



# Agenda

Meeting: **Licensing Sub-Committee**  
Date: **17 April 2018**  
Time: **2.00 pm**  
Place: **Council Chamber - Civic Centre Folkestone**

To: **To all members of the Licensing Sub Committee – Councillors  
Mrs Hollingsbee, Laws and Tillson**

The sub-committee will consider the matters listed below at the date, time and place shown above. The meeting will be open to the press and public.

Members of the sub-committee who wish to have information on any matter arising on the Agenda which is not fully covered in these papers are requested to give notice prior to the meeting to the Chairman or appropriate officer.

1. **Apologies of absence**
2. **Declarations of interest**

Members of the Council should declare any interests which fall under the following categories\*:

- a) disclosable pecuniary interests (DPI)
- b) other significant interests (OSI)
- c) voluntary announcements of other interests

3. **Declarations of lobbying**

Members should complete the enclosed yellow form (page 35) and return it to the Committee Administrator at the meeting.

## **Queries about the agenda? Need a different format?**

Contact Committee Services – Tel: 01303 853369/853267  
Email: [committee@folkestone-hythe.gov.uk](mailto:committee@folkestone-hythe.gov.uk) or download from our  
website  
[www.folkestone-hythe.gov.uk](http://www.folkestone-hythe.gov.uk)

4. **An application for a variation of the premises licence for the Convenience Store at Shell Folkestone, 334-336 Cheriton Road, Folkestone, Kent, CT19 4DP (Pages 3 - 36)**

Report DCL/17/44 sets 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 are no comments from Legal, Finance or other officers included in this report

\*Explanations as to different levels of interest

(a) A member with a discloseable pecuniary interest (DPI) must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares a DPI in relation to any item must leave the meeting for that item (unless a relevant dispensation has been granted).

(b) A member with an other significant interest (OSI) under the local code of conduct relating to items on this agenda must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares an OSI in relation to any item will need to remove him/herself to the public gallery before the debate and not vote on that item (unless a relevant dispensation has been granted). However, prior to leaving, the member may address the meeting in the same way that a member of the public may do so.

(c) Members may make voluntary announcements of other interests which are not required to be disclosed under (a) and (b). These are announcements made for transparency reasons alone, such as:

- membership of outside bodies that have made representations on agenda items, or
- where a member knows a person involved, but does not have a close association with that person, or
- where an item would affect the well-being of a member, relative, close associate, employer, etc. but not his/her financial position.

Voluntary announcements do not prevent the member from participating or voting on the relevant item

This report will be made public on 9 April 2018



Report No: **DCL/17/44**

**To:** Licensing Sub-Committee  
**Date:** 17 April 2018  
**Status:** Non-Executive Decision  
**Head of service:** Ben Geering

**SUBJECT: AN APPLICATION FOR A VARIATION OF THE PREMISES LICENCE FOR THE CONVENIENCE STORE AT SHELL FOLKESTONE, 334-336 CHERITON ROAD, FOLKESTONE, KENT CT19 4DP**

**SUMMARY:** This report sets 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 are no comments from Legal, Finance or other officers included in this report

#### **REASONS FOR DETERMINATION:**

The Committee is obliged to determine the application with a view of promoting the 4 licensing objectives. In making its decision the Committee must also have regard to all the representations made and the evidence it hears. The Committee is obliged to have regard to the national guidance and the council's own licensing policy.

