

(Report of the Licensing Officer, Samantha Potts 7364)

Application – New Premises Licence.

Premises – 230 Park Road, Sittingbourne, Kent

Provisions	Days	Proposed Hours	Agreed Hours
Sale of alcohol	Monday - Sunday	07:00 - 23:00	

Background

Mr Sivaraman has applied for a New Premises Licence under the Licensing Act 2003, to sell alcohol from the premises at 230 Park Road, Sittingbourne, Kent.

The premises are currently vacant, Mr Sivaraman wishes to open as a convenience store with an 'Off Licence'.

The premises are situated in Park Road which is a predominately residential area, adjoining the property each side are terraced houses. The premises sits virtually on the pavement, there is no designated parking. At the end of the road approximately 100 yards away is the Gore Court Arms Public House. The nearest other convenience stores are situated in Chaucer Road and West Street.

Mr Sivaraman intends to be the Designated Premises Supervisor, his personal licence application is currently pending with Medway Council.

Consultation

The application was served by the applicant on Kent Police, Kent Fire and Rescue, the Councils Pollution Team, Planning, Child Protection Services and Weights and Measures.

The application was advertised in the local paper and on the premises for a period of 28 days, in line with the requirements of the Licensing Act 2003.

Nine letters have been received from local residents (see attached). The Police Licensing Officer has also submitted a representation in which he is requesting that 13 conditions be applied to the licence.

Conclusion

Mr Sivaraman has applied for a new premises licence for 230 Park Road, Sittingbourne. Nine local residents and the Police Licensing Officer have raised objections. Councillors must decide if any of the following are appropriate:

- *Grant the licence as applied for.*
- *Grant the licence with conditions and/or changes.*
- *Refuse the licence.*

Licence application
Letters from residents
Police Representation
Plan of the area.

Application for a premises licence to be granted
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Vijaya Ramanathan Sivaraman

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
230 Park Road			
Post town	Sittingborne	Post code	ME10 1AP

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£2750

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an Independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Sivaraman			First names Vijaya Ramanathan		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		18 Harping Street			
Post Town	Chatham		Postcode	ME4 5PH	
Daytime contact telephone number			07786262693		
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name N/A
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
0	2	04
2	0	1
2		

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

Please give a general description of the premises (please read guidance note1)

The property is currently vacant but they would like to operate as a convenience store selling alcohol.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

0

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish		State any seasonal variations for the supply of alcohol (please read guidance note 4)				
Mon	07.00	23.00						
Tue	07.00	23.00						
Wed	07.00	23.00						
Thur	07.00	23.00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)					
Fri	07.00	23.00						
Sat	07.00	23.00						
Sun	07.00	23.00						

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Vijaya Ramanathan Sivaraman	
Address 18 Harping Street Chatham	
Postcode	ME4 5PH
Personal Licence number (if known) APPLICATION PENDING	
Issuing licensing authority (if known)	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

N/A

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	07.00	23.00	
Tue	07.00	23.00	
Wed	07.00	23.00	
Thur	07.00	23.00	
Fri	07.00	23.00	
Sat	07.00	23.00	
Sun	07.00	23.00	
			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

The applicant is aware of the importance in ensuring all four of the licencing objectives are met. The applicant will ensure all staff are trained in the requirements of the Licensing Act 2003. In addition, all staff will be trained in the fundamental laws contained in the Licensing Act 2003 (please see Training Log - Appendix A). Documentation will be held on the premises for inspection if required.

b) The prevention of crime and disorder

The applicant has adopted a strategy founded on firmness, consistency and the needs of the customers to prevent crime and disorder. Staff will be carefully selected and trained to be 'non-confrontational' when dealing with potentially dangerous situations. The applicant will be pleased to liaise with local police to uphold the crime prevention initiative. A closed circuit television will be installed, maintained and operated. Records of data captured on the CCTV shall be kept for 31 days and be available for inspection by police and authorised officers of the licensing authority at all reasonable times. Currently the premise is vacant and this will be installed if application is successful.

c) Public safety

The applicant will ensure current legislation is adhered to in respect of Health & Safety, and will maintain a safe environment for customers and staff alike. A route free from obstruction will be provided for evacuation in the case of emergency.

d) The prevention of public nuisance

The applicant is aware of the responsibility upon the Licence Holders in respect of the prevention of public nuisance. This includes the awareness of not selling alcohol to a person who appears drunk. The applicants will inform the appropriate authorities should a situation arise endangering this licensing condition.

e) The protection of children from harm

The applicant is aware of the duties in respect of the protection of children from harm, including that alcohol shall not be served to anyone under the age of 18. Challenge 21 will be in operation and notices will be on display stating this. Notices will be on display regarding prohibition of the sale of alcohol and cigarettes to under age persons. A proof of age scheme is in operation to this end, and if in any doubt will refuse service without valid identification. A refusals log will be available for inspection by responsible authorities if required (Please see Appendix B).

