
LICENSING SUB-COMMITTEE

MINUTES of the Meeting held in the Council Chamber - Swale House on Tuesday, 20 October 2015 from 10.00 - 11.14 am.

PRESENT: Councillors Roger Clark, Lesley Ingham (Chairman) and Ted Wilcox.

OFFICERS PRESENT: Mohammad Bauluck, Robin Harris and Kellie MacKenzie.

ALSO IN ATTENDANCE: Councillor Mike Baldock, Ms Gill Sherratt (Licensing Matters) and Miles Harvey (Park Garage Group Plc).

285 NOTIFICATION OF CHAIRMAN AND OUTLINE OF PROCEDURE

The Chairman welcomed everyone to the meeting and outlined the procedure that would be followed.

286 DECLARATIONS OF INTEREST

No interests were declared.

287 APPLICATION FOR A VARIATION OF PREMISES LICENCE UNDER THE LICENSING ACT 2003

Mr Mohammad Bauluck, Licensing Officer, introduced the application in respect of Park N Shop, 15 – 21 Key Street, Sittingbourne for an extension of opening hours and sale of alcohol to 24 hours. Representations had been received from Kent Police who required four conditions which were set out in the report. Four representations had been received from objectors and their comments were outlined on Appendix D of the report. The Licensing Officer stated that Councillor Mike Baldock, Ward Councillor, was in attendance to speak on behalf of three of the objectors. Mr Bauluck advised that one further representation had been received, but it was not valid so could not be considered.

Ms Gill Sherratt (Licensing Matters), the applicant's agent, presented their case. She drew attention to the tabled Supporting Documents which had been emailed to Members prior to the meeting. She stated that the applicants operated 48 convenience stores, 37 sites had a premises licence and 15 had a licence for 24 hour sales of alcohol, demonstrating that Park Garage Group Plc were experienced and responsible in regard to the sale of alcohol. Ms Sherratt reported that the applicants had operated at the forecourt convenience store at Sittingbourne Filling Station for 12 years, including the sale of alcohol, with no problems. Ms Sherratt advised that the position of Designated Premises Supervisor had been held by the same lady since the premises had opened and that an audit was carried out at the premises on a monthly basis to ensure the terms of the original conditions were being adhered to. On-line training for staff was also provided. With regard to the representations received, Ms Sherratt stated that the application would not affect the forecourt and tanker delivery times. With regard to concerns about the likely increase in anti-social behaviour, she stated that this was purely speculation.

In response to questions, Ms Sherratt stated that issues about the primary use of the site as a garage was an enforcement issue for the Police and Local Authority to evidence. Mr Harvey, the applicant, stated that two staff were employed at the site during the day and one member of staff would be employed during the night shift. During the night shift the main door would be locked and customers would be served via the serving hatch.

Councillor Mike Baldock, representing Mr and Mrs Knott, Mr and Mrs Judges and Mr and Mrs Westley, outlined their concerns. Councillor Baldock explained that due to its location adjacent to a crossroads, motorists often pulled-in to the forecourt to use the facilities and use it as a meeting place. This caused noise and disturbance to local residents. He spoke about the affects it had on the family life of Mr and Mrs Westley whose property was next door to 15 – 21 Key Street, Sittingbourne. Councillor Baldock considered that allowing the application would be unfair on local residents and was contrary to Article 8 of the Human Rights Act. Councillor Baldock stated that Members needed to consider the effects of the late night culture and the character of the person purchasing alcohol after 10pm. He did not consider that the premises was the right place for a 24 hour alcohol licence.

The Chairman stated that any potential noise and anti-social behaviour issues were speculative. She noted that no complaints had been received about existing issues at the premises.

Ms Sherratt considered that current noise issues were caused by people leaving local public houses and not therefore the responsibility of the applicant. She stated that alcohol would not be served to any customers that were already intoxicated.

In response to a query, Ms Sherratt stated that it was not fair to ask how they would enforce any potential anti-social behaviour at this stage.

Members of the Sub-Committee adjourned to make their decision at 10.30am. Members of the Sub-Committee, the Senior Lawyer (Contentious) and the Democratic Services Officer returned at 11.10am, when the meeting was re-convened.

The decision, as set out at Appendix I to these minutes was announced.

Resolved: The Sub-Committee agreed to grant the licence.

Chairman

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All Minutes are draft until agreed at the next meeting of the Committee/Panel