

LICENSING SUB-COMMITTEE

Minutes of the meeting held at 10.00 am on 15 August 2018

Present:

Councillor Stephen Wells (Chairman)
Councillors Gareth Allatt and Michael Turner

Also Present:

Councillor Kieran Terry

1 APPOINTMENT OF CHAIRMAN FOR THE MEETING

Councillor Stephen Wells was appointed as Chairman for the meeting.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 APPLICATION FOR THE VARIATION OF THE PREMISES LICENCE AT BP CONNECT, PERRY STREET, CHISLEHURST, BR7 6HA

DECISION

1. The panel made the following decision having regard to:

- The four licensing objectives
- The Council's Statement of Licensing Policy 2016-2021
- Guidance issued under the Licensing Act 2003
- Written and oral representations from Local Residents
- Oral representation from the Ward Councillor

The sub-committee decided to **grant the application** for a variation of the licence in full, plus a further condition and additional conditions offered by the applicant.

Further Condition:

1. Signage shall be placed prominently by the night bay window and by the means of entry and egress from the store, requesting all customers to respect local residents and leave the premises quietly.

Additional Conditions offered by the applicant:

2. Night pay window – If there was only one member of staff on duty between 0000 and 0500, the entrance door to the shop would be closed to customers and any sales between those hours would be made through the night pay window.

3. Remote door lock – Where there was more than one member of staff on duty between the hours of 0000 and 0500, a remote door lock facility would be in use for all admissions of customers entering the premises and all customers entering the premises would be monitored.

Reasons for the Decision:

The applicant's solicitor, Mr Botkai put forward representations for a variation of the licence. Although he acknowledged objections to the application from local residents and the Ward Councillor, he emphasised that there had been no objections to the application by the Metropolitan Police and other Responsible Authorities.

He confirmed that the CCTV at the premises had been updated and there had been no evidence of any disturbances at the site since the last licensing application was granted in 2014.

Mr Botkai addressed some of the issues raised in objection to the application. In particular he explained that the applicant had spoken with Mr and Mrs Johnson who lived in close proximity to the premises. He made reference to their concerns about delivery times to and from the premises and the noise disturbance caused as a result. He stated that regardless of the outcome of the application, the Area Manager, Mr Davidson would attempt to resolve any issues concerning the deliveries.

A member of the sub-committee made reference to the possibility of applying a time condition to the licence in order to address the delivery concerns. However this was rejected by the applicant's solicitor on the basis that the application was not relevant to deliveries and that the premises was allowed to operate as a 24hr store. The applicant questioned the enforceability of a time condition in this case.

The sub-committee asked why it was necessary to sell alcohol beyond 11pm. In reply the applicant stated that they had reviewed 60 licences with later hours granted under Grandfather Rights and found that they had traded successfully. As a result they looked at 100 stores with alcohol restrictions. The majority went through without objection and out of the hearings which went ahead, only one application was opposed by the police.

The applicant's solicitor submitted that if residents experienced problems at the premises they had a right to request a review.

In addressing the objections, the applicant submitted that there was no evidence to link the sale of alcohol at petrol stations to drink driving. Staff would be able to allow customers into the premises using a remote door if it was felt safe to do so. However when there was only one member of staff working, the doors would be kept shut and customers would be required to use the pay window.

Issues concerning litter would be addressed only in so far as it related to areas around the premises and the driveway, but not for example litter on the other side of the road.

In relation to noise levels, the applicant pointed out that most residential properties were situated a fair distance away. Although there were churches and schools nearby, there was no reason why these should be impacted if the application was granted. Further, there was a busy road adjacent to the premises--but this should not be as busy between midnight and 6am.

The applicant's solicitor submitted that if there was a problem with the sale of alcohol it would be dealt with either by pulling it out temporarily or permanently.

Cllr Turner asked the applicant whether the premises should be described as a store or petrol station. The Licensing Manager, Mr Davidson replied by stating that about 20% of the transaction data was fuel and 80% was shop use.

Cllr Allatt asked the applicant to confirm the average number of alcohol sales per week per store. The applicant stated that out of 172 stores each store made between the sums of £50 - £60 per night.

Mr Johnson, a local resident and the Ward Councillor asked the applicant brief questions regarding staff training and security.

Mr Johnson reiterated the noise problems that he and his family had been experiencing due to deliveries to and from the premises. He explained that he had complained to staff about it (and the litter problem) on a number of occasions, but no action had been taken by the applicant. Mr Johnson stated that the noise would be compounded if the application was granted. He also stated that if the alcohol sales were not that high "why go for a 24 hr licence".

Cllr Terry put forward representations on behalf of a local resident (objections on p33 of the application bundle). He submitted that if the license was extended it would be detrimental to local residents as it would generate more noise, anti-social behaviour and littering. For these reasons he asked the sub-committee to refuse the application.

Licensing Sub-Committee
15 August 2018

In closing, the applicant's solicitor submitted that based on the evidence provided, there were no substantial grounds to refuse the application.

Sub-committee's findings and reasons

The sub-committee considered that the imposition of the additional licence conditions listed above was necessary and proportionate in order to promote the prevention of public nuisance and the protection of children from harm licensing objectives.

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The Meeting ended at 11.00 am

Chairman