All staff will be trained in these requirements.


Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	20 th March 2012
Capacity	Duly Authorised Agent

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

LEGAL
10 APR 2012
DEPARTMENT

Dear Sir or Madam,

I am writing to state my objection to the application for a new premises licence by Vijay Ramanathan Sivaraman for 230 Park Road, Sittingbourne, ME10 1AP.

The request is for a licence for 'Off Sales Mon. to Sun.
07.00 to 23.00 hrs.

This property is in a residential area, with very young children as immediate neighbours, with joint access through a gateway. There is a public house at the top of the road and a shop in Chaucer Rd which sells alcohol - this shop would create unnecessary competition for them. It would also attract young adults and teenagers to congregate throughout the day and evening; which would create more noise and possibly a litter problem for residents.

Parking is a problem already in the evenings and W/Ends and this shop would make the situation worse!

Security and anti-social behaviour is another cause for concern, particularly if alcohol is consumed outside the property.

Such a shop would also de-value property in this area and make it even more difficult to sell than it is at the moment! For all these above reasons I feel it is not an appropriate area for the use requested.

Yours sincerely,

2



11 April 2012

To whom it may concern,
RE: 230 PARK ROAD

I wish to make an objection to the Licensing Department issuing an off-license to 230 Park Road to be able to sell alcohol.

My reasons are the following:

1. I am worried about the fact that this will attract young people to hang around the area at night and the parking on this road is always an issue.
2. There are 2 pubs within a short distance, so, surely that's enough for anybody.
3. This will affect the re-sale of my property should I wish to sell in the future.

I am not happy that the council is just sticking a piece of paper on the window of the shop informing people, is terrible. You should have at least wrote to people living close by and tell them what's intended.

Yours Sincerely,

12-4-12.

3

NO / would NOT Like No 230 PARK ROAD
to be a OF Licence,

Noise, PARKING, disturbance, we got a
Pub, vets, school and a OF Licence
round the next road.

I object to the application, we can't
Park, Because of vets Pub and school
and the noise it would bring.

15th April 2012

ref: New Premises Licence for Vijay Ramanathan Siveraman
at 230 Park Road, Sittingbourne, Kent, ME10 1EP

Dear Sir / Madam,

I refer to a recent notice showing at the above premises dated 4th April 2012. I am writing to you as I am very concerned about this new licence as I live next door with my twins who are under the age of two and I have a number of other concerns as follows:

1) At between 7.30pm - 8.45pm (approx) the night before this sign was put in the shop window, I could hear banging in the property and also a group of men talking. As my children were unsettled due to it being their bedtime and due to the noise, I could see through the window the present owner including who I believe to be the new owners sat on my wall talking - the present owner knows I have young children in the property. If I could hear this noise from my backroom and with how it unsettled my children, how would they sleep due to the increased noise and disturbance here would be due to next door being opened 7 days a week from 7am to 11pm everyday.

2) I am concerned as I feel the selling of Alcohol next door would lead to anti-social behaviour, litter problems and also problems with crowds of people outside the shop, my home and other homes due to it being a →

residential area.

- 3) Due to this being a residential area with a lot of families especially with children, I feel that there would be an increase of traffic which would impact the residents including myself in regards to parking. There would also be an increased danger to children crossing the road due to a near by school and extra congestion which could effect potential access for emergency vehicles when needed.
- 4) Another concern is that the shop has shared access to my home + other neighbours properties either side due to a shared alleyway. Due to this shared alleyway I feel that access might be gained through the ally at night, should access be gained at night or during the day this could lead to a risk for myself, my children and my neighbours affecting our security and our safety.
- 5) I am also concerned as it is my understanding that there was a previous drug problem at the premises where drugs were grown in the bedrooms and drugs were dealt from the property. I believe the police were informed and appropriate action was taken but ^{it} is a ~~concern~~ concern that this happened due to this being a quiet residential area.

I hope you can understand my ~~concerns~~ concerns I have raised in this letter, please accept this letter as my objection to the new premises licence for this property. Should you require any further information, please contact me on 01795 423760. I appreciate your help with this matter.

Yours sincerely

5

Although identical this letter is from a different address to letter 6.

