

**LICENSING COMMITTEE (HEARING) – 8 NOVEMBER 2011**

**APPLICATION FOR A PREMISES LICENCE FROM THE WONDERLOUNGE, 138A - 138B HIGH STREET, SEVENOAKS, KENT. TN13 1XE FOR A VARIATION UNDER THE LICENSING ACT 2003**

**APPLICATION REFERENCE NO: 11/02544/LAPRE**

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Report of the: Community and Planning Services Director

Status: For Decision

**Portfolio Holder** Cllr. Mrs. Bracken

**Head of Service** Head of Environment & Operational Services – Mr. Richard Wilson

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**Recommendation:** Members' instructions are requested

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**Background**

The procedure for Hearings of Sub-Committees of the Licensing Committee established in accