

Crawley Borough Council

Minutes of Licensing Sub Committee

4 January 2011 at 6.30pm

Present:

Councillors N Boxall, B J Burgess and C C Lloyd

Officers Present:

Tony Baldock	Group Manager for Food, Licensing and Occupational Health
Kevin Carr	Principal Lawyer
Mike Lyons	Senior Licensing Officer
Mez Matthews	Democratic Services Officer

Apologies for Absence:

Councillor M G Jones

Also in Attendance:

Applicant	Mr Russell Williams (Area Coach - KFC)
	Mr Shahid Rashid (Manager – KFC)

27. Appointment of Chair

RESOLVED

That Councillor B J Burgess be appointed Chair for the meeting.

28. Members' Disclosure of Interests

No disclosures of interests were made by Members.

29. Application to Vary the Premises Licence – KFC, 96 High Street, West Green, Crawley

The Sub Committee considered an application to vary the premises licence held in respect of the KFC, 96 High Street, West Green, Crawley.

Following the introduction of those present at the meeting, the Legal Clerk outlined the procedure for the meeting. The Legal Clerk informed all parties that the Sub Committee had requested a briefing meeting with the Legal Clerk prior to the commencement of the Sub Committee to confirm the procedure which would be followed during the meeting.

Report PES/017 of the Council's Head of Planning and Environmental Services was presented by Mike Lyons, a Senior Licensing Officer for Crawley Borough Council.

The Application

The Sub Committee was advised that on 4 November 2010, the premises licence holder for KFC, 96 High Street, Crawley had submitted an application to the Council for the variation of the existing licence for the above named premises in accordance with the provisions of the Licensing Act 2003.

A copy of the application was set out in Appendix A to the report, which included information provided by the Applicant as to how the four licensing objectives would be promoted. The application was for a change to the opening hours and in relation to the 'provision of late night refreshments'.

It was confirmed that the application had been advertised in accordance with legislation and that Sussex Police had stated that there were no Police objections to the application. The Sub Committee noted that an agreement had been reached between Sussex Police and the Applicant which had resulted in additional conditions being included on the application to vary. The Sub Committee's attention was drawn to Appendix C to the report which detailed those additional conditions and it was noted that the Sub Committee should consider those conditions as part of the application when making its decision.

The Sub Committee noted that a relevant representation had been submitted by an interested party living in the vicinity of the premises. The letter of objection made reference to the possible effect that granting the proposed variation would have on the licensing objectives. The Sub Committee were informed that the Objector had informed the Council that they were not able to attend the meeting and it was noted that the representation was set out in Appendix D to the report.

The Sub Committee were informed that no complaints regarding noise nuisance within the vicinity of KFC had been received by Crawley Borough Council's Environmental Health Division.

The attention of the Sub Committee was drawn to Section P of the application form (Appendix A to the report) and it was noted that several of the proposed conditions duplicated either conditions on the existing licence, conditions proposed by Sussex Police, or other legislation. The Sub Committee also noted that conditions 3, 9, 10 and 12 in Annex 2 of the existing licence (Appendix B to the report) duplicated other legislation and that, if agreed, the conditions proposed by Sussex Police would deem conditions 2 and 4 of the existing licence unnecessary. It was suggested that, when making its decision, the Sub Committee consider whether it was necessary to impose

those duplicative conditions, and whether condition 13 in Annex 2 of the existing licence should be re-worded to reflect updated practice.

The Senior Licensing Officer, proceeded to inform the Sub Committee of the options available to them in respect of the application, and reminded the Sub Committee that any decision must be based upon the promotion of the four licensing objectives. The options were to:

1. modify the conditions of the licence; or
2. reject the whole or part of the application.

The Applicant

Mr Williams addressed the Sub Committee on behalf of the Applicant and informed the Sub Committee that KFC had discussed the application with Sussex Police and, as a result, additional conditions had been agreed by both parties. Mr Williams was of the view that the conditions proposed by the Police would negate public nuisance and reminded the Sub Committee that there had been no evidence of public nuisance in the area. The Sub Committee noted that it was KFC company policy to conduct two litter picks per day and that a third litter pick would be undertaken should the Sub Committee agree to the additional conditions proposed by the Police.

Questions to the Applicant

In response to a question from the Sub Committee, the Applicant confirmed that during litter picks, KFC ensured that the area from Bar Med to the rear of KFC was clear of litter. The Applicant added that, when litter picks were conducted at night, it was undertaken by two members of staff who wore high visibility jackets. The Applicant verified that there would always be a minimum of two staff members present on the premises, but that staff numbers depended on the level of business.