Licensing Officer
Licensing Department
Swale Borough Council
East Street
Sittingbourne
Kent
ME10 3HT



16/4/2012

Dear Sir or Madam,

Re: Letter of objection to the granting of a new Premises Licence – 230 Park Road, Sittingbourne, Kent, ME10 1AP

I am writing to object in the strongest possible terms to the granting of a Premises Licence for the above property.

This property is located in the centre of residential area, with many families with young children, and is entirely unsuitable for this type of activity for the following reasons;

Opportunity for Public Nuisance:-

- ⊙ Anti social behaviour resulting from the consumption of alcohol
- Increase in noise & disturbance, especially late in the evening
- Litter

Potential for harm to children:- As well as many families with young children, the property is located only several hundred yards from the Oaks Junior School.

- Increased traffic presenting a danger to children crossing the road
- The opportunity to purchase alcohol or exposure to the sale of alcohol

In addition to these reasons the increased traffic resulting from the granting of this licence would significantly contribute to congestion & parking problems, presenting potential access issues emergency service vehicles & access.

I would be happy to meet SBC officers or attend the Licensing Sub Committee to further explain my concerns.

Yours sincerely,

6

Although identical this letter is from a different address to letter 5.

S.P.A.S

Licensing Officer
Licensing Department
Swale Borough Council
East Street
Sittingbourne
Kent
ME10 3HT

16/4/2012

Dear Sir or Madam,

Re: Letter of objection to the granting of a new Premises Licence – 230 Park Road, Sittingbourne, Kent, ME10 1AP

I am writing to object in the strongest possible terms to the granting of a Premises Licence for the above property.

This property is located in the centre of residential area, with many families with young children, and is entirely unsuitable for this type of activity for the following reasons;

Opportunity for Public Nuisance:-

- ⊙ Anti social behaviour resulting from the consumption of alcohol
- Increase in noise & disturbance, especially late in the evening
- Litter

Potential for harm to children:- As well as many families with young children, the property is located only several hundred yards from the Oaks Junior School.

- Increased traffic presenting a danger to children crossing the road
- The opportunity to purchase alcohol or exposure to the sale of alcohol

In addition to these reasons the increased traffic resulting from the granting of this licence would significantly contribute to congestion & parking problems, presenting potential access issues emergency service vehicles & access.

I would be happy to meet SBC officers or attend the Licensing Sub Committee to further explain my concerns.

Yours sincerely

AT ALL HOURS, 7 DAYS A WEEK.
I HOPE THE COUNCIL WILL TAKE
NOTE OF MY CONCERNS AND
REFUSE THIS APPLICATION.

Yours Sincerely

0404 2012

DEAR SIR,

WITH REFERENCE TO THE
APPLICATION FOR AN OFF
LICENSE AT 230 PARK ROAD I OBJECT
MOST STRONGLY AGAINST THIS
ESPECIALLY FOR THE OPENING HOURS
APPLIED FOR. AS THERE IS ALREADY
AN OFF LICENSE IN CHAUSIER ROAD
IS THERE ANY NEED FOR ANOTHER
ONE RIGHT IN THE MIDDLE OF A
RESIDENTIAL AREA, I THINK NOT.
I CAN FORESEE A MULTITUDE OF
PROBLEMS ASSOCIATED WITH THIS
APPLICATION AND I HOPE THE
COUNCIL WILL TAKE NOTE OF THE
POTENTIAL FOR LITTER, EARLY BEER
CANS, BOTTLES ETC AND YOUTHS
HANGING AROUND THIS ESTABLISHMENT.

(1)

12 APR 2012

C.1796

Park Rd Resident.

Dear Sir or Madam.

Re-change of use for 230
Park Rd, Sittingbourne.

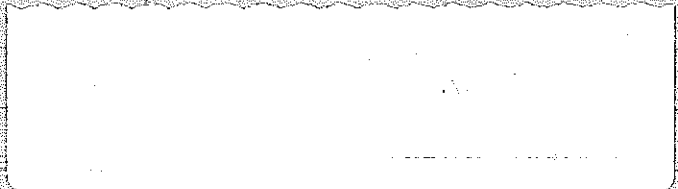
The area does not lend itself
to commercial use. It is a residential
area, terraced houses, and no parking.

The alley beside the property is for
the use of A houses access to the
backs of our properties (bins, plants
& deliveries to name a few)

The hours of business are not
conducive to residential areas.

There are many schools in the
area so plenty of vulnerable
children around.

There will be plenty of litter
(bottles, cans etc).



