

(Report of the Licensing Officer, Samantha Potts 7364)

Application – New Premises Licence.

Premises – Groceries, 55 West Street, Sittingbourne, Kent

Provisions	Days	Proposed Hours	Agreed Hours
Sale of alcohol	Monday - Sunday	08:00 - 23:00	

Background

Cinnappah Raveskumar has applied (via LWA Consultants) for a New Premises Licence under the Licensing Act 2003, to sell alcohol from the premises at 55 West Street, Sittingbourne, Kent. The premises are currently closed and being refurbished.

The premises are situated in West Street which is a predominately commercial area, however the areas surrounding the premises are residential and highly populated. The premises sits virtually on the pavement, there is no designated parking. Next door to the premises is Aida Kebab shop although it should be noted that the requested hours end at 11pm and Aida Kebab trades much later, meaning that any late customers buying a takeaway would not also be able to purchase alcohol next door beyond 11pm.

On the other side of the road approximately 100 yards away is Best One Off Licence (Trading hours Monday – Sunday 08.00 – 01.00). The nearest other Off Licences are situated in Chaucer Road (Happy Shopper) Chalkwell Road, The Forum (both Tesco) and Mill Way (Morissons)

The premises will be managed by Vegavanavel Sivothyayan, he is the holder of a personal licence which was granted by Dartford Council in 2009.

Consultation

The application was served by the applicant on Kent Police, Kent Fire and Rescue, the Councils Pollution Team, Planning, Child Protection Services, West Kent PCT and HM Customs.

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.

One letter has been received from a local business and a petition containing 10 signatures from local residents. The Ward Councillor has also submitted a written representation (see attached).

The Police Licensing Officer has submitted a representation in which she is requesting that 6 conditions be applied to the licence. The applicant has yet to accept these.

Conclusion

Cinnappah Raveskumar has applied (via LWA Consultants) for a new premises licence for 55 West Street, Sittingbourne. Ten local residents, one business, the Ward Councillor 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.*

Your Local Labour Team



Roger Truelove

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Ghlin Whelan

To the Licensing Department
Swale Borough Council

Application to grant a Premises Licence at 55 West Street, ME10 1AN

As Ward Councillor for the West Street vicinity, I would like to raise my objections to this application on the grounds that

- With one off licence in the immediate vicinity already, this will turn this area into a centre of concentration for off licence purchases
- I have little doubt that this will lead at times to loitering and to public nuisance
- This area is in danger of becoming a magnet for late night drinking, given its proximity to the High Street
- I am concerned about the attraction to this area of under-age drinking
- Having two off licences concentrated in this busy thoroughfare for traffic and footway users, will be a significant threat to public safety, particularly during the evenings
- I am concerned for the immediate residential area, which includes old peoples' properties
- There is an obvious danger of littering in the area

Yours faithfully

Roger Truelove
Ward Councillor



Dated 24th February 2013

Dear Sir/Madam

Ref: Application Off Sales Licence to sell Alcohol at 55 West Street Sittingbourne.

I am writing to object for a Licence to be granted for the above address for the following reasons:

- 1) This will cause more Public nuisance in the area as currently there is already a Licence premises close by to the application address selling alcohol.
- 2) Protection of children from harm from under age drinking will be influence if another premise is granted a licence to sell alcohol
- 3) Public safety will be compromised as this will cause parking problems and congestion as it opposite the crossing island on a very busy road and very large vehicle are passing this location day and night and when customers park outside on the double yellow line on no stopping at anytime highway notice.
- 4) Prevention of crime and disorder with further licensing premises this can cause crime in the area and disorder behaviour in the area after been influence with alcohol.

Please note the above points be granting any Off-licence in the local vicinity.

Please withhold name and address before publicising



Kent Police

Chief Officer of Police Representation in relation to an application for grant of a premise licence made under Part 3 **Section 17** Licensing Act 2003 (S18 Licensing Act 2003)

Details of person making representation	
Name of Chief Officer of Police	Chief Superintendent Jerome
Postal Address: (Divisional Headquarters)	Medway Police Station Purser Way Gillingham Kent ME7 1NE
E-mail address	licensing.north.division@kent.pnn.police.uk
Telephone Numbers:	
Licensing Co-ordinator	Geoff Rowley 01634 792733
Licensing Officers	Gill Angus 01634 792388 Mark Horner 01634 792539
Details of premises representation is about	
Name of Premises:	Groceries
Address of premises:	55 West Street Sittingbourne Kent ME10 1AN
Date application received by police	7 th February 2013
Date representation sent to Licensing Authority	13 th February 2013
All representations must be made within 28 days of receipt of initial application <i>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: -

Prevention of crime and disorder	X
Public Safety	X
Prevention of public nuisance	X
Protection of children from harm	X

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

If yes complete the appropriate statement:

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

This is a new application for a premise licence in the West Street Area of Sittingbourne. The location is a busy thoroughfare for traffic and passing foot trade. The location is a mixture of both residential and commercial premises and as this is a new premise there is little information that Kent Police can offer in respect of this premise.