#### **DETERMINATION:**

**The Licensing Sub-Committee is asked to:**

- 1. Note the contents of Report DCL/17/44**
- 2. Determine the application. The options for determining the application are set out in section 5 below.**

## **1. BACKGROUND**

- 1.1 The Licensing Act 2003 provides that the sale or supply of alcohol on and off the premise and other licensable activities must be authorised by a premise licence.
- 1.2 The premises has a current premise licence. The premise licence covers 24 hour opening with the sale of alcohol limited to 6am to midnight every day. The site combines the sale of motor vehicle fuel with that of a convenience store. Building works to refurbish the site have just been completed.
- 1.3 The application seeks to extend the sale of alcohol to 24 hours and to extend the opening hours for late night refreshment from 11pm to 5am. (No licence is required to sell hot food between 5am and 11pm.) A copy of the application is enclosed as Appendix 1.
- 1.4 The premises are situated to the north of Cheriton Road between Surrenden Road and Coombe Road. Cheriton Road is a major highway with a mixture of retail, commercial and domestic properties. To the west is St Andrews Methodist Church, to the rear is Morehall Avenue which is entirely residential and to the east is an office and another church. Opposite is a fast food premises and residential properties.
- 1.5 There are no planning restrictions on the opening hours.
- 1.6 Current licence details are enclosed in Appendix 2.

## **2. APPLICATION**

- 2.1 An application has been made for a variation of the premises licence by the licence holder Motor Fuel Limited.
- 2.2 The application is in relation to 334-336 Cheriton Road, Folkestone, Kent.
- 2.3 The application is to extend the hours for the sale of alcohol to cover 24 hours and for late night refreshment between 11pm and 5pm every day.
- 2.4 The applicant is mindful of their responsibilities and has received copies of the objections (see Appendix 3).
- 2.5 The Licensing Act 2003 did not initially permit the sale of alcohol from service stations and motorway services. Case law, however, has allowed Licensing Authorities to issue premise licences to service stations which have a convenience store. The convenience store must be the major activity. This is based on sales. Any calculation has to compare the sale of fuel, before tax, with the sale of groceries. There

is no question, in this case, that the sale of groceries is the major activity.

### **3. OBSERVATIONS**

- 3.1 The Committee must take such steps, as it considers necessary for the promotion of the licensing objectives:
- The prevention of crime and disorder
  - Public Safety
  - The prevention of public nuisance
  - The protection of children from harm
- 3.2 The Shepway DC Licensing Policy is available at:  
[http://www.shepway.gov.uk/media/4022/Licensing-Policy-Statement-2016-2021/pdf/Shepway\\_District\\_Council\\_-\\_Licensing\\_Policy\\_Statement\\_2016-2021.pdf](http://www.shepway.gov.uk/media/4022/Licensing-Policy-Statement-2016-2021/pdf/Shepway_District_Council_-_Licensing_Policy_Statement_2016-2021.pdf)
- 3.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available at:  
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

### **4. RELEVANT REPRESENTATIONS**

- 4.1 This hearing has been required by the Licensing Act 2003 because representation has been made by independent representatives. No representation has been made by any Responsible Authority.

<b>Responsible Authority</b>	<b>Comments</b>
Kent Police	None
Environmental Health (Pollution)	None
Environmental Health (Commercial)	None
Kent Fire and Rescue	None
Planning	None
Child Protection Agency	None

- 4.2 6 Representations have been received from other interested parties by the Licensing Authority regarding the application. These objections can be found in Appendix 3.

### **5. OPTIONS**

- 5.1 The licensing sub-committee has the following options:
- a) Grant the Licence variation as requested.
  - b) Grant the Licence variation but add conditions.
  - c) Reject whole or part of the application.

- 5.2 The committee is asked to note that it may not add conditions or reject the whole or part of the application merely because it considers it desirable to do so. The committee must only consider evidence that relates to the 4 licensing objectives. Any conditions must promote the licensing objectives.

## **6. CONTACT OFFICERS AND BACKGROUND DOCUMENTS**

Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

Arthur Atkins, Environmental Health and Licensing Manager

Telephone: 01303 853242

Email: [arthur.atkins@shepway.gov.uk](mailto:arthur.atkins@shepway.gov.uk)

No published documents have been relied upon in the preparation of the report.

