



LICENSING COMMITTEE - LICENSING HEARING

09 May 2014 at 10.00 am

Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Cllrs. Clark, Mrs. George and Mrs. Parkin

(Composition: Each Sub-Committee will contain three Members of the Licensing Committee. Any member of the Licensing Committee may act as a substitute on any of the Licensing Sub-Committees.)

IMPORTANT INFORMATION

If an interested party (e.g. a parish or town council) has not made a "relevant representation" (section 18(6) and (7) of the Licensing Act 2003), it will not receive a notice of the hearing (Reg. 6(1) Hearings Regulations). The interested party will not, therefore be "a party to the hearing" (Reg. 2 Hearings Regulations). There will therefore be no right to address the hearing (Reg. 16 Hearings Regulations).

The above also applies to a Member i.e. if s/he does not make a "relevant representation" s/he will not be a "party to the hearing" and has no right to address the hearing unless appointed by "a party to the hearing" to assist or represent that party.

Would you please note that all the reports/information listed on this agenda are available from the Democratic Services Team on request (01732 227241). Alternatively you can make an appointment to view the information at the District Council Offices by contacting the Licensing Partnership Manager on 01732 227325.

- 1. Appointment of Chairman**
- 2. 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 (Pages 1 - 18)**

(Sevenoaks Town & St. John's)

1. Procedure at Sub-Committees of the Licensing Committee (established in accordance with Section 9 of the Licensing Act 2003)

- 1.1 In accordance with Section 9(1) of the Licensing Act 2003, the Licensing Committee has resolved to establish Sub-Committees, each consisting of three members of the Committee.
- 1.2 The Sub-Committees have delegated authority to determine those functions that are reserved for decision by the Sub-Committees in accordance with Appendix B of the Council's Statement of Licensing Policy dated 7 January 2011.
- 1.3 Hearings shall be conducted in accordance with this Procedure Note and The Licensing Act 2003 (Hearings) Regulations 2005 subject to the right of the Sub-Committee to vary that procedure at their absolute discretion if considered in the public interest.
- 1.4 The quorum for a Sub-Committee shall be two members.
- 1.5 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
- 1.6 The order of business at hearings shall be:
 - (a) Election of Chairman.
 - (b) Declarations of interests.
 - (c) Chairman explains the procedure to be followed at the hearing, including the setting of equal time limits for all parties and the granting of adjournments.
 - (d) Chairman ascertains who is assisting or representing the parties.
 - (e) Applicant (or his/her representative) addresses the Sub-Committee.
 - (f) Applicant questioned by members. At the discretion of the Sub-Committee other parties may be permitted to question the applicant.
 - (g) Persons who have made representations in respect of the application (or their representative) address the Sub-Committee. No issues other than those relevant to their representations may be raised.
 - (h) Members question each party at the conclusion of their address. At the discretion of the Sub-Committee, the applicant may be permitted to question other parties.
 - (i) Sub-Committee may offer the parties a short adjournment to discuss in the absence of the Sub-Committee whether a solution acceptable to all the parties can be put to the Sub-Committee.
 - (j) Applicant (or his/her representative) makes closing address.

- (k) Sub-Committee may grant a short adjournment. The parties may not speak to members regarding the application during adjournments.
- (l) The Sub-Committee considers the application and motions put to accept or reject the application in the terms requested or to grant the application subject to specified conditions. Reasons are to be given for motions.
- (m) The parties will be informed of the decision at the hearing or thereafter in accordance with Regulation 26 of the 2005 Regulation.

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APPLICATION FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR SANS MINIMARKET, 2 STATION PARADE, LONDON ROAD, SEVENOAKS, KENT. TN13 1DL

APPLICATION REFERENCE: 14/00707/REVIEW

Licensing Sub Committee – 12 May 2014

Report of Chief Officer of Environmental & Operational Services – Mr Richard Wilson

Status: For Decision

Key Decision: No

Contact Officer(s) Leeann Leeds Ext: 7270

Recommendation to Licensing Sub Committee:

Members' instructions are requested

Introduction and Background

- 1 The procedure for Hearings of Sub-Committees of the Licensing Committee is established in accordance with Section 9 of the Licensing Act 2003.
- 2 The application is made by Chief Inspector Tim Cook, Kent Police, Community Safety Unit, Sevenoaks Council Offices, Kent. TN13 1HG 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
- 3 This hearing is being held as required under Section 52(2) to consider the application for a review and any relevant representations.

The Grounds for Review

- 4 The prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.
- 5 On 21st February 2014 a proxy sale of alcohol took place on the premises. Staff failed to take reasonable steps to either confirm who the alcohol was going to be supplied to, their ages or to simply just refuse the sale.

Representations received from statutory consultees:

Fire Safety	NO COMMENTS RECEIVED
Trading Standards	NO COMMENTS RECEIVED

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Social Service	NO COMMENTS RECEIVED
Police	APPLICANT
Commercial	NO COMMENTS RECEIVED
Environmental Protection	NO OBJECTIONS
Development Control	NO OBJECTIONS

Representations received from interested parties:

0 received

Conclusions

Without prejudice, the Officer would like to draw to Members attention issues that they may wish to consider.

The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Amended Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from the Policy or Guidance the departure must be directed solely at the attainment of the prevention of public nuisance objective and such departure must be supported by clear and cogent reasons.

Mandatory conditions – the following conditions will be added to the premises licence when it is issued.

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.

Key Implications

Financial

None directly arising from this report.

Legal Implications and Risk Assessment Statement.

This Hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005

The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy. Where the decision departs from the Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and such departure must be supported by clear and cogent reasons.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	N/A
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		N/A

Appendices

Appendix A – Application for Review

Appendix B – Current Premises licence

Appendix C – Locality map

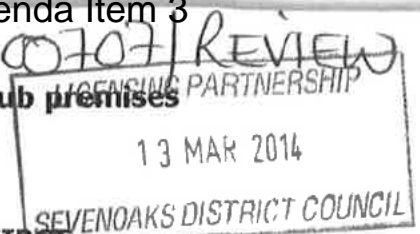
Background Papers:

The Licensing Act 2003

Section 182 Guidance for Licensing Act 2003

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Richard Wilson
Chief Officer for Environmental & Operational Services

RESTRICTED (when complete)**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Chief Inspector Tim Cook

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details**Postal address of premises or, if none, ordnance survey map reference or description**

Sans Ltd
2 Station Parade
London Road

Post town Sevenoaks**Post code (if known)** TN13 1DL**Name of premises licence holder or club holding club premises certificate (if known)**

Mr Shanmuganathan Parameswaren

Number of premises licence or club premises certificate (if known)

05/00854/PRETRA

Part 2 – Applicant details

I am

Please tick yes

1) an interested part (please complete (A) or (B) below)

a) a person living in the vicinity of the premises ☐b) a body representing persons living in the vicinity of the premises ☐c) a person involved in business in the vicinity of the premises ☐d) a body representing persons involved in business in the vicinity of the premises ☐2) a responsible authority (please complete (C) below) ☒**3 a member of the club to which this application relates (please complete (A) below)**

RESTRICTED (when complete)

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in a applicable)

Please tick

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title ☐
(for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

☐

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

RESTRICTED (when complete)**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003****(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address

PC 9923 Mark Beresford
Licensing Officer
Community Safety Unit
Sevenoaks Council Offices
Argyle Road
Sevenoaks
Kent
TN13 1HG

Telephone number (if any)

101

E-mail address (optional)

west.division.licensing@kent.pnn.police.uk**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

The evidence given below contains personal information and images from public and private CCTV systems of persons under the age of 18 years old. Kent Police do not give permission for it to be put in the public domain and ask that it is considered 'Exempt' under Schedule 12A, Part 1(1), (2) and (7), Local Government Act 1972. If there is any intention of publishing the below information in any public forum then contact PC Mark Beresford immediately.

The premises subject of review is situated in a busy area, very close to a bus stop and a railway station, where there is a high footfall of pedestrians including many young persons.

