

Licensing Hearing

Minutes of the meeting held on 26 April 2024 commencing at 10.30 am

Present: Cllr. Barnett (Chairman)

Cllrs. Barnett, Ferrari and Leaman

Also Present:	John Peyto	Applicant
	Susan Lindsey	Senior Licensing Officer (SDC)
	David Lagzdins	Council's Legal Advisor (SDC)
	Philip Magee	Democratic Services Officer (SDC)

1. Appointment of Chairman

Resolved: That Cllr. Barnett be appointed as Chairman of the Licensing Hearing.

(Cllr. Barnett in the Chair)

2. Declarations of interest

There were none.

3. LICENSING ACT 2003 NEW PREMISES LICENCE APPLICATION : The Bridges, Horton Road, South Darenth DA4 9AX

The Chairman welcomed everyone to the hearing.

The Sub-Committee gave consideration to the report of the Senior Licensing Officer, which gave details of an application for a new premises licence for The Bridges, Horton Road, South Darenth DA4 9AX. The officer provided an overview of the report, and explained that the application had been amended, following the receipt of six objections from local residents, to remove all nonstandard timings except for New Year's Eve. This had resulted in five of the objections being withdrawn. There was one remaining representation objecting to the application.

The Applicant addressed the hearing. He explained that the premises would sell food and alcohol, with a firm Challenge 25 policy in place. A previous premises had operated from the same location for 20 years without complaint, though he noted that there had been some issues with rowdiness more recently. He explained that the premises would provide food and drink with light background music only, without additional forms of entertainment such as darts or a jukebox, which would help address this.

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The panel asked questions of clarification of the applicant. The premises would have a designated smoking area away from the neighbouring cottages, to reduce any noise impact. Customers would be advised to not take glasses outside of the premises except to the garden area. The premises had two entrances; the door closest to the neighbouring cottages would be locked earlier to ensure customers did not disturb residents when leaving the premises. The applicant advised that he had spoken with the neighbours and that they seemed satisfied with these measures.

At 10:41 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 10:58 the Hearing Members, the Council's Legal Advisor, and the Clerk to the Hearing returned to the Conference Room.

The Chairman informed the Hearing that the Sub-Committee, having had regard to the representations made by the Applicant and interested parties, the Licensing objectives, the Statutory Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy, had decided to grant the application as applied for, subject to minor amendments to conditions for the purposes of enforceability.

A full decision notice would be issued within five working days to all interested parties.

Resolved: That the premises licence in respect of The Bridges, Horton Road, South Darenth DA4 9AX, subject to the conditions consistent with the operating schedule offered by the applicant and the mandatory conditions, subject to minor amendments for the purposes of enforceability, contained in the Notice of Determination attached as an appendix to these minutes, be granted.

THE MEETING WAS CONCLUDED AT 11.00 am

CHAIRMAN

LICENSING ACT 2003 - Section 23

Notice of determination for application premises licence

To: Mr John Peyto

of: The Bridges, Horton Road, South Darenth DA4 9AX.

Ref: 24/00744/LAPRE

Sevenoaks District Council being the licensing authority, on the 27th February 2024 received an application for a premises licence in respect of premises known as The Bridges, Horton Road, South Darenth DA4 9AX.

On the 26th April 2024 there being a valid representation which was received that had not been withdrawn, a hearing was held to consider this representation, and having considered it the Licensing Sub-Committee determined as follows:

To grant the Premises Licence:

Section M: Supply of alcohol for consumption both on and off the premises from:
Monday - Sunday: 12:00 - 23:00

Non standard timings - New Years Eve until 01:00 hours the following day

Section O: Hours premises are open to the public:
Monday - Sunday - 12:00 - 23:30

Non standard timings - New Years Eve until 01:30 hours the following day

To add the conditions on the Licence as follows:

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

1. 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.

2. Mandatory conditions in force from 28 May 2014

1. 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.
2. 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,
 - (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.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4.

- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

3. Mandatory Conditions in force from 01 October 2014

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) 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 either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

4. Conditions Consistent with the Operating Schedule

General

Sufficient competent staff will be on duty at the premises when licensable activities are taking place.

All staff will be trained in their responsibilities in relation to the sale of alcohol and licence conditions particularly in regards to drunkenness and underage sales.

Training records will be kept and refresher training undertaken.

The prevention of crime and disorder

Any incidents of a criminal nature that occur on the premises will be reported to the Police.

CCTV will be fitted and will be operated and maintained at the premises.

All cameras will be situated in appropriate locations and provide recommended coverage.

Police and Local Authority Officers will be given access to images at any reasonable time.

CCTV signage will be displayed.

Anyone suspected of or taking drugs on the premises will be asked to leave immediately and will be excluded from further use of the premises.

Signage in relation to a zero tolerance for drugs will be displayed.

Public safety

Appropriate fire safety procedures are in place, including fire extinguishers and fire blankets.

Internal illuminated fire exit signs are displayed.

Smoke alarms are installed

All appliances are inspected annually.

Emergency Exits will be kept free from obstruction at all times.

The prevention of public nuisance

All customers will be asked to leave quietly.

Clear legible notices will be prominently displayed to remind customers to leave quietly and to respect the neighbours.

The protection of children from harm

A strict 'Challenge 25' Policy will be in place.

All staff will be required to ask anyone who looks under the age of 25 to provide photographic ID.

All staff will be trained for underage sale prevention.

A refusal register will be kept at the premises and will be provided to Police and Local Authority Officers on request.

The reasons for the decision are:

Having had regard to the representations made by the Applicant and interested parties, the Licensing objectives, the Statutory Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy, the Sub-Committee considered that, while the final representation has not been withdrawn, there appeared substantial agreement between the neighbours and the applicant, and were satisfied that the Licensing Objectives would be met.

This licence granted at the Hearing is effective from the 26th April 2024.

Dated: 26th April 2024.

Please address any communications to:

Licensing Partnership

Sevenoaks District Council

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.