### **Appendices:**

Appendix 1 Application (page 7)

Appendix 2 Current licensing hours and conditions. (page 25)

Appendix 3 Relevant Representations (page 29)

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## Appendix 1 - Shell Garage Cheriton Variation 0218

### Application to vary a premises licence 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 MOTOR FUEL LTD

*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number
SHEP00181/05

#### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description CONVENIENCE STORE SHELL FOLKESTONE 334-336 CHERITON ROAD			
Post town	FOLKESTONE	Postcode	CT19 4DP

Telephone number at premises (if any)	01303 298 600
Non-domestic rateable value of premises	£30250

#### Part 2 – Applicant details

Daytime contact telephone number	01727 898891		
E-mail address (optional)			
Current postal address if different from premises address	BUILDING 2 ABBAY VIEW EVERARD CLOSE		
Post town	ST ALBANS	Postcode	AL1 2QU

3  
Corporate Post Hub  
05 FEB 2018



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**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?    ☒ Yes    ☐ No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)    ☐ Yes    ☒ No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

EXTEND THE HOURS FOR THE SALE OF ALCOHOL, ADD THE PROVISION OF LATE NIGHT REFRESHMENT AND DEPOSIT A MODIFIED PLAN

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:



5

**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply**

- 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 (c), (f) or (g) (if ticking yes, fill in box H) ☐

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

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

**In all cases complete boxes K, L and M**

# Shell Garage Cheriton Variation 0218

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A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

# Shell Garage Cheriton Variation 0218

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 5)</u>		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films (please read guidance note 6)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Sat					
Sun					

8

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Sat			
Sun			



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D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

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E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

## Shell Garage Cheriton Variation 0218

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					



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G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

# Shell Garage Cheriton Variation 0218

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H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 5)	
Wed				
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 6)	
Fri				
Sat			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 7)	
Sun				

## Shell Garage Cheriton Variation 0218

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I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	00.00	05.00	Please give further details here (please read guidance note 5)		
	23.00	24.00			
Tue	00.00	05.00			
	23.00	24.00			
Wed	00.00	05.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
	23.00	24.00			
Thur	00.00	05.00			
	23.00	24.00			
Fri	00.00	05.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
	23.00	24.00			
Sat	00.00	05.00			
	23.00	24.00			
Sun	00.00	05.00			
	23.00	24.00			



## Shell Garage Cheriton Variation 0218

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	X
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	00.00	24.00	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Tue	00.00	24.00			
Wed	00.00	24.00			
Thur	00.00	24.00	<u>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</u> (please read guidance note 7)		
Fri	00.00	24.00			
Sat	00.00	24.00			
Sun	00.00	24.00			

K

<p>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 10).</p> <p>NONE</p>
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L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b>State any seasonal variations</b> (please read guidance note 6)
Day	Start	Finish	
Mon	00.00	24.00	
Tue	00.00	24.00	
Wed	00.00	24.00	
Thur	00.00	24.00	
Fri	00.00	24.00	<b>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</b> (please read guidance note 7)
Sat	00.00	24.00	
Sun	00.00	24.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

REMOVE HOURS CONDITIONS LIMITING THE SALE OF ALCOHOL

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Please tick as appropriate

- I have enclosed the premises licence ☐
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.  
THE LICENCE IS TO FOLLOW DIRECT FROM HEAD OFFICE



**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

MANDATORY CONDITIONS TO REMAIN - ALARM SYSTEM, CCTV SYSTEM WITH RECORDING FACILITIES, TRAINED STAFF WITH RECORDED ONGOING ALCOHOL TRAINING REGIME, CHALLENGE 25 AND PROOF OF AGE INITIATIVE EMBRACED, INSTORE CHALLENGE SIGNAGE, REFUSALS SYSTEM WITH REFUSALS BOOK AND INCIDENT LOG, ACCESS AT THE DISCRETION OF THE CASHIER BETWEEN 23.00 AND 05.30