At 21:53 hours on Friday 21st February 2013, a 20 year old male entered the store and purchased a large bottle of Cider. He left the store, joining a group of youths standing directly outside the entrance, who are under 18 years old. It is very likely this alcohol was supplied to them.

During the course of the evening the same youths were involved in several acts of crime and disorder, resulting in five of the youths being arrested. Whilst in custody four of them were so intoxicated they couldn't be interviewed until the following day. There is a clear link between the intoxication of these youths and the resultant crime and disorder.

It is acknowledged that the youths had already obtained alcohol from another source prior to this sale. It should also be noted that the premises licence holder has co-operated with police, and allowed viewing of their CCTV - however has failed to act responsibly to uphold the licensing objectives. Reasonable steps were not taken to either confirm who the alcohol was going to be supplied to and their ages, or to simply just refuse the sale.

RESTRICTED (when complete)

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

Please provide as much information as possible to support the application

(please read guidance note 2)

Police and partner agencies have been aware of the above group of youths since at least September 2013, and have had concerns and suspicions that a 20 year old member of the group (who is well known to police) regularly supplies alcohol to others in the group who are under the age of 18. The group as a whole and individually have come to the attention of police for crime and disorder in the Sevenoaks area on numerous occasions. All of their identities are known and there are currently intensive efforts involving the youths and their respective families. The ages of the group range between 15-17 years old.

Numerous attempts to obtain alcohol have been made in the Sevenoaks area by this group. Whilst many are refused, there have been a number of occasions where alcohol has been supplied by proxy.

It is important firstly to note the wider implications of alcohol being supplied to children:

Police exhibit MB/1 provides a summary of incidents involving the group to illustrate the frequency of incidents, and how the supply of alcohol to these children is linked with crime and disorder in the wider community.

The youths in question are also now well within the criminal justice system. The summary gives a good indication of how the actions of these youths when intoxicated will impact on their future life-choices. Alcohol abuse from an early age will clearly have longer term physical and mental health implications, and drunk children are much more likely to be exposed to illegal drugs, with indications that this is already the case.

Police exhibit MB/2 provides a timeline of the events on Friday 21st February 2014 involving the same group. Of note is the escalating level of crime and disorder as the evening progresses, which correlates with the increasing intoxication of the group. Exhibit EHJ/1 contains 3 still images taken from Sevenoaks Town Centre CCTV, which show them walking from Sevenoaks town centre all carrying and drinking what appears to be alcohol. Out of the 6-7 youths present during the course of the evening, the only person old enough to legally purchase alcohol was the 20 year old male in question.

This male is well known to the staff at Sans Minimarket, who have explained he comes to the store regularly to get alcohol. As such, staff also explain that he was previously asked for proof of age. Indeed, he also entered Sans Minimarket earlier in the evening of the 21st February, around 20:30 hours, and had an altercation with staff (as he wanted a pair of scissors to cut his ankle tag off).

At 21:53 hours he again enters the store. At least 4 other members of the group were waiting directly outside the entrance. Police exhibit MB/3 contains footage taken from the CCTV at the premises. Whilst there is no sound it does appear very likely they were loud and could be heard within the shop, and they were also in possession of alcohol, and likely already intoxicated. It would seem very improbable that the member of staff at the checkout was not aware of these youths.

The male appears to communicate with the youths outside the store whilst pointing towards the alcohol display. He then selects a bottle of cider and pays for this at the checkout - which is a quick transaction, with no attempt at challenge or refusal. He leaves the store, joining the group and walks off.

The timeline (exhibit MB/2) then outlines the various incidents that take place afterwards. Four of the youths, all under 18 years old and heavily intoxicated were arrested, which ended the trail of crime & disorder for that evening. The 20 year old male was not arrested on this occasion.

It is believed members of the group can be intimidating, and have become well known in the local area. Whilst the other youths are not young children, the circumstances are such that it would have been obvious to staff that the group were waiting outside and that:

- a) the 20 year old male buying the alcohol was part of this group,
- b) it was very likely the alcohol would be supplied to this group, and
- c) the group may include youths who are under 18 years old, so due diligence would be needed to ensure

RESTRICTED (when complete)**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

alcohol was not going to be supplied to them (especially as the store purport to operate 'Challenge 25')

Instead, there has been no effort to refuse the sale, or to even challenge the male purchasing the alcohol.

