours will generally only be restricted in comparison to the opening hours of a premises where the premises has become the focus of crime and disorder.

The Licensing Sub Committee recognised that in the event that the concerns raised in representations were made out, the applicant had offered to work with his community and in addition the Licensing Act 2003 allowed a process for Review of the premises licence if the licensing objectives were undermined.

Accordingly, the Licensing Sub Committee were satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective subject to the addition of a condition requiring an additional member of staff to be on duty beyond 9.30pm, when the premises traded for the sale of alcohol beyond that time.

#### ■ **Public Safety**

The Sub-Committee were satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective.

#### ■ **Prevention of Public Nuisance**

The Sub-Committee were satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective.

The Licensing Sub Committee noted that a number of representations made reference to an increase in noise, however they did not feel that the evidence provided supported any intervention to promote this licensing objective.

#### ■ **Protection of Children from Harm**

The Sub-Committee were satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective.

### **D: Appeal**

Entitlements to appeal for parties aggrieved by the decisions of the Licensing Authority are set out in Schedule 5 to the Licensing Act 2003.

An appeal has to be commenced by the giving of a notice of appeal to the Magistrates' Court within a period of 21 days beginning on the day on which the appellant was notified by the licensing authority of the decision to be appealed against. Parties should be aware that the Magistrates' Court may make an Order as to costs in any Appeal.

PRINT NAME (CHAIR):

Signed [Chair]:

A copy of the original document is held on file

Date: 9 February 2023