The application is for the premise to be open 07:00-23:00 daily
For the sale of alcohol between 08:00-23:00 daily

Kent Police are opposed to this application as it is clear that the proposed operating schedule does not evidence an understanding of the licensing objectives

1) Prevention of Crime and Disorder

The applicant has outlined that a fully recorded CCTV system would be installed, staff trained to avoid conflict with anyone and The shop has "No sale to drunken people policy"

Whilst these outlined proposals show an understanding of the licensing legislation the implementation of the proposed non confrontational policy indicates that there will not be a robust attitude towards the licensing objectives. Whilst Kent Police do not condone a confrontational approach per se, there is an expectation that licence holders will address crime and disorder and deal with the matter rather than the default of doing nothing and then assuming the police can resolve the problem, which often involves an escalation of Crime and Disorder when the matter could easily have been dealt with at the time in an appropriate manner. There is no indication that the CCTV will be in a recordable format, stored for a period of time or that it will be made available to police or the relevant licensing authority on demand. Whilst CCTV does not prevent crime and disorder it is a proven deterrent and any outbreaks of crime and disorder would be captured enabling Kent Police to conduct a full investigation.

Public Safety

Much of the representations that have been made in respect of the impact on the Licensing Objective of Crime & Disorder can be mirrored under this objective. Any incident of Public Order or Assault has a propensity to have an element of collateral impact on Public Safety, through the protagonists and their interaction with Police. The applicant states the premise will operate with current legal requirement for fire safety, health and safety including periodic risk assessments. Again this shows an understanding of the legislation but the primary legislation relates to the Health and Safety at Work Act 1974 and the offer of periodic risk assessments must be in line with Health and Safety at Work Act 1974.

2) Prevention of Public Nuisance

Public nuisance under the Licensing Act enables the interpretation of nuisance to retain its wider meaning under common law. It therefore retains the breadth and flexibility to take in all the concerns likely to arise from the operation of any premises conducting licensable activities in terms of the impact of nuisance on people living or doing business nearby.

The Applicant states that they will in addition to having a policy of no sale to drunken people, we will work closely with local community, police to identify anyone causing anti-social behaviour to be barred from the shop or no access to alcohol from our shop

Any incidents that Kent Police responds to are by definition a nuisance to some section of our community. This is more pronounced during the hours of the Night Time Economy. Those that

engage in anti social behaviour and crime brought about by excessive uncontrolled consumption of alcohol are a public nuisance. Policing a no alcohol policy at the premise is unsustainable and likely to cause an increase in anti-social behaviour rather than reduce it. In particular as the applicant has already advised they will offer a non-confrontation policy.

3) Protection of Children from harm

The applicant states that they wish to promote this objective, by operating a challenge 25 policy. Full training for staff with refusals book and refresher training on a regular basis. Store shall operate fully recordable CCTV system.

What they have not identified is the practice of proxy sales and how they will address and deal with this. This is a rising issue and needs to be closely monitored by the licence holder. The Governments alcohol strategy is proactively legislating to promote responsible drinking and greater fines on those premises that sell to children.

Kent Police seek the attachment of the following conditions if a licence is granted to clarify those proposed in the operating schedule, and assist in the promotion of the licensing objectives:

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
 - Cameras shall encompass all ingress and egress to the premises, outside the premise, fire exits and all areas where the sale and supply of alcohol occurs.
 - Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand.
 - The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format either disc or VHS to the Police and Local Authority on demand.
 - The recording equipment and discs/tapes shall be kept in a secure environment under the control of the DPS or other responsible named individual.
 - An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.
 - In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the Police Licensing Officer immediately at licensing.north.division@kent.pnn.police.uk

2. All staff paid or unpaid who will be making sales of alcohol will
 - Be trained with the internal "due diligence" training manuals or will complete a minimum of the BII Level 1ARAR course; prior to making sales of alcohol
 - Refresher training will take place every quarter
 - All staff will have individual training records that detail the date and nature of training (or certificate if a BII course has been taken)
 - All staff to receive training in relation to the conditions applicable to this premises licence
 - All training will be documented and will be made available to the responsible authorities on request along with the content of the training (not applicable if a BII course has been taken as certificates will be made available)
 - All records will be kept for a period of 2 years.

3. The licence holder and/or designated premises supervisor shall ensure that at least one personal licence holder is available on the licensed premises while the sale or supply of alcohol is being undertaken at the premises.
4. The License Holder will maintain auditable refusal/incident records. These records will detail the following;
 - a) Day, Date and Time of Refusal/Incident.
 - b) Nature of Refusal/Incident and reason.
 - c) Details of or description of the individual.
 - d) Each entry is to be checked and signed by the D.P.S on the day of the event.
 - e) These records will be made available for inspection to any Police Officer, Police Licensing Officer, and Officer of the Local Authority immediately upon demand.
5. No beers, lager or cider will be sold above 5.5% ABV
6. After close of business, staff will pick up any rubbish/litter/bottles that have been left for a distance of 5 metres in each direction. The collection and removal of litter will be taken to include the washing away immediately outside the premise the pavement to the gutter of spilled food and similar materials so as to leave the footway in a clean and safe condition.