From discussion with the staff, and knowing some of the recent history and issues involving other shops in Sevenoaks and this group, this is probably because:

- a) the sale would be made as long as the supply to children didn't take place inside the premises, and
- b) to avoid confrontation or intimidation from the group it is easier just to make the sale on this understanding.

The supply of alcohol from this store and others has led to the alcohol fuelled crime and disorder experienced that evening. For this reason, and of course the welfare of the children being supplied alcohol, the current guidance is clear in that a review of the premises licence is made with a request for revocation of the premises licence.

However, it is recognised that the premise licence holder and the staff on duty have been cooperative with police following this incident. Staff have certificates of licensing training, and there are Challenge 25 posters on display and a current refusals register. Should revocation not be deemed proportionate, the following conditions are strongly suggested:

- 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) A personal licence holder shall be present in person at the premises at all times when the sale of alcohol is taking place.
- 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) The premises will participate in a 'Bottlewatch' scheme for a period not less than 12 months from the imposition of this condition. The types and numbers of bottles, cans or other vessels to be marked with the 'Bottlewatch' sticker will be agreed with the police and trading standards.
- 6) 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
- 7) 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.

RESTRICTED (when complete)

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

RESTRICTED (when complete)**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

PC9923

Date

13/03/2014

Capacity

Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

PC 9923 Mark Beresford
Licensing Officer
Sevenoaks Council Offices
Argyle Road

Post town Sevenoaks

Post code TN13 1HG

Telephone number (if any) 101 (mob 07581 209912)

If you would prefer us to correspond with you using an e mail address your e mail address (optional)

west.division.licensing@kent.pnn.police.uk

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



PREMISES LICENCE

The Licensing Act 2003, Schedule 12, Part A

Premises Licence Number KS0500854

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town & Post Code

Sans Ltd
2 Station Parade
London Road
Sevenoaks
Kent. TN13 1DL

Telephone number 01732 455 518

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Supply of alcohol

Times the licence authorises the carrying out of licensable activities

Supply of alcohol	
Monday to Saturday	08:00 - 23:00
Sunday	10:00 - 22:30

The opening hours of the premises

Monday	08:00 - 23:00
Tuesday	08:00 - 23:00
Wednesday	08:00 - 23:00
Thursday	08:00 - 23:00
Friday	08:00 - 23:00
Saturday	08:00 - 23:00
Sunday	10:00 - 22:30

The non-standard opening hours of the premises

Good Friday 08:00 until 22:30 hours. Christmas Day 12:00 until 15:00 hours and 19:00 until 22:30 hours.

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption off the premises

Licence Number KS0500854
Application Number 05/00854/PRETRA

Issue Date 17/11/2005
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Licence issued by:

The Licensing Authority of Sevenoaks District Council, Council Offices, Argyle Road, Sevenoaks, Kent, TN13 1HG
Telephone number: 01732 227000

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Part 2

Name, (registered) address, telephone number and email address (where relevant) of holder of premises licence

Mr Shanmuganathan Parameswaran
11 Robin Hill Drive
Chislehurst
Bromley
Kent BR7 5ER

Registered number of holder, for example company number, charity number (where applicable)

None

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Shanmuganathan Parameswaran
11 Robin Hill Drive
Chislehurst
Bromley
Kent BR7 5ER

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number: 0501702LAPER
Licensing Authority: London Borough of Bromley



Kristen Paterson
Community and Planning Services Director

Annex 1 – Mandatory conditions

MC1 - The supply of alcohol

MC0101 - 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.

MC0102 - Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 – Embedded conditions

EC0701 - Permitted Hours (from original Justices Off Licence)

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- (b) On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- (c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- (d) On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

EC0702 - Regulated Entertainment - (from original Justices Licence)

Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.