**b) The prevention of crime and disorder**

ALARM SYSTEM, CCTV SYSTEM WITH RECORDING FACILITY, TRAINED STAFF, CHALLENGE 25, REFUSALS SYSTEM AND INCIDENT LOG

**c) Public safety**

STAFF TRAINED IN FIRE SAFETY PROCEDURES AND THE USE OF FIRE SAFETY EQUIPMENT, FIRE FIGHTING EQUIPMENT

**d) The prevention of public nuisance**

STAFF TRAINED TO DEAL WITH SITUATIONS, USEABLE WASTE BINS PROVIDED ON THE FORECOURT

**e) The protection of children from harm**

FULL ALCOHOL TRAINING REGIME IN USE, ONGOING RECORDED ALCOHOL TRAINING AND REFRESHER TRAINING, CHALLENGE 25 TRADING INITIATIVE EMBRACED, CHALLENGE SIGNAGE, REFUSALS SYSTEM AND REFUSALS BOOK



# Shell Garage Cheriton Variation 0218

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## Checklist:

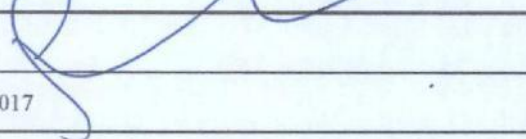
Please tick to indicate agreement

- I have made or enclosed payment of the fee; or X
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I understand that I must now advertise my application. X
- I have enclosed the premises licence or relevant part of it or explanation. X
- I understand that if I do not comply with the above requirements my application will be rejected. X

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

## Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

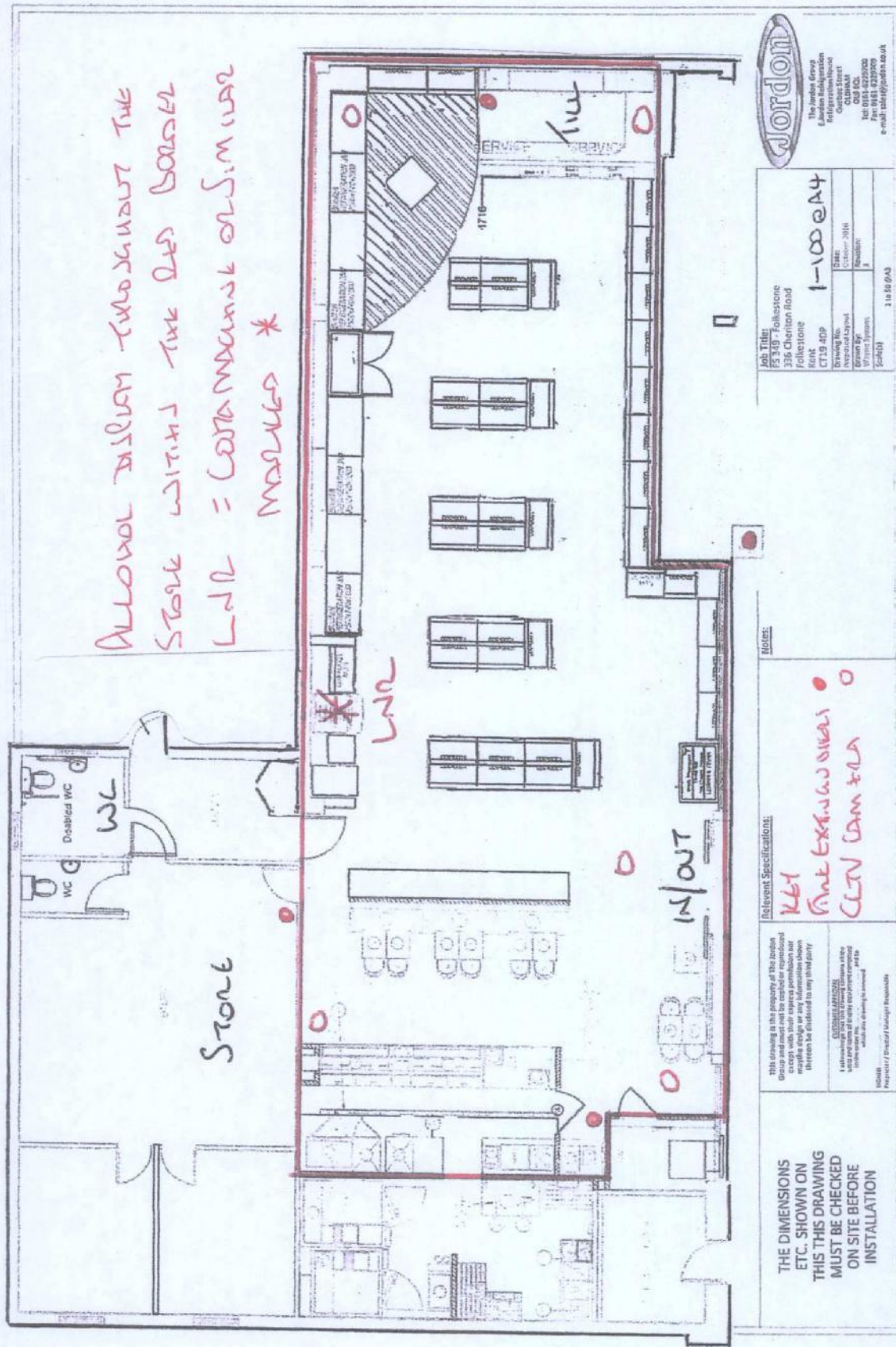
Signature	
Date	19 <sup>TH</sup> DECEMBER 2017
Capacity	LICENSING SOLUTIONS – DULY AUTHORISED AGENT