Following a question from the Sub Committee, the Applicant confirmed that the SIA Door Supervisors were only employed by KFC when necessary and that it was not national policy. Team work between KFC staff and SIA Door Supervisors was imperative as it ensured both brand protection and public safety. It would be the SIA Door Supervisors' responsibility to ensure that no new customers were admitted from 15 minutes before the premises was due to close. The Applicant agreed that it would be advantageous to display notices on the premises informing customers that no new customers would be admitted past that time. The SIA Door Supervisors would also ensure that no glass containers were brought onto the premises and it was noted that wording of Condition 7 of the current licence (Appendix B to the report) could be amended should the Sub Committee deem it necessary to do so. The Sub Committee noted that SIA Door Supervisors would only be employed on Friday and Saturday evenings.

The Sub Committee asked the Applicant to confirm whether KFC was a member of Crawley and Gatwick Business Watch and was informed that although it was not currently a scheme member, the Applicant would like to receive further information on the initiative. The Group Manager for Food, Licensing and Occupational Health explained the remit of the scheme and suggested that the Applicant consider becoming a member.

Following a question from the Sub Committee, the Applicant confirmed that KFC closed one hour later than Bar Med on a Friday and Saturday, and that on all other evenings both premises closed at the same time.

RESOLVED

In accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the following part of the hearing. The Sub Committee considered that the public interest in taking such action outweighed the public interest in the hearing taking place in public.

30. Application to Vary the Premises Licence – KFC, 96 High Street, West Green, Crawley

The Sub Committee gave further consideration to the application and to the matters raised at the meeting. The Sub Committee took into account how the Licensing objectives had been promoted in the application and the submissions made by the Applicant and Interested Parties.

RESOLVED

That the application submitted by the Applicant (KFC) to vary the existing licence under the Licensing Act 2003 in respect of KFC, 96 High Street, West Green, Crawley, be granted as follows:

1. That the hours of the varied licence shall be:

Late Night Refreshments:	Mon – Wed & Sun	23.00 to 01.00hrs
	Thurs – Sat	23.00 to 03.00hrs
Opening Hours:	Mon – Wed & Sun	11.00 to 01.00hrs
	Thurs – Sat	11.00 to 03.00hrs

2. That the modified conditions of the varied premises licence shall be:

- (a) A store diary shall be in place to record any instances of public disorder.
- (b) An internal CCTV system shall be installed, fully operated in accordance with Police recommendations, images shall be retained for at least 28 days and except for mechanical breakdown beyond the control of the proprietor will be made available upon request to the Police at the earliest opportunity.
- (c) Signs shall be displayed regarding CCTV equipment.
- (d) Security alarm and panic button to be in operation linked to a 24 hour monitoring service.
- (e) No glass containers to be supplied with drinks or meals.
- (f) Shift runners must attend and pass a first-aid course.
- (g) Waste receptacles to be provided internally and externally if necessary, cleaned and emptied on a daily basis.
- (h) At times other than at closing, to conduct a minimum of 2 litter picks a day in the immediate vicinity of the premises.

- (i) One SIA registered door staff shall be employed on Friday and Saturday evenings from 23.00hrs and for 15mins past the closing time of the premises. Door supervisors shall wear suitably marked reflective jackets in order that they can be readily identifiable to customers, staff and the Police.
- (j) At closing time on each day, a check will be made by staff of the outside area to the front of the premises for litter and discarded foodstuffs. Any debris will be removed by, and disposed of appropriately, by the staff.
- (k) On any day the premises opens after 01.00hrs, no new customer(s) will be admitted from 15 minutes before the premise is due to close.

31. Re-admission of the Public

The Chair declared the meeting re-open for consideration of business in public session and announced the Sub Committee's decision with regard to the licence application to the Applicant.

In doing so, the Chair reported that the Sub Committee had given consideration to the representations. However, the Sub Committee had found that there was no evidence which indicated that an increase in the licensable activity hours for the premises would be likely to result in an increase in public nuisance.

Further, the Sub Committee was mindful that there had been no relevant representation made by any of the statutory bodies dealing with public nuisance. Accordingly, the Sub Committee decided that it had no good reason to consider refusing the application, and so the variation sought in Parts L and O of the application (Appendix A to the report) were granted subject to conditions which included the agreed conditions between the Applicant and Sussex Police as set out in Paragraph 2.1.1 of the Report. The Sub Committee also decided that Conditions 3, 9, 10 and 12 of the existing Licence (Appendix B to the report) be removed as they were addressed in other legislation. Conditions 2 and 4 of the existing Licence were superseded by new condition (b).

Although not a condition, the Sub Committee wished to encourage the Applicant to become a Crawley and Gatwick Business Watch member.

In making its decision the Sub Committee considered the merits of the case before it and was mindful of the Council's Licensing Policy and national Guidance. It also considered the steps necessary to promote the licensing objectives and took into account all relevant issues.

The Sub Committee thanked those who had attended the meeting and provided helpful submissions to assist it in coming to its decision.

32. Closure of Meeting

With the business of the Sub-Committee concluded, the Chair declared the meeting closed at 8.30pm.

B J BURGESS
Chair