

Licensing Sub-Committee

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| Held at: | Council Chamber - Civic Centre Folkestone |
| Date | Tuesday, 17 April 2018 |
| Present | Councillors Mrs Jennifer Hollingsbee, Len Laws and Russell Tillson |
| Apologies for Absence | None |
| Officers Present: | Arthur Atkins (Environmental Health and Licensing Manager), Kate Clark (Committee Services Officer), David Kelly (Legal Services Manager) and Jemma West (Senior Committee Services Officer) |
| Others Present: | Chris Mitchener (Licensing Solutions), Councillor John Collier, Councillor Richard Wallace (Folkestone Town Council) and Lisa Monk-Jones (local resident) |

48. **Declarations of interest**

There were no declarations of interest.

49. **Declarations of lobbying**

Lobbying forms completed and signed.

50. **An application for a variation of the premises licence for the Convenience Store at Shell Folkestone, 334-336 Cheriton Road, Folkestone, Kent, CT19 4DP**

Report DCL/17/44 set out the facts for the Licensing Committee to consider in determining a variation of a premise licence. The licensing committee is the Licensing Authority acting in a role previously taken by the Magistrates Court. It is, therefore, not appropriate for officers to make additional comments other than in the capacity as a Responsible Authority under the legislation of the Licensing Act 2003. Therefore there were no comments from Legal, Finance or other officers included in this report.

Arthur Atkins, Environmental Health and Licensing Manager, presented the Licensing Sub Committee with an overview of the report. He drew members' attention to the variation sought at 1.3 of the report.

Mr Atkins also confirmed that at 1.2 of the report, the wording should read '6am to 11pm every day'.

The Sub Committee heard a number of representations:

Councillor John Collier spoke on behalf of Mr and Mrs Blease (who were unable to attend this meeting) and not as ward councillor. Their concerns were public safety and the protection of children from harm. They did not agree that the convenience store was the major activity as compared to the service station and in this respect were against the granting of this variation.

Councillor Richard Wallace, Folkestone Town Council, spoke on the application. Folkestone Town Council had voted against this application and were concerned about the surrounding residential area, possible disturbance and anti-social behaviour if this variation was granted.

Mrs Lisa Monk-Jones, local resident, spoke on the application. Her concerns included:

- The site is in the heart of a residential area with family homes and schools.
- Traffic is very light in the early hours of the morning so passing trade would be minimal.
- There could be an increase in crime and disorder which would cause an unnecessary drain on police and other resources.
- The tannoy system used to alert staff at the site is noisy and this could cause further disturbance.
- Questioned whether there are sufficient safeguards in place for staff on duty late night and early mornings.

With the permission of the applicant's agent and the representatives, maps were circulated showing the site and surrounding area to members.

The Sub Committee heard from the applicant's agent, Mr Chris Mitchener, Licensing Solutions.

He made the following points:

- The premises already have a current 24 hour premise licence and the application before the Sub Committee is for the sale of alcohol 24 hours a day and late night refreshments from 11pm to 6am, hot drinks only.
- Crime is extremely low in the area
- There are no concerns from any of the Responsible Authorities.
- A closed door policy will operate between 11pm and 5am at the discretion of the cashier.
- A new manager (DPS) has been appointed who lives locally and is very experienced. Staff receive regular training and an audit report is produced 6 monthly.
- CCTV in place.

Members thanked all present for their views and points made. Members agreed there was no evidence submitted to use against the granting of this variation however, they were aware that any licence could possibly be revoked if any one of more of the four licensing objectives were not adhered to.

Members were assured by Mr Mitchener that the applicant has an extremely responsive team manager, who reports to a senior manager and any crime and disorder would be reported to the police.

It was suggested that a notice is displayed prominently on site showing a 24 hour contact number for residents to report any problems.

The applicant's agent and representatives were asked for any further comments before the Sub Committee retired to consider the application.

Lisa Monk-Jones believed she had a fair hearing, however she did advise that she struggled to compose her presentation and was not experienced with the Licensing Policy.

The Sub Committee went into closed session to consider the application.

Following consideration of the application, the Sub Committee unanimously **RESOLVED** as follows:

- 1. To received and note the contents of Report DCL/17/44**
- 2. To grant the Licence variation for a temporary period of six months. On the basis that no objections evidencing any one or more of the four Licensing objectives as below have been breached then the licence will become permanent at the discretion of the Council.**

The four licensing objectives are:

- The prevention of crime and disorder**
 - Public safety**
 - The prevention of public nuisance**
 - The protection of children from harm**
- 3. A condition is added that an emergency contact number is clearly visible on site and that the number is constantly manned 24 hours per day.**