

## **LICENSING HEARING**

Minutes of the meeting  
held on 9 May 2014 commencing at 10.00 am

Present: Cllrs. Clark, Mrs. George and Mrs. Parkin

Also present	PC 9923 Mark Beresford	-	Applicant
	Mr. S. Parameswaren	-	Objector
	Mrs. V. Parameswaren	-	Objector
	Miss. E. Dring	-	Objector's Legal representative
	Mrs. L. Leeds	-	Licensing Officer (SDC)
	Mr. D. Lagzdins	-	Legal Advisor (SDC)
	Miss. C. Shacklock	-	Acting Democratic Services Officer (SDC)

### **1. APPOINTMENT OF CHAIRMAN**

Resolved: That Cllr. Clark be appointed as Chairman of the meeting.

### **2. DECLARATIONS OF INTEREST**

There were no additional declarations of interest.

### **3. Application for a review of the Premises License under The Licensing Act 2003 for Sans Minimarket, 2 Station Parade, London Road, Sevenoaks, Kent. TN13 1DL**

The Hearing gave consideration to a report by the Chief Officer Environmental and Operational Services giving details of an application for a review of the premises licence under Section 51 of the Licensing Act 2003 for Sans Minimarket, 2 Station Parade, London Road, Sevenoaks, Kent, TN13 1DL on the grounds failure to comply with the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

The Chairman advised the Hearing that the Sub-Committee had been shown the CCTV footage prior to the meeting. Both parties confirmed that they had seen also seen the footage and were happy for the meeting to continue.

The application stated that on 21 February 2014 a 20 year old male entered the store and purchased alcohol. He left the store, joining a group of youths standing directly outside the entrance, who were apparently under 18 years old and that it was very likely this alcohol was supplied to them. Staff failed to take reasonable steps to confirm who the alcohol was going to be supplied to, or their ages or to refuse the sale.

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The Hearing heard from PC Beresford, the applicant on behalf of Kent Police, who tabled a timeline of incidents for the Hearing's consideration and from Miss Dring (Legal representative for Sans Minimarket).

The Panel were shown a still image of the CCTV footage with regards to the communication between the youths during the purchase. In response to questions from the Sub-Committee, PC Beresford confirmed that five arrests were made from that group of youths. One was arrested before the sale at Sans Minimarket and the 4 other youths were arrested after the sale. Criminal damage had allegedly been committed by members of the group in the Sevenoaks area during the evening.

A witness statement from Mr. Parameswaren was tabled for the Hearing's consideration.

The Hearing heard from the legal representative for Sans Minimarket. They accepted the severity of the incident and had cooperated with the Police investigation. She advised the Sub-Committee that Mr. Parameswaren had held the premises license for Sans Minimarket for 12 years with no incidents and had also held one for 25 years in Greenhithe again with no incidents. Many of the conditions suggested had already been implemented.

In response to questions she confirmed that in due course four personal licences would be held by employees, as an application had been submitted by the Manager and Mr Parameswaren's son. It was confirmed that the youth who made the purchase had subsequently been banned from the shop.

It was suggested by the Panel that in the future it could be worth considering the Shop Safe and Bottlewatch schemes. PC Beresford confirmed he was happy with the removal of the proposed conditions 3 and 5.

At 10:45 a.m. the Hearing Members withdrew to consider the issues raised, accompanied by the Council's Legal Advisor and the Clerk to the Hearing for the purpose of providing advice only.

At 11:30 a.m. the Hearing Members, Council's Legal Advisor and the Clerk to the Hearing returned to the Council Chamber.

The Chairman advised the Hearing that the Sub-Committee had had regard to the Licensing Objectives, to the guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. He summarised the conditions and that the suggested conditions of 1, 2, 4 and 7 had already been implemented before the hearing. The Sub-Committee agreed that the suggested condition 3 should be on the premises licence, however the Members proposed allowing a time delay before the condition came into effect to ensure the applicant had sufficient staff in place who held personal licences.

Resolved: That the six additional conditions as set out in the licence attached as an appendix to these minutes be added to the premises licence

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THE MEETING WAS CONCLUDED AT 11.40 am

Chairman



## **Notice of determination of application for a review of premises licence**

To: Chief Inspector Tim Cook

Of: Kent Police, C/O Community Safety Unit, Sevenoaks Council Offices, Argyle Road, Sevenoaks, Kent. TN13 1HG

Ref: 14/00707/REVIEW

Sevenoaks District Council being the licensing authority, on the 13 March 2014 received an application for a review of the premises licence in respect of premises known as Sans Minimarket, 2 Station Parade, London Road, Sevenoaks, Kent. TN13 1DL

On the 9 May 2014 there being valid representations which were received had not been withdrawn, a hearing was held to consider these representations, and having considered it them the Licensing Sub-Committee determined as follows:

### **To modify the conditions of the licence in the following respects, namely**

#### Mandatory Conditions:

The supply of alcohol

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

No supply of alcohol may be made under the premises licence -

(a) at a time where 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.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

#### Mandatory Conditions in force from 06 April 2010

4. 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. 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.

#### Conditions arising from the Licensing Hearing 9 May 2014

- 1) A 'challenge 25' scheme will be operated at all times to a standard agreed by the police and/or trading standards. All staff will be fully trained in 'Challenge 25' and the training will be fully auditable and available to any responsible authority on request, with notices to advise customers that 'Challenge 25' is in operation being prominently displayed.

- 2) The premises supervisor shall ensure that a refusals and challenge register is kept and maintained to a standard agreed by the Police and Trading Standards. This will include a weekly supervisory check by the premises supervisor or duty manager, who will countersign the register and print the date of the check.. This register as a minimum shall include both refusals of alcohol and challenges for identification as per the challenge 25 scheme.
- 3) From three months from (a) until the end of the period given for appealing against the decision, or (b) if the decision is appealed against, until the appeal is disposed of no sale of alcohol shall take place at the premises unless a personal licensing holder is present in person.
- 4) The only proof of age that will be accepted will be a Passport, photographic driving licence or an accredited 'PASS' marked proof of age card.
- 5) No alcohol shall be sold at the premises, unless from the location of the checkout there is either:
  - a) a clear line of sight for staff at the checkout to be able to see outside the entrance, and / or
  - b) a CCTV and monitor operating and positioned so that staff at the checkout can view outside of the entrance
- 6) Between the hours of 17:00 and 22:00 hours on every Friday, there shall be no sale of alcohol unless there are at least 2 Members of staff working at the premises. This shall be the case for a period not less than 12 months from the imposition of this condition.

The reasons for the decision are:

- 1) The prevention of crime and disorder
- 2) The prevention of public nuisance
- 3) The protection of children from harm

The determination will not have effect (a) until the end of the period given for appealing against the decision, or (b) if the decision is appealed against, until the appeal is disposed of. \*

Dated:

Signed .....

Chair – Licensing Hearing

Signed .....

Designation – Licensing Officer

Please address any communications to:

Licensing Partnership  
Council Offices  
PO Box 182  
Argyle Road  
Sevenoaks  
Kent TN13 1GP

**\*Note:** Pursuant to Part 1 of Schedule 5 of the Licensing Act 2003 as amended, any party eligible to appeal must appeal to a magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

