



Agenda

Meeting: **Licensing Sub-Committee**
Date: **26 August 2021**
Time: **10.00 am**
Place: **Council Chamber - Civic Centre Folkestone**

To: **Cllrs John Collier, Mrs Jenny Hollingsbee and Jim Martin**

The 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 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.

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>.

Although social distancing rules have been relaxed, for the safety of the public, elected members and staff, we will continue to seat members of the public approximately one metre apart. This means that there will be 13 seats available for members of the public.

All attendees at meetings are kindly asked to wear face coverings, unless they are addressing the meeting.

Members of the public are encouraged to view the meeting online if they are not to address the meeting.

1. **Election of Chairman for the meeting**
2. **Apologies of absence**
3. **Declarations of interest (Pages 3 - 4)**

Members of the Council should declare any interests which fall under the

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Contact Sue Lewis – Tel: 01303 853265
Email: committee@folkestone-hythe.gov.uk or download from our
website
www.folkestone-hythe.gov.uk

following categories:

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

4. **Declarations of lobbying**

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

5. **An application for a new Premises Licence in respect of: Broadmead Road Stores, Broadmead Road, Folkestone, Kent, CT19 5AL (Pages 5 - 18)**

This report outlines the application made by Mr Nimalan for a new Premises Licence for this premises. The Licensing Sub-Committee must determine the outcome for the application.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; 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. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

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This report will be made public on 18 August 2021



Report Number **DCL/21/20**

To: Licensing Sub-Committee
Date: 26 August 2021
Status: Non-Executive Decision
Head of service: Ewan Green

SUBJECT: An application for a new Premises Licence in respect of:
Broadmead Road Stores, Broadmead Road, Folkestone, Kent,

SUMMARY: This report outlines the application made by Mr Nimalan for a new Premises Licence for this premises. The Licensing Sub-Committee must determine the outcome for the application.

REASONS FOR DETERMINATION:

The Committee is asked to consider the application for a new Premises Licence. When considering the application the Committee must ensure they fully promote the licensing objectives. The Committee is obliged to have regard to the revised national section 182 guidance and the council's own licensing policy.

DETERMINATION:

The Licensing Sub-Committee is asked to:

1. Note the contents of Report DCL/21/20.
2. Determine the application. The options for determining the application are set out in section 4.

1. BACKGROUND

- 1.1 The Licensing Act 2003 provides that the sale or supply of alcohol on and off the premises and other licensable activities must be authorised by a premises licence.

A premises licence holder must comply with the four licensing objectives:

- The prevention of crime and disorder
 - Public Safety
 - The prevention of public nuisance
 - The protection of children from harm
- 1.2 The application is for a convenience store selling alcohol. This premises has previously been a convenience store and held a licence until February 2009 when it is believed the premises closed. The previous licence permitted alcohol sales from 08:00 – 23:00 Monday – Saturday and 10:00 – 22:30 on Sundays.

2. APPLICATION

- 2.1 A completed application for a new Premises Licence was received from Mr Nimalan on the 28th June 2021. The application can be found at Appendix 1. The application is for Off Sales of alcohol between 06:00 and 23:00 Monday - Sunday.

3. RELEVANT REPRESENTATIONS

- 3.1. This Hearing has been required by the Licensing Act 2003 because a valid representation was received from a member of the public. No representations were received from Responsible Authorities.

| Responsible Authority | Comments |
|-----------------------------------|-----------------|
| Home Office - Immigration | None |
| Kent Police | None |
| Environmental Health (Pollution) | None |
| Environmental Health (Commercial) | None |
| Kent Fire and Rescue | None |
| Planning | None |
| Child Protection Agency | None |

The representation from the member of the public can be found at Appendix 2.

4. OPTIONS

4.1. The Licensing Sub-Committee has the following options:

- a) Grant the Application
- b) Grant the Application with amendments
- c) Add conditions to the Licence
- d) Reject whole or part of the Application

4.2. The Committee is asked to note that it may not add conditions or amend the licence merely because it considers it desirable to do so. The Committee must only consider evidence that relates to the 4 Licensing Objectives. Any conditions added must promote the Licensing Objectives.

5. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

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

Briony Williamson, Licensing Specialist

Telephone: 01303 853475

Email: briony.williamson@folkestone-hythe.gov.uk

Background documents:

Current Licensing Policy is available under the Policies section of the website:

<https://www.folkestone-hythe.gov.uk/your-council/policies-plans-and-documents/policy-documents>

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>

The Committee members are advised to read the new guidance thoroughly. Your attention is drawn to paragraphs 9.42, 9.43 and 9.44 in respect of the determination of the application. Additionally members are advised to refer to section 10 about imposing conditions. It is also good practice that if they propose to apply conditions they should be discussed with the applicant prior to the determination to ensure that they are proportionate.

6. APPENDICES

Appendix 1. Application for a new Premises Licence

Appendix 2. Representations

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[Application for a premises licence](#)

Response ID: [17953](#)

Submitted Date: 07/05/21 16:31:37 (GMT+1)

Completion Time: 3 hr. 56 min. 30 sec.