Annex 3 – Conditions consistent with the Operating Schedule

Not applicable

Annex 4 – Conditions attached after a hearing by the licensing authority

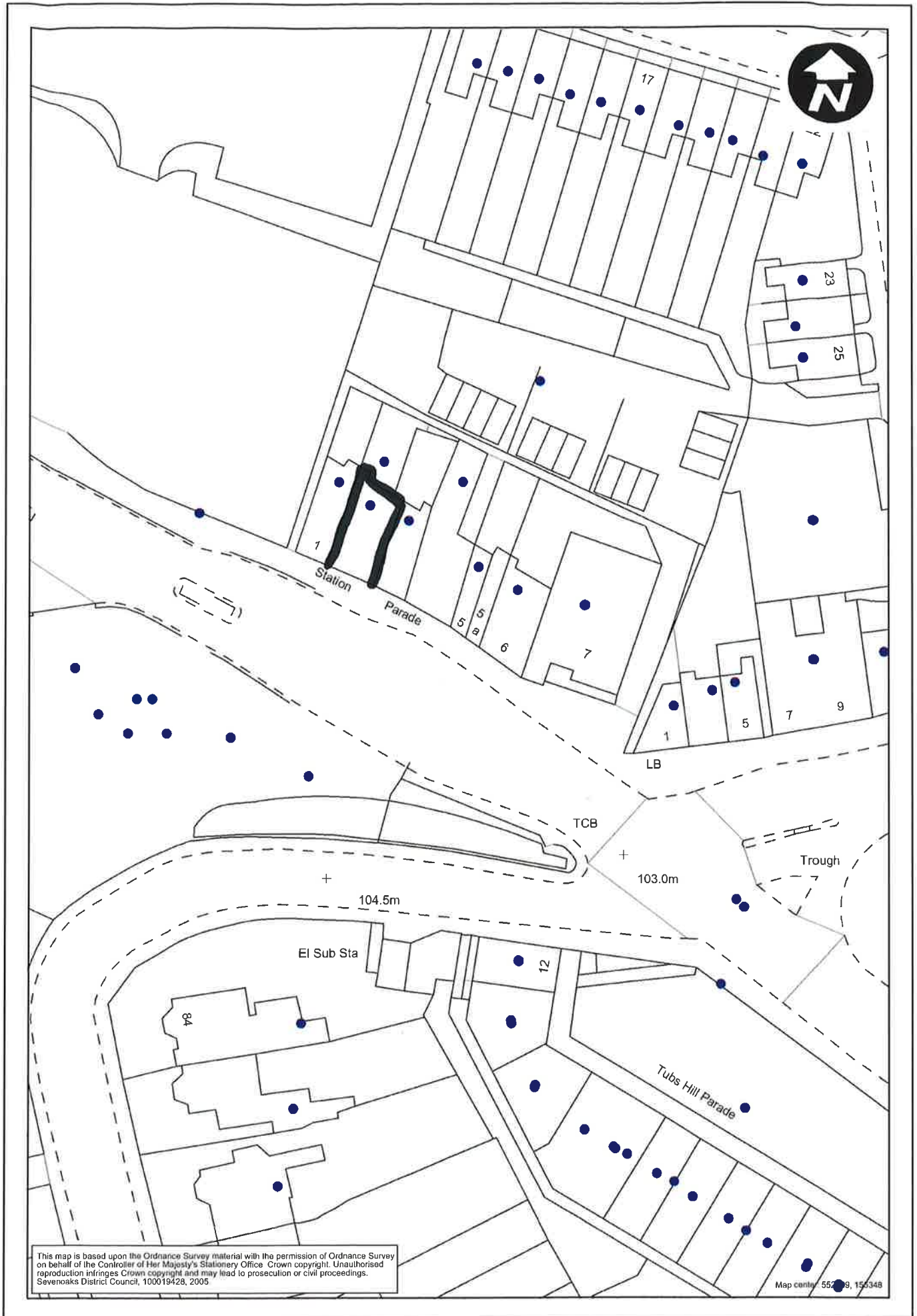
Not applicable

Annex 5 – Plans

Please see attached

Licence Number KS0500854
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