



**LICENSING COMMITTEE - LICENSING HEARING**  
**(SUB-GROUP C)**  
**11 August 2014 at 10.30 am**  
**Council Chamber, Argyle Road, Sevenoaks**

**AGENDA**

**Membership:**

Cllrs. Ayres, Mrs. George and Orridge

(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 Premises Licence From Marks And Spencer Plc, 35 North Wharf Road, Paddington, London. W2 1NW For A New Premises Licence Under The**

**Licensing Act 2003** (Pages 1 - 8)

(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.

This page is intentionally left blank

**APPLICATION FOR A PREMISES LICENCE FROM MARKS AND SPENCER PLC, 35 NORTH WHARF ROAD, PADDINGTON, LONDON. W2 1NW FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003**

**Application reference No: 14/01862/LAPRE**

**Licensing Committee (Hearing) – 11 August 2014**

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

Status: For Decision

Key Decision: No

**Portfolio Holder** Cllr. Ms. Lowe

**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 established in accordance with Section 9 of the Licensing Act 2003 is attached to the agenda.
- 2 The application is made by Marks And Spencer Plc, 35 North Wharf Road, Paddington, London. W2 1NW Application is to allow licensable activities at the premises.

**The application is to allow:**

Section J	To allow sale of alcohol for consumption off the premises every day from 06:00 hours until 00:00 hours.  Sale of alcohol for consumption on the premises in the cafe for the following hours throughout the year Mondays to Sundays 08:00 to 23:00
Section O	Hours premises are open to the public Every day from 06:00 until 00:00 hours.

**The applicant intends to take the following action in order to promote the four licensing objectives if the proposed variation is granted:**

## Agenda Item 3

### **General:**

The company maintains comprehensive regulatory compliance procedures and all aspects of the four licensing objectives are covered by these procedures. These measures will be in place when this new store opens and include the matters set out in boxes below.

### **The Prevention of Crime and Disorder:**

Digital CCTV will be installed, data will be retained for a minimum period of 31 days and will be made available to the Police for evidential purpose. Sales of alcohol for consumption on the premises will be confined to the cafe. The cafe will only be made available to customers when the store is open and no sale of alcohol will be made from the cafe after 23:00

### **Public Safety:**

No additional steps required to promote the licensing objectives identified beyond existing statutory duties.

### **The Prevention of Public Nuisance:**

No additional steps required to promote the licensing objectives identified beyond existing statutory duties.

### **The Protection of Children from Harm:**

Staff training to ensure that in case of any doubt whether a purchaser is over the age of 18 to refuse the sale of alcohol unless valid identification is provided. Till prompts remind staff at point of sale of alcohol to ensure the purchaser is over 18 and record refusals. Challenge 25 schemes.

### **Representations received from statutory consultees:**

Fire Safety	NO OBJECTIONS
Trading Standards	NO COMMENTS RECEIVED
Social Service	NO COMMENTS RECEIVED
Police	NO COMMENTS RECEIVED
Commercial	NO COMMENTS RECEIVED
Environmental Protection	NO OBJECTIONS
Development Control	NO COMMENTS RECEIVED

**Representations received from interested parties:**

8 received

**Conclusions**

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

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**

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.

**Mandatory conditions in force from 28 May 2014**

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1-

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) "permitted price" is the price found by applying the formula —  $P = D + (D \times V)$

where -

- (i) P is the permitted price,

## Agenda Item 3

- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

### 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 – Representations

**Mr Richard Wilson**  
**Chief Officer for Environmental and Operational Services**



**RESIDENTS OF PEMBROKE ROAD  
SEVENOAKS**

The Licensing Officer  
Licensing Partnership  
PO Box 182  
Sevenoaks  
Kent TN13 1GP

9<sup>TH</sup> July 2014

Dear Sirs

**Application for On/Off Premises Licence**

**M&S superstore premises, 66 London Road, Sevenoaks, Kent (“the Superstore”)**

**Ref: 14/01862/LAPRE**

We write with reference to the proposed application by M&S plc to sell alcohol to the public both on and off premises for the times specified in the planning application referenced above and in particular the proposal to sell alcohol from 0600 hours to midnight to the public in Sevenoaks Town Centre.