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)  
 LICENSING SOLUTIONS  
 32 CHURCH ROAD  
 LOCKS HEATH

Post town	SOUTHAMPTON	Post code	SO31 6LU
Telephone number (if any)	07831 159450		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) chris@licensingolutions.org.uk			



**Jordon**  
The Jordon Group  
London Redevelopment  
Financing & Construction  
100 Old Kent Road  
London SE5 8PP  
Tel: 020 851 8300  
Fax: 020 851 8305  
e-mail: sales@jordon.co.uk

Job Title: 5318 - Folkestone  
136 Cheriton Road  
Folkestone  
Kent  
CT19 4DP  
Drawing No: 1-100-04  
Drawing Date: October 2011  
Drawing By: J  
Drawing Status: Revision  
Scale: 1 to 10 mm

**Notes:**  
1. ALL DIMENSIONS SHOWN ON THIS DRAWING ARE TO FACE UNLESS OTHERWISE STATED.  
2. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS SET OUT IN THE DRAWING.  
3. ALL MATERIALS AND WORKMANSHIP ARE TO BE SUBJECT TO INSPECTION AND APPROVAL BY THE PROJECT MANAGER.  
4. ALL WORK IS TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.  
5. ALL WORK IS TO BE COMPLETED TO THE SATISFACTION OF THE PROJECT MANAGER.

**Relevant Specifications:**  
1. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS SET OUT IN THE DRAWING.  
2. ALL MATERIALS AND WORKMANSHIP ARE TO BE SUBJECT TO INSPECTION AND APPROVAL BY THE PROJECT MANAGER.  
3. ALL WORK IS TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.  
4. ALL WORK IS TO BE COMPLETED TO THE SATISFACTION OF THE PROJECT MANAGER.

**THE DIMENSIONS ETC. SHOWN ON THIS DRAWING MUST BE CHECKED ON SITE BEFORE INSTALLATION**

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**Premises Licence Number: SHEP00181/05**

### Part 1 – Premise Details

#### POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Shell Folkestone  
336 Cheriton Road  
Folkestone  
Kent CT19 4DP Telephone: 01303 298600

#### WHERE THE LICENCE IS TIME LIMITED THE DATES

START DATE: 24/11/2005

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Alcohol Sales Off Premises Only

#### THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

	Alcohol Sales Off Premises Only
Monday	06:00 23:00
Tuesday	06:00 23:00
Wednesday	06:00 23:00
Thursday	06:00 23:00
Friday	06:00 23:00
Saturday	06:00 23:00
Sunday	06:00 23:00

