

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Friday, 1 February 2019 at 10.00 am.

Present:

Sub-Committee:

Chairman: Councillor P M Brivio

Councillors: A M Napier
M J Ovenden (as substitute for Councillor S F Bannister)

Officers:

Legal Adviser: Contentious and Regulatory Lawyer

Licensing Officer: Licensing Enforcement Officer
Licensing Apprentice

Administrator: Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/19/0002V).

35 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor S F Bannister.

36 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor M J Ovenden had been appointed as substitute member for Councillor S F Bannister.

37 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

38 LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE AT LONDIS, 97-99 ST. RICHARD'S ROAD, DEAL

The Sub-Committee considered an application from Sornavadivel Sornaraj in respect of Londis, 97-99 St Richard's Road, Deal. The application was for the variation of a premises licence as follows:

Supply of Alcohol (for consumption OFF the premises

Monday to Saturday	06:00 hrs to 23:00 hrs
Sunday	06:00 hrs to 22:30 hrs

and the removal of the following condition

'Alcohol shall not be sold in an open container or be consumed in the licensed premises.'

On the basis of the representations of the applicant's representative and other persons, the Sub-Committee found the following facts to be established:

- (i) There had been no representations made by any of the Responsible Authorities, including the Police.
- (ii) One representation was received from Councillor A S Pollitt (ward councillor). Within his representation he stated that he would be satisfied if the premises were to have a licence from 7am. No representations were received from any local residents, including those in the nearest neighbouring properties.
- (iii) The Licensing Enforcement officer advised that other stores in the Mill Hill area were licensed from 06:00 to 23:00 hrs and were permitted to serve alcohol. The actual opening hours of the stores were not for the consideration of the Licensing Sub-Committee.
- (iv) Mr Bartlett advised that Mr Sornaraj owned three other stores in the area and that each were managed responsibly, complying with all of the licensing objectives. The Licensing Enforcement Officer confirmed that no complaints had been made about the running of those premises. Councillor Pollitt had made reference to a premises in Dover but this was not managed by the applicant.
- (v) Councillor Pollitt stated that the variation would increase crime and disorder and create a public nuisance. The store was on a busy road and located at a busy junction with St Mary's School 300 yards away from the premises. Mr Bartlett told Members that there was parking at the Londis store for up to 6 vehicles and pupils started school at 08:45 hrs.
- (vi) It was acknowledged that St Richard's Road was a busy road. Between the hours of 06:00 – 07:00 hrs the road was quiet and it was not anticipated that there would be a rush of customers to the Londis Store at these times. It was thought that alcohol purchases would generally be made in addition to customer's usual purchases and not their sole purchase.
- (vii) Section 137 of the Licensing Act 2003 states that it is an offence to display alcohol at times when licensable activity is not permitted. The hours requested were required to bring the permitted sale of alcohol in line with the opening hours of the store.
- (viii) Having met with PC S Noddings, Mr Sornaraj offered to implement three additional measures within the operating schedule to promote the licensing objectives (as shown in the report).
- (ix) In addition, Mr Sornaraj requested that the following condition be removed from the existing licence:

'Alcohol shall not be sold in an open container or be consumed in the licensed premises'.

In reaching its findings the Sub-Committee took into account the following:

- (i) Dover District Council's Licensing Policy.

- (ii) The Licensing Act 2003 and the guidance given under Section 182 of the Act.
- (iii) Section 17 of the Crime and Disorder Act 1998.
- (iv) Article 6 of the Human Rights Act.

RESOLVED: (a) GRANT the application for the variation to the premises licence in respect of Londis, 97-99 St Richard's Road, Deal as follows:

- (i) Supply of Alcohol (for consumption OFF the premises)

Monday – Saturday	06:00 hrs to 23:00 hrs
Sunday	06:00 hrs to 22:30 hrs

- (ii) The following condition to be removed

'Alcohol shall not be sold in an open container or be consumed in the licensed premises.'

The meeting ended at 10.44 am.