As residents of Pembroke Road, Sevenoaks our properties (detailed on the signature page below) are located directly to the north of the Superstore. They enjoy the benefit of restrictive covenants which we understand prohibit the retailing of alcohol from the Superstore. It was never intended that the property on which the Superstore is based would be put to this use. We have put M&S plc and the developers of the Superstore on notice of this issue.

Turning to the licensing application itself we object on the following grounds :

**1. Public safety and late night off licence**

If M&S are permitted to retail cheaper supermarket alcohol and alcopop style drinks late at night when town centre bars are about to close, it will fuel increased alcohol consumption in the streets around the town centre and those leading to the railway station at Tubs Hill at anti-social hours. This will contribute to alcohol related public order and public safety issues which in turn will impact both on local public services (hospital and policing) and the safety and well-being of local residents and families.

**2. Public nuisance**

The availability of cheap off-premises alcohol late at night will facilitate binge drinking around the town centre resulting in nuisance to local residents through increased pedestrian and vehicular traffic, anti-social activity, littering, loitering, shouting and disturbance of peace after closing hours.

**3. Children**

Consideration of impact on the well-being of children arising out of a decision to retail alcohol in the manner proposed by this application does not just arise at the till-point as implied by the applicant’s notification in this regard.

Most of the surrounding streets are occupied by families with school-going children and parents who are early risers. By granting a late night off-licence the well-being of these families and young will be disturbed by ongoing alcohol consumption in the immediate

### Agenda Item 3

vicinity of Sevenoaks Town Centre and the Railway Station area late at night during anti-social hours.

#### 4. Crime and disorder

It is well documented that there is a correlation between increases in crime and disorder and availability of alcohol for consumption. By permitting a supermarket to retail cheaper alcohol late at night in the town centre the potential for an increase in crime and disorder is greatly increased with the resultant strain on public resources, local facilities and local residents. No other off-licence in the vicinity of the town centre has the right to sell alcohol to the public when pubs and bars are closing and it should not be permitted now.

We note that the applicant refers to the installation of **CCTV** as a method of preventing crime and disorder. The presence of CCTV does not prevent crime and disorder. It simply records the act taking place and can be used in evidence in respect of later prosecutions. In reality, in the case of excessive alcohol consumption, the presence or otherwise of a camera will fail to register in the consciousness of an offender.

Whilst we object to the grant of an alcohol licence in principle due to our property law rights, if (which we do not accept) a licence is granted, we believe it should be:

- a) limited to the sale of alcohol in the Superstore in conjunction with the consumption of food in a restaurant setting; and
- b) in respect of off-licence sales, it should be limited to business hours and more specifically, not later than 8.00pm to take into account the issues above .

Please would you acknowledge receipt of this letter by reference to each of the Pembroke Road residents whose address and details are set out below.

Yours faithfully

#### Property

█ Pembroke Road

#### Owner

Patricia Collins... █

█ Pembroke Road

Aaron A Milana.... █

Fionnuala Nolan..... █

█ Pembroke Road

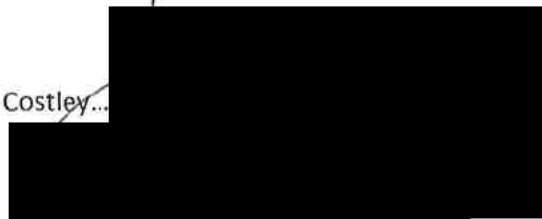
Peter Stevens. █

Dawn Stevens. █

Agenda Item 3

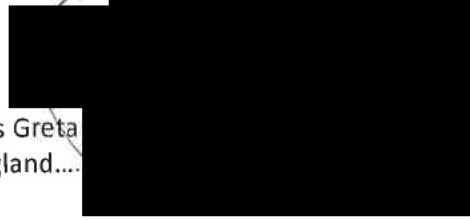
█ Pembroke Road

Jim Costley...



█ Pembroke Road

Mrs Greta  
England....



█ Pembroke Rd



STUART PAVEY

█ Pembroke Road



Adam Sojka

█ PEMBROKE ROAD



RICHARD RHINO

This page is intentionally left blank