#### THE OPENING HOURS OF THE PREMISES (IF GIVEN)

Monday  
Tuesday  
Wednesday  
Thursday  
Friday  
Saturday  
Sunday

#### WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

OFF

#### NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Motor Fuel Limited  
Building 2  
Abbey View  
Everard Close  
St Albans  
AL1 2QU Telephone: 01727 898890

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER  
(WHERE APPLICABLE)**

3625633

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR  
WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Jannath Joganathan  
196 Jerome Tower  
Osborne Road  
Acton  
W3 8SP

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY  
DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR  
THE SUPPLY OF ALCOHOL**

**EALING COUNCIL**

PERSONAL LICENCE NUMBER: **16LIC10721PERS**

## **Annex 1- Mandatory Conditions**

### **Mandatory conditions where licence authorises supply of alcohol**

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
  - (2) The first condition is that no supply of alcohol may be made under the premises licence-
    - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
    - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
  - (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 4.**
- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

## **Annex 2 - Conditions Consistent with the Operating Schedule**

General - to meet all objectives

Prevention of Crime & Disorder Operating Schedule  
CCTV and alarm systems installed

## **Annex 3 - Conditions Attached after a Hearing by the Licensing Authority**

N/A

## **Annex 4 - Plans**

Amended 26/03/2013

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## APPENDIX 3

Please see the comment below with regard to this licensing application:

Wk/201804341	Shell Petrol Garage, 334-336 Cheriton Road – Premise Variation – Petrol station with convenience store, to vary alcohol off sales to match opening house, to add late night refreshment 23.00 to 05.00 7 days a week and alteration to plan – Alcohol off sales, late night refreshment – 24 house a day, 7 days a week.
Closing date	6 <sup>th</sup> March 2018
Comment	Object - This is a residential area and should be an 11.00pm closure

I am chair of FTC planning committee . My reading of the debate on the proposal to extend licensing hours from 11.00pm to 5:00am on the Shell Garage in Cheriton Road would be that the prevention of public nuisance would be the main heading , secondarily with crime and disorder . The Committee felt the prominent forecourt was very close to houses . The garage , with an ancillary takeaway , was in a dense suburban area where pedestrians as well as car-owners could get 'tanked up' after pubs chucked out . Youths have been a problem in Cheriton Road periodically and this would re-ignite the problem . To the extent that the youths might be children, the protection of harm to children may also be relevant .

We will , if Shell can be put on the agenda in time , confirm this on Thursday . We will also have to keep a stock of licensing objection forms for planning meetings , and , as you say , relate our objections to the four criteria in all cases ,

Yours sincerely ,

Richard Wallace

Folkestone Town Council  
Town Hall  
1-2 Guildhall Street  
Folkestone  
CT20 1DY



**From:** Mike Blease  
**Sent:** 17 March 2018 09:51  
**To:** Licencing <[licencing@shepway.gov.uk](mailto:licencing@shepway.gov.uk)>  
**Subject:** Shell Garage 336 Cheriton Rd, Folkestone CT19 4DP

Mr and Mrs M Blease  
315a Cheriton Road  
Folkestone  
CT19 4BG

Dear licensing department,

We are writing to object, in the strongest possible manner, to the proposal for the Shell Garage 336 Cheriton Rd, Folkestone CT19 4DP to sell alcohol from 11pm until 5 am.

This proposal is totally unacceptable to us and our family. We live opposite the premises and we have a fundamental right to peace and quiet. We firmly believe that the proposal will instigate problems which will most likely constitute a statutory nuisance. We fully intend to pursue this as a statutory nuisance if it goes ahead, all for the sake of selling alcohol to drunken idiots in the middle of the night. Is it not enough that the garage is already open until 11.00pm and we are disturbed by people using the cash machine throughout the night and taxis pulling up as it is??

