

## **LICENSING HEARING**

Minutes of the meeting held on 23 June 2014 commencing at 11.15am

Present: Cllrs. Mrs. George, Pett and Walshe

Also present PC9923 M Beresford - Kent Police Representative  
Mr. M. Phipps - Premises Licence Legal Representative  
Ms. Y. Gell - For Premises Licence  
Mrs. C. Powell - Premises Licence Holder  
Mr. S. Powell - For Premises Licence Mrs. L. Leeds  
- Licensing Officer  
Mr. L. Roberts - Legal Advisor  
Ms. V. Etheridge - Acting Democratic Services Manager

An apology for absence were received from Cllr. Cooke

The meeting commenced at 11.15 am to facilitate on-going discussion between the Premises Licence Holder and the representatives from Kent Police.

1. Appointment of Chairman

Resolved: That Cllr. Walshe be appointed Chairman of the meeting.

2. Declarations of Interest

There were none.

3. Exclusion of Press and Public

Resolved: That, under section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting when considering Appendix A of the following report, on the grounds that likely disclosure of exempt information is involved as defined by Schedule 12A, paragraph 7 (Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime).

4. The Portobello Inn, London Road, West Kingsdown, TN15 6JB

(Exempt Information Schedule 12A paragraph 7 Local Government Act 1972)

The Hearing gave consideration to a report by the Chief Officer Environmental and Operational Services giving details of an application under Section 53A of the Licensing Act 2003 for a summary review of the premises licence. On 30 May 2014 a meeting of the Licensing Sub-Committee had taken the interim step to suspend the premises licence pending the full review. On 2 June 2014 Sevenoaks District Council received a representation against the interim steps taken by the Council as the Licensing Authority and within 48 hours of receipt of the representations being received, a hearing was held to consider whether the interim steps were appropriate for the promotion of the licensing objectives and to determine whether to withdraw or modify the steps taken. The interim

## **Licensing Hearing - Monday, 23 June 2014**

steps were modified. The hearing now held was to consider the application for summary review in full.

The Hearing heard from the representative from Kent Police and asked questions. The Hearing heard from the legal representative for the Premises Licence Holder and asked questions.

An amended version of the interim steps was tabled for the consideration of the Hearing.

At 12.04 the Hearing Members, withdrew to consider the issues raised. The Council's Legal Advisor and Democratic Services Officer were present to give legal advice and to minute the decision.

At 12.45 the Hearing Members, Council's Legal Advisor and Democratic Services Officer 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 reasoning behind the conditions.

It was therefore unanimously,

Resolved: That the amended conditions as set out in the Notice of Determination attached as an appendix to these minutes be added to the premises licence.

THE MEETING WAS CONCLUDED AT 12.50 pm

Chairman

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

To: Chief Officer of Police for the Kent Police area  
Of: Maidstone Police Station, Palace Avenue, Maidstone Kent  
Ref: 11/00696/LAPRE

Sevenoaks District Council being the licensing authority, on 28 May 2014 received an application for the summary review of a premises licence in respect of premises known as The Portobello Inn, London Road, West Kingsdown, TN15 6JB.

On 30 May 2014, within 48 hours of receipt of the Chief Officer's application, a hearing was held to consider whether it was necessary to take interim steps and a Notice of Determination was issued.

On 2 June 2014 Sevenoaks District Council received a representation against the interim steps taken by the Council as the Licensing Authority. Within 48 hours of receipt of the representations being received, a hearing was held to consider whether the interim steps were appropriate for the promotion of the licensing objectives and to determine whether to withdraw or modify the steps taken. The interim steps were modified.

On the 23 June 2014, within 28 days of receipt, the full review hearing was held and there being valid representations which were received had not been withdrawn, a hearing was held to consider these representations, and having considered them the Licensing Sub-Committee determined as follows:

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

### **To add conditions to the Licence as follows:**

#### Prevention of Crime and Disorder

A CCTV system is to be installed to an appropriate standard as agreed with the police. The premises licence will remain suspended until the system becomes fully operational.

The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and recordings shall be kept for a period of 28 days.

The correct time and date will be generated onto both the recording and the real time image screen.

If the CCTV equipment breaks down the designated premises supervisor shall ensure the licensing authority and the police are informed as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident book and shall include the time, date and means by which this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The licensing authority and the police shall be

informed when faults are rectified.

The designated premises supervisor shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of the licensing authority or responsible authorities.

There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during.

CCTV cameras shall monitor all areas used by premise patrons including any external smoking area and the car park to monitor numbers and prevent crime and disorder.

Signage must be displayed indicating that CCTV equipment is in use and recording at the premises.

An incident logbook/refusals register will be kept by the designated premises supervisor. This will be in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to a responsible authority upon request.

A written procedure will be produced and promulgated to staff to ensure the police will be called in the event that any criminal incident takes place or appears to be imminently likely to take place at the premises and staff will co-operate in any police investigation.

### Public Safety

The designated premises supervisor shall provide training for all staff to ensure that they are familiar with the premises licence, the Licensing Act 2003 and the appropriate procedures in case of an emergency. A record of the training shall be maintained, signed by the staff receiving training and shall be available upon request by the licensing authority or responsible authorities.

### Prevention of Public Nuisance

The external area shall only be open to customers until 11pm unless otherwise agreed with the Licensing Authority. Adequate notices will be displayed to inform patrons of this requirement. After this time smoking only will be permitted.

The designated premises supervisor shall take all reasonable steps to ensure that patrons using the outside areas do so in a quiet and orderly fashion.

### Protection of Children from Harm

A challenge 21 policy will be used whereby any person who appears to be under 21 years of age and is attempting to purchase alcohol will be asked to provide identification. The only acceptable proof of age identification will be a passport, a photo driving licence, an EU identity card, military identification or a PASS approved proof of age card. Staff will be

trained in this policy and records of the training will be kept.

The reasons for the decision are:

The additional conditions are considered appropriate to further the licensing objectives.

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: 23 June 2014

Signed .....

Chair – Licensing Hearing

Signed .....

Designation –Licensing Officer

Please address any communications to:

Licensing Regime  
Community and Planning Services  
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.