9

LEGAL
30 APR 2012
DEPARTMENT

Licensing Officer
Licensing Department
Swale Borough Council
East Street
Sittingbourne
Kent
ME10 3HT

12/4/2012

Dear Sir or Madam,

Re: Letter of objection to the granting of a new Premises Licence – 230 Park Road, Sittingbourne, Kent, ME10 1AP

I am writing to object in the strongest possible terms to the granting of a Premises Licence for the above property.

This property is located in the centre of residential area, with many families with young children, and is entirely unsuitable for this type of activity for the following reasons;

Opportunity for Public Nuisance:-

- Anti social behaviour resulting from the consumption of alcohol
- Increase in noise & disturbance, especially late in the evening
- Litter

Potential for harm to children:- As well as many families with young children, the property is located only several hundred yards from the Oaks Junior School.

- Increased traffic presenting a danger to children crossing the road
- The opportunity to purchase alcohol or exposure to the sale of alcohol

In addition to these reasons the increased traffic resulting from the granting of this licence would significantly contribute to congestion & parking problems, presenting potential access issues emergency service vehicles & access.

I would be happy to meet SBC officers or attend the Licensing Sub Committee to further explain my concerns.

Yours sincerely,





Details of person making objection

Name of Chief Officer of Police	Chief Inspector HENLEY
Postal Address: (Area Headquarters)	Sittingbourne Police Station Central Avenue Sittingbourne Kent ME10 4NR
E-mail address	licensing.swale@kent.pnn.police.uk
Telephone Number:	01795 419394

Details of premises representation is about

Name of Premises:	
Address of premises:	230 Park Road Sittingbourne Kent ME10 1AP
Date application received by police	04 TH April 2012
Date representation sent to Licensing Authority	04 th April 2012
<i>Must be within 28 days of receipt – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, Part 4 Reg. 22.</i>	

The Chief Officer of Police has received an application for the grant of a premises licence made under the provisions of Section 17 Licensing Act 2003, and under Section 18 of that Act, asks the Licensing Authority to consider these representations in respect of: -

Please tick one or more of the licensing objectives that the representation relates to:

Prevention of crime and disorder	<input checked="" type="checkbox"/>
Public Safety	<input type="checkbox"/>
Prevention of public nuisance	<input checked="" type="checkbox"/>
Protection of children from harm	<input checked="" type="checkbox"/>

Is this a representation regarding the Designation of Premises Supervisor under S18 (9) Licensing Act 2003? NO

If yes, complete the following statement: -

The relevant representation within the meaning of S.18(6) of the Licensing Act satisfy the requirements of S.18(9) of that Act and are as follows:

Due to the exceptional circumstances of this case, I am satisfied that the designation of the person concerned as the premises supervisor under the premises licence would undermine the crime prevention objective because

Please use separate sheets where necessary

The relevant representations within the meaning of S.18(6) of the Licensing Act satisfy the requirements of S.18(7) of that Act and are as follows:

Please give the reason for the representation and detail the evidence supporting it:

It is essential for the designated premises supervisor to have firm control of alcohol sales in an area which suffers from young persons attempting to purchase alcohol and causing a nuisance in the area and in order to prevent crime and disorder including theft of alcohol.

Communication between licensed premises and Police,CCTV is essential and being a member of the Swale safe radio system is required

I would ask that the licence is not granted until all conditions are being complied with.

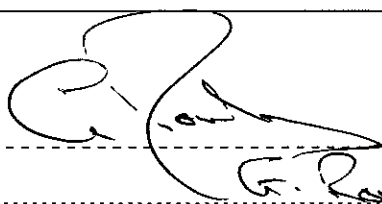
Please use separate sheets where necessary

Suggested conditions that could be added to the licence to remedy the representation or other suggestions the Licensing Sub Committee may take into account:

Please use separate sheets where necessary. Consider s106 Licensing Act 2003.

- A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
- The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will either be recorded digitally onto CD/DVD or other equivalent medium. Any reasonable request for CCTV by a Police Officer or employee of the Police will be provided within 48 hours of the request being made.
- Any recording shall be retained and stored in a suitable and secure manner for a minimum of 28 days and shall be available, subject to compliance with the Data Protection legislation, to the Police or Officers of the Licensing Authority on request.
- The CCTV system will incorporate cameras covering the entrance door, outside area and all areas inside the licensed premises that will be capable of providing an image, which is regarded as identification standard.
- The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with Police from time to time.
- The system will display, on any recording, the correct time and date of the recording.
- A system will be in place to maintain a complete audit trail.
- The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity.
- Signage informing customers CCTV is in operation to be displayed.
- Signage informing customers that they may be asked to produce specific proof of age identification if attempting to purchase alcohol.
- A refusal/incident book will be kept with details of refusal, time, day, and date of event.
- Challenge 21 shall be adopted and signs displayed in the entrance, display and sales area to this effect.
- Be an active member of the Swale Safe radio system