The anticipated problems that this proposal will bring further includes:

Excessive noise, including late night shouting, screaming and vehicle and moped noise, which is already an occasional nuisance and we have spoken to the garage proprietors on at least one occasion about this.

Anti-social behaviour, loitering, vandalism, vomiting, urinating and defecating. Yes, you won't have to live with it will you?

We firmly believe that this proposal will attract alcohol dependant individuals and this will in term affect crime and public safety in the local area.

As a hard working family with young children, we are not prepared to tolerate this proposal due to the variety of reasons I have outlined above.

Please can you explain why alcohol should be served at these times when the destructive influence of excessive alcohol consumption is so well understood in society. Do you no feel you have a moral duty to place reasonable restrictions on the sale of alcohol for the good of everybody, not least the drinkers themselves.

I wish to object on the following grounds as outlined in my previous email.

The prevention of crime & disorder  
The prevention of public nuisance  
Public safety

Michael Blease

From: Cathryn Carlisle  
Sent: 20 March 2018 09:54  
To: Licencing <[licencing@shepway.gov.uk](mailto:licencing@shepway.gov.uk)>  
Subject: Extension of licensing hours for the Shell petrol station, Cheriton Road Folkestone.

Dear Sir/madam,

We have been informed by our local ward councillors that the above garage has applied for an extension to their licensing hours.

Firstly, this comes as rather an unpleasant shock as we were informed by the council previously that their request to open 24 hours a day had been withdrawn!

Secondly, we think that it would be a very short sighted decision to grant permission to sell alcohol all night. There is a very strong possibility that this would cause an increase in crime and disorder and raise the anti social behaviour and risk of public nuisance in this mainly residential area.

Isn't it about time that the council considered the residents in this area? Surely we deserve to be kept as safe as possible and not be subjected to the risk of further disturbance, especially over night and into the early hours of the morning.

We hope you will seriously consider the effect this could have on the local area and community and reject this application.

Regards

Cathryn & Richard Carlile( 307 Cheriton Road)

From: marion apsey  
Sent: 26 March 2018 12:54  
To: Licencing <[licencing@shepway.gov.uk](mailto:licencing@shepway.gov.uk)>  
Subject: Shell Petrol Garage

We have been advised by our local Cheriton Ward Councillors that you have received an application from the above named petrol garage to extend their licensing hours from 11pm to 5am thus making the opening hours 24 We should like to object this application on grounds of prevention of crime and disorder, and prevention of public nuisance.

Mr & Mrs Apsey  
108 Morehall Avenue  
Cheriton

**From:** Lisa Monk-Jones  
**Sent:** 28 March 2018 22:32

**Subject:** Application by Motor Fuel Limited (Shell Garage) 336 Cheriton Road to extend licence hours

Dear Licencing Department at Shepway District Council,

An application has been lodged by the Shell Petrol Garage at 334-336 Cheriton Road to extend the hours which they can sell alcohol. The applicant is Motor Fuel Limited and the address is Convenience Store, Shell Folkestone, 336 Cheriton Road, Folkestone, Kent, CT19 4DP.

We wish to object to the application to extend the licencing hours in the strongest possible terms.

We believe it should be rejected on the grounds of Prevention of Crime and Disorder, and the Prevention of Public Nuisance. The area is not an area of high traffic. It is a residential area with one of the largest populations/concentrations of young people in Shepway. The site is bordered on all sides with family houses, and the attached multimap shows the concentration of residential properties in the surrounding streets. There are also 9 schools within 1 mile of the site.

Due to the high concentration of young people living in the area, there is a history of anti-social youth behaviour in the area and gangs of young people congregate in areas all around the garage – by the

Co-Op, by KFC and in fact in the smoking area/car space area at the front of the shop. Quite often they are drunk and aggressive – shouting and fighting in the streets and areas surrounding the garage. This is part and parcel of living in a suburban area, and is tolerable as it is usually finished by 11ish. The garage, which currently closes at 11pm wishes to sell alcohol later right through to 5am. In order to do this they would have to open all night and this would bring increasing numbers of young people into a residential area full of young school-age children. It would also bring an increase in traffic as out of area people travel to use the garage again disturbing the sleep and lives of local residents including school children.