Chas

DC Gill Angus

PP. Ch. Supt Neil Jerome
North Division Area Commander

Date: 13th February 2013



* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

- * Is the applicant's business registered in the UK with Companies House? Yes No
- * Is the applicant's business registered outside the UK? Yes No

* Business name If the applicant's business is registered, use its registered name.

* VAT number Put "none" if the applicant is not registered for VAT.

Continued from previous page...

* Legal status Sole Trader

* Applicant's position in the business Manager

Home country United Kingdom

The country where the applicant's headquarters are.

Applicant Business Address

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

* Building number or name 517

* Street Cinnappah Raveskumar Loose Rd.

District

* City or town Maidstone

County or administrative area

Postcode ME15 9UQ

* Country United Kingdom

Agent Details

* First name Agee

* Family name Zala

* E-mail agnieszka@lwafirst.co.uk

Main telephone number 02034051887

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Choose you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

Agent Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number 07255443

If your business is registered, use its registered name.

* Business name LWA Consultants

* VAT number GB 113920053

Put "none" if you are not registered for VAT.

* Legal status Private Limited Company

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

Country

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PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm The Following

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

Section 4 of 19

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Cinnappah

Family name

Raveskumar

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text" value="517"/>
Street	<input type="text" value="Cinnappah Raveskumar Loose Rd."/>
District	<input type="text"/>
City or town	<input type="text" value="Maidstone"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="ME15 9UQ"/>
Country	<input type="text" value="United Kingdom"/>

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text" value="agnieszka@lwafirst.co.uk"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
<input type="button" value="Add another applicant"/>	

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Local convenience store selling food, groceries and alcohol. Retail sale of Alcohol off the Premises only.

Continued from previous page...

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

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PROVISION OF PLAYS

Will you be providing plays?

- Yes No

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PROVISION OF FILMS

Will you be providing films?

- Yes No

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PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

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PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

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PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

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PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

Name

First name

Family name

Enter the contact's address

building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

Continued from previous page...

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

At these steps you will take to promote all four licensing objectives together.

All staff undergo training in licensing and social responsibility in sale of alcohol. The shop also has a policy of no irresponsible alcohol promotions. The shop management will work closely with the local police to reduce any crime and disorder.

b) The prevention of crime and disorder

Fully recorded CCTV system would be installed. All staff be trained to avoid any conflict with any one. The shop also has 'No sale to drunken people' policy.

c) Public safety

Premises will operate with current legal requirement for fire safety, health and safety including periodic risk assessment.

Continued from previous page...

d) The prevention of public nuisance

In addition to having policy of no sale to drunken people, we will work closely with local community, police to identify any one causing anti social behavior to be barred from the shop or no access to alcohol from our shop.

e) The protection of children from harm

The company will operate challenge 25 policy. Full training for staff with refusals book and refresher training on regular basis store shall operate fully recordable CCTV system.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

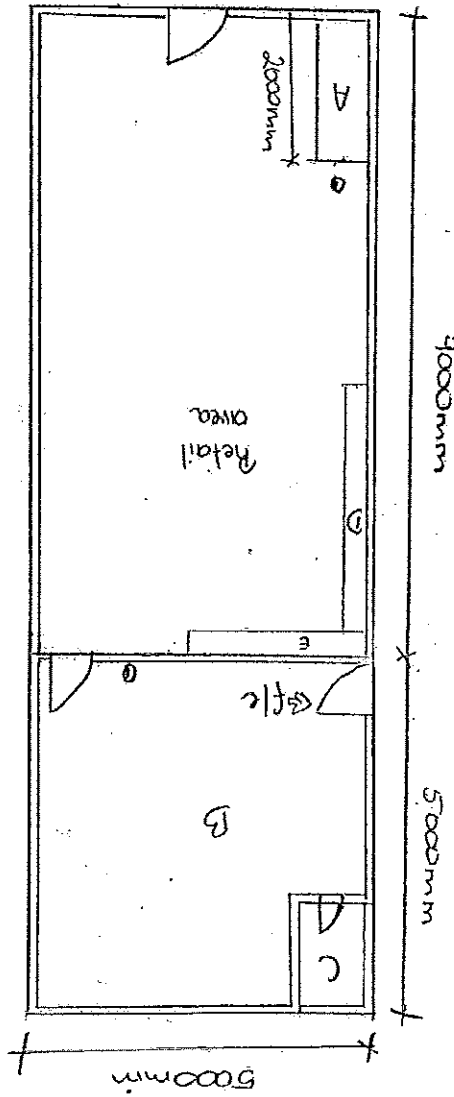
There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

CINNAPPAH
 RAVESKUHAR
 55 WEST STREET
 SITTING-BORNE
 ME10 1AN



SCALE 1/100

A - COUNTER

B - STORAGE

C - TOILET

← FIRE EXIT

D - MINE

E - OFF LICENCE

○ FIRE EXTINGUISHER