(Page 1 /20)

Your name

selvarajah nimalan

Email

nim_aje@hotmail.com

(Page 2 /20)

Postal address of premises (inc postcode) or, if none, ordnance survey map reference or description

5 - 17 Broadmead Road, Folkstone, CT19 5AL

Telephone number at premises (if any)

07985756253

Premises band

A

Applicant details (Page 3 /20)

In what capacity are you applying for the premises licence?

An individual or individuals

Please confirm one of the following

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities

Details of individual applicant

Title

mr

First name(s)

Selvarajah

Surname

Nimalan

Date of birth

27/02/1981

Nationality

British

Address (inc postcode)

190 Canterbury road, folkestone

Contact number Email

07985756253 nim_aje@hotmail.com

.....

(Page 4 /20)

When do you want the premises licence to start?

05/06/2021

If you wish the licence to be valid only for a limited period, when do you want it to end?

Please give a general description of the premises

Convenience Store

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

no

.....

(Page 5 /20)

Provision of regulated entertainment (tick all that apply)

- Supply of alcohol

.....

Supply of alcohol (Page 15 /20)

Monday Start Monday Finish

06.00 23.00

Tuesday Start Tuesday Finish

06.00 23.00

Wednesday Start Wednesday Finish

06.00 23.00

Thursday Start Thursday Finish

06.00 23.00

Friday Start Friday Finish

06.00 23.00

Saturday Start Saturday Finish
06.00 23.00

Sunday Start Sunday Finish
06.00 23.00

Where will the supply of alcohol take place?

Indoors

Will the supply of alcohol be for consumption?

Off the premises

Seasonal variations for the supply of alcohol

Details of where you intend to use the premises for the supply of alcohol at different times to those listed

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor. (Page 16 /20)

Full name

Selvarajah Nimalan

Date of birth

27/02/1981

Address (inc postcode)

190 canterbury road folkestone ct19 5pf

Personal licence number (if known) FHDC1521

Issuing licensing authority (if known)

folkestone-hythe

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

no

Hours premises are open to the public (Page 17 /20)

Monday Start Monday Finish

06.00 23.00

Tuesday Start Tuesday Finish

06.00 23.00

Wednesday Start Wednesday Finish

06.00 23.00

Thursday Start Thursday Finish

06.00 23.00

Friday Start Friday Finish
06.00 23.00

Saturday Start Saturday Finish
06.00 23.00

Sunday Start Sunday Finish
06.00 23.00

Any seasonal variations

Details of where you intend the premises to be open to the public at different times to those listed

.....

Describe the steps you intend to take to promote the four licensing objectives (Page 18 /20)

General - all four licensing objectives

To uphold all 4 licensing objectives - the prevention of crime and disorder, public safety, the prevention of public nuisance, the protection of children from harm

The prevention of crime and disorder

CCTV installed inside and outside. Recordings will be kept for a minimum of 28 days and made available to the Police and Licensing officers on request. A refusals book will be kept and made available to the same.

No already intoxicated persons will be sold alcohol. Challenge 25 policy will be in place and all staff trained fully to adhere to this policy. Any person thought to be under age will be challenged and photographic approved ID in the form of current passport, drivers licence card or ID card will be requested.

Public safety

The store will be well lit. Challenge 25 policy in place and all staff trained. CCTV installed both inside & outside.

The prevention of public nuisance

Any persons causing a nuisance will be asked to move on to prevent causing issues to our neighbours or pedestrians. We will check the outside of the premises routinely to ensure that there is no rubbish caused by customers from our store.

The protection of children from harm

Challenge 25 policy in place and all staff trained to uphold this. Age verification will be requested if in doubt of a person's age.

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Additional information (Page 19 /20)

Upload a plan of the premises

Upload the consent of individual to being specified as premises supervisor (if applicable)

Upload proof of entitlement to work in the UK (see guidance notes on website)

Declaration (Page 20 /20)

- (Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership) I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).
- The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15) .
- FHDC will send copies of this application and plan to responsible authorities and others where applicable, on my behalf.
- I understand that I must advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- I am authorised to act on behalf of all applicants where there is more than one applicant.

Full name Date
Selvarajah Nimalan 07/05/21

Capacity
2

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Appendix 2

Representation 1

As residents of 21 Broadmead Road, Folkestone CT19 5AN, we have concerns over the proposed licensing of the property 15-17 Broadmead Road, Folkestone.

The area has a history of anti social drunken behaviour, and in the 4 years that we have owned our house we have had to call the police multiple times on either 101 or 999 to report various incidents. There is also an issue with drug dealing and we have made several reports to the police regarding this. We believe that having premises selling alcohol until 23:00 will exacerbate this issue.

The approval of this license is likely to affect our way of living, as there are already a significant number of noise disturbances between the hours of 11pm-6am we feel that having a shop at this location selling alcohol until this time will only add to the problem.

Many thanks for taking the time to read our thoughts on this.

Martha and Samantha Coventry-Roseveare

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Folkestone and Hythe District Council

**Licensing Sub-Committee
26 August 2021**

Declarations of Lobbying

Members of the Licensing Sub-Committee are asked to indicate if they have been lobbied or not, and if so, how they have been (i.e., letter, telephone call, etc.) in respect of the applications below:

| Application No. | Type of lobbying |
|------------------------|-------------------------|
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| | |

SIGNED:

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

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