Despite the garage apparently having permission to open 24 hours, and stating that is what they do in their application, they in fact, do not and are usually closed by 11.30pm as there is no passing trade after this time. I have attached a photo taken last night at 11.30pm to show the garage is completely shut and in darkness (image 1). This will change and unnecessarily blight the lives of neighbours, especially children living in the surrounding areas, if this application is approved.

We are also concerned that the contempt the applicant held the council in during its initial failed application – not bothering to put up any notices or pay the fee, and its subsequent current one, will be mirrored in the contempt and lack of concern they have for the residents surrounding the garage, and in fact, in the wider Cheriton area. Whilst it could be argued they have complied with the letter of the law in advertising the application, it could also be argued they have not complied with the spirit of the law – their pale blue application signs have been posted at thigh height – please see photo attached (photo 2) – rather than on the taller signs and totem on site, or indeed the parking signpost on the pavement, and not a height at which most people look for licence or planning notices.

There are plenty of nearby places that sell alcohol until 11pm, as does the garage itself, and we would respectfully request that rather than increase the licencing hours for this premises, in line with the government movement to prevent alcohol abuse in the country, that the council enforce an Early morning alcohol restriction order (EMRO) banning the sale of alcohol between 12.00 midnight and 6am in this main residential area within Shepway.

Thank you for your time in reading this objection, and we look forward to hearing from you when we will be able to make representation in person at the hearing.

Kind regards

Lisa Monk-Jones and Kevin Monk

313 Cheriton Road

From: rachel russell  
Sent: 28 March 2018 21:04  
To: Licencing <[licencing@shepway.gov.uk](mailto:licencing@shepway.gov.uk)>  
Subject: Shell Petrol Garage application

To Whom it may concern

I would just like to confirm my objection to Shell's application to extend their licensing time to a 23hr opening. I am appalled at this application as there's is absolutely no need for this petrol station to be nearly open for 24hrs, as Cheriton is generally a quiet area through the night and early hours as it isn't a thoroughfare for constant deliveries or traffic. Cheriton does actually already have a 24hr petrol station in a less built up area which affects very few and so appropriate for this type of business and provides adequate services to those that may require it. Opening these hours will undoubtedly attract unsocial behaviour, disturbing the peace, and potentially attracting criminal behaviour. Unsocial behaviour has been addressed in the past and local businesses have worked to ensure that the area is not attracting this type of behaviour. This station sits directly in front of private housing, right in the centre of many homes, with families and children requiring no unnecessary disturbances, further bright lighting which will keep people awake ( including myself as my property along many others, also directly backs onto the garage), noise pollution and public safety. I have also concerns for our children's' safety and wellbeing if this application was to go ahead, especially due to the narrow alley that runs directly in between the Petrol station boundary wall and our back gardens, offering an opportunity for criminal activity to take place and trespassing into private properties.

I am sure that no one would be able to build or plan to build a commercial, 24 hour services in someone's back garden, which this is potentially going to be and so this must be strongly opposed as I have discussed with many of my neighbours, who also fully agree.

Kind regards

Rachel Russell

(Resident of Morehall Avenue, Cheriton)

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**SHEPWAY DISTRICT COUNCIL  
LICENSING SUB COMMITTEE – 17 APRIL 2018**

**Declarations of Lobbying**

Members of the Committee are asked to indicate if they have been lobbied, and if so, how they have been (i.e. letter, telephone call, etc.) in respect of the planning applications below:

<b>Application No:</b>	<b>Type of Lobbying</b>
	.....
	.....
Convenience Store at Shell Garage Folkestone	.....
	.....
	.....
	.....
	.....
	.....

SIGNED: .....

**When completed, please return this form to the Committee Administrator prior to the meeting.**

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