

This report will be made public on 18 October 2013

**Folkestone**

Hythe & Romney Marsh  
Shepway District Council



Report Number

**LC/13/04**

**To:** Licensing Sub-Committee  
**Date:** 28 October 2013  
**Status:** Non-Executive Decision  
**Head of service:** Bob Porter, Communities  
**Cabinet Member:** Councillor Mrs Jenny Hollingsbee, Communities

**SUBJECT: APPLICATION FOR A PREMISE LICENCE AT SARAS EXPRESS,  
22 JEFERSTONE LANE, ST MARY BAY,ROMNEY MARSH,  
KENT. TN29 0SA.**

**SUMMARY:** This report sets out the facts for the Licensing Committee to consider in determining the grant of a premise licence. The licensing committee is the Licensing Authority acting in a role formally 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 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 councils own licensing policy.

**DETERMINATION:**

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

- 1. Note the contents of Report LC/13/04.**
- 2. Determine the application. The options for determining the application are set out in section 5 below.**

## **1. BACKGROUND**

1.1 Part 1 of the Licensing Act 2003 provides that the supply of alcohol on the premise must be authorised by a premise licence.

## **2. APPLICATION**

2.1 An application has been made under the Licensing Act 2003 for a Premise Licence by Mr Muthiah Ginanendran of 11 Elmhurst Avenue, Micham, CR4 2HP.

2.2 The application is in relation to a general store and off licence at 22 Jefferstone Lane, St Mary Bay, Romney Marsh, Kent TN29 0SA. The application is made with a view to permitting the following licensable activity:

- Supply of alcohol off sales only: Mon – Sunday 07.00 to 23.00.
- The hours the premises are open to the public are Monday – Sunday 07.00 to 23.00.

2.3 A copy of the application form is attached at Appendix 1.

2.4 The applicant is mindful of his responsibilities and has received copies of the letters of objection (see Appendix 2). Within his application he has detailed that the following steps will be taken to promote the four licensing objectives:

- A challenge 25 policy shall be maintained and proof of age I.D will be requested in the form of photographic identification only being accepted such as photocard, driving license or passport when a person wishes to buy alcohol.
- A refused sales book will be kept and updated regularly and signed off by the Designated Premises Supervisor weekly.
- CCTV will be installed both inside and outside the premises.
- No alcohol will be sold on the premises in the absence of the DPS unless there is another personal license holder in the shop.
- The applicants do not and will not allow members of the public who have purchased alcohol from the premises to consume alcohol in the vicinity of the premises.

## **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

The steps the applicant intends to take to promote the four licensing objectives can be found on part **M** of the application form attached and are reflected in 2.4 above.

#### **4. RELEVANT REPRESENTATIONS**

4.1 The comments received from the Responsible Authorities are set out in the table below:

<b>Responsible Authority</b>	<b>Comments</b>
Environmental Health Officer (Commercial)	No objections
Kent Fire & Rescue Officer	No objections
Child Protection Agency	No objections
Planning Officer	No objections as there are no planning conditions in place that relate to the sale of alcohol.
Kent Police	No objections
Environmental Health Officer (Pollution)	No objections

4.2 Seven letters of representation and a petition containing 508 names have been received from other interested parties by the Licensing Authority regarding the application. The letters of representation are attached at appendix 2. A copy of the petition will be made available to the Sub-Committee members.

#### **5. OPTIONS**

5.1 The licensing sub-committee has the following options:

- a) Grant the licence as requested.
- b) Modify the conditions of the licence, by altering or omitting or adding to them.
- c) Reject whole or part of the application.

5.2 The committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

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

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

Rick Guild, Licensing Manager  
Telephone: 01303 853421  
Email: rick.guild@shepway.gov.uk

No published documents have been relied upon in the preparation of the report. None

**Appendices:**

Appendix 1: Application for premise license.

Appendix 2: Letters of representation from interested parties.