

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 SUB COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 8 MARCH 2018

Present: Councillor Mrs Hinder (Chairman), and
Councillors McLoughlin and Newton

49. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

50. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

51. EXEMPT ITEMS

RESOLVED: That the items be taken in public as proposed.

52. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR CO-OPERATIVE, 1 BUCKINGHAM DRIVE, HARRIETSHAM, KENT, ME17 1GF

The Chairman requested that all those participating in the hearing identified themselves as follows:-

Councillor Mrs Hinder – Committee Chairman
Councillor Newton – Committee Member
Councillor McLoughlin – Committee Member
Mr Robin Harris – Legal Advisor
Mrs Caroline Matthews – Democratic Services Officer
Mr Richard Arnot – Solicitor (for Co-Operative Group Food Limited)
Mr Craig Smith – Acquisitions Manager (for Co-Operative Group Food Limited)

The Chairman asked all parties to confirm that they were aware of the hearing procedure and that each had a copy of the procedure document.

The Committee Members confirmed that they had pre-read all the papers and any other documents contained in the report regarding the hearing.

The Legal Advisor outlined the application and advised that the Applicant had applied for a Premises Licence for a Co-Operative Convenience Store at 1 Buckingham Drive, Harrietsham, Kent ME17 1GF.

The Members of the Committee were advised that during the consultation period one representation had been received from a local resident

objecting to the Premises Licence under Crime and Disorder, Public Safety and Public Nuisance.

The Legal Advisor, Mr Harris, advised the Sub-Committee that Officers had written to the objector requesting that he expanded further on his comments but he had not responded. As the objector was not in attendance, Members could decide to postpone the hearing or make a decision taking into account the objector's original comments received and contained within the papers. The Sub-Committee concluded that they had sufficient information to continue with the hearing.

The Chairman invited Mr Arnot, on behalf of Co-Operative Group Food Limited, to provide his opening remarks.

Mr Arnot advised Members that the Co-Operative Group had over 2,200 shops nationwide and this particular convenience store in Harrietsham would open in August 2018. It would be essentially a convenience store, with about 15% of the sales expected to be attributable to the sale of alcohol.

The Sub-Committee was informed that the Co-Operative Group Food Limited took their responsibilities seriously and spent time developing and training staff and ensured that each area had a Risk Manager. All staff were required to go through a rigorous induction process and are put on 'lock down' for a period of 4 weeks before they are allowed to sell alcohol to the public whilst undergoing training with a supervisor.

It was also noted that there was a robust system in place to ensure that members of the public purchasing alcohol were challenged. The till would prompt the cashier to check whether the customer is over 18 and they also operated the Challenge 25 Scheme.

It was noted that there would be 10 CCTV cameras inside the shop and another 2 outside.

The Sub-Committee were advised that although there were 11 car parking spaces outside the Shop allocated to the Co-Operative Store, there would be no means of enforcing their exclusive use. It was hoped that the majority of customers would be those on the estate who used the store for their convenience so the spaces allocated probably would not be utilised that much.

The representatives of Co-Operative acknowledged that the Piazza area could be used as a local gathering place but it was not within the responsibilities of the Co-operative Group Food Limited to provide CCTV for that area.

Determination:

The Sub-Committee determined that the premises licence should be granted.

This is an application for:

- ✓ New Application

of a:

- ✓ Premises Licence Club Premises Certificate

Reasons for determination

Prevention of Crime and Disorder

Reasons (state in full):

The Sub-Committee noted that there was no representation from Kent Police regarding this Licensing Objective and were satisfied that the Applicant's operating schedule was sufficient for the promotion of this Licensing Objective.

Protection of children from harm

Reasons (state in full):

The Sub-Committee noted that there were no representations under this Licensing Objective.

Prevention of public nuisance

Reasons (state in full):

The Sub-Committee noted the genuine concern raised in writing by the other person as to the potential impact of a licensed premises with regard to noise nuisance and anti-social behaviour from users of the premises congregating in the piazza area to the front of the new premises.

However, the Sub-Committee were of the view that the concerns raised prior to the hearing were speculative and felt that any issues arising could be dealt with as an enforcement issue as necessary.

The Sub-Committee wanted to reassure the other person that the situation would be monitored and action taken where appropriate.

Public safety

Reasons (state in full):

The Sub-Committee noted that there were no representations under this Licensing Objective.

Representations, evidence and submissions:

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

Applicant:

- Name: Co-operative Food Group Ltd
 - Representative: Mr Arnott
 - Representative: Mr Smith

Responsible Authorities:

None

Other persons:

- Mr M Cooper

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

- Mr M Cooper

Consideration of the Licensing Act 2003, the Guidance under 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 11 Premises licence;
Section 15 Designated Premises Supervisor
Sections 16 – 18 inclusive which relate to the application for a premises licence;

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act as amended and published April 2017:

Chapter 2 Licensing Objectives
Chapter 8 Premises Licences
Chapter 9 which relates to determining applications
Chapter 10 which relates to conditions attached to licences;

The Sub-Committee has taken into account the following provisions of its Statement of Licensing Policy:

Chapter 17 which relates to Licensing conditions

The Committee has decided to depart from the guidance under section 182 of the Act and/or the statement of licensing policy for the following reasons:

Paragraphs and reasons (state in full):

N/A