Signed:



Date:

4.1.4.2012

Print name:

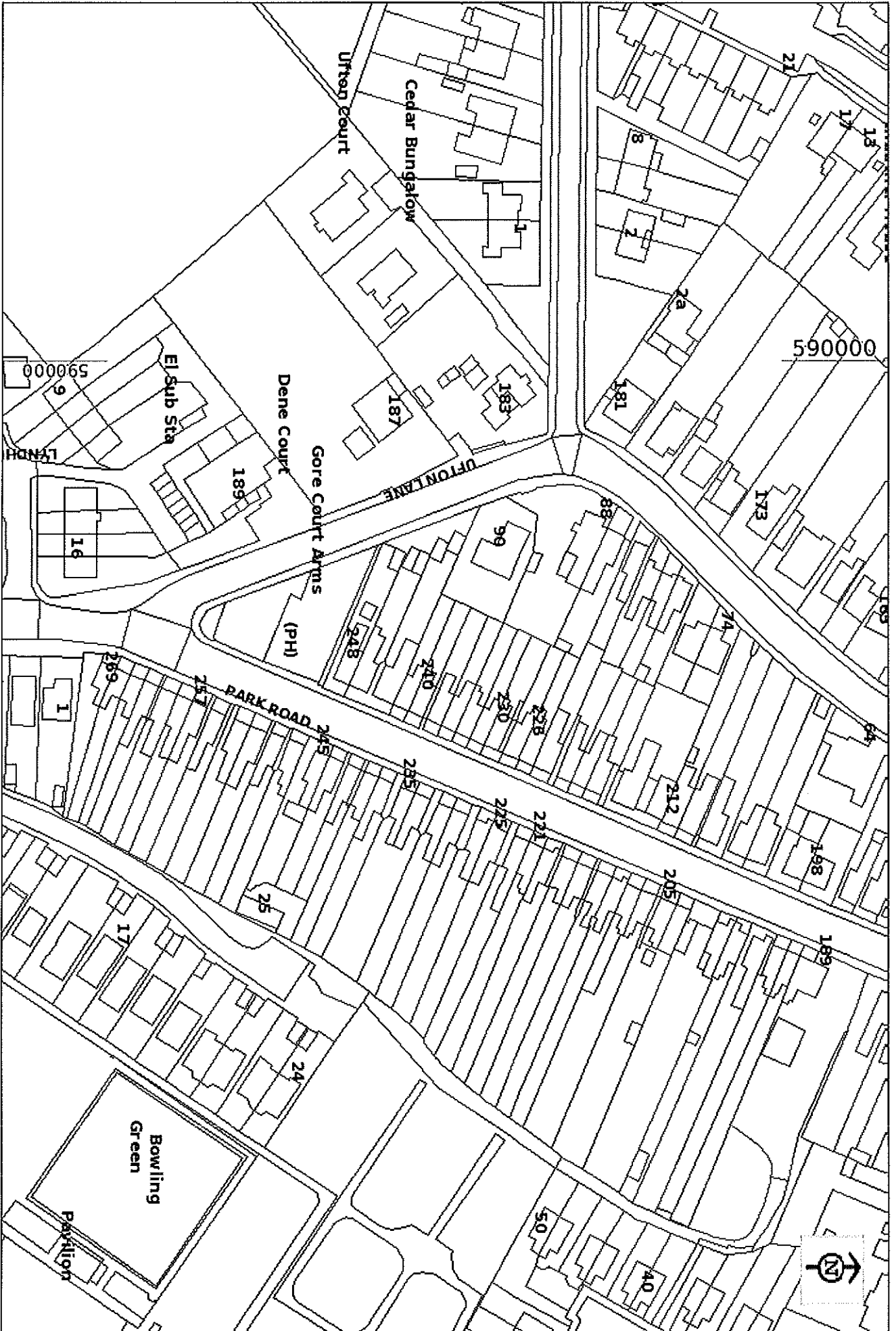
G. Russell

Force Number:

57309

pp Chief Officer of Police for the Police Area in which the licensed premises are situated

Representation may be made at any time during the 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant. Please return this form along with any additional sheets to the Licensing Authority. This form must be returned within the Statutory Period.



Google



230 Park Road,
Sittingbourne,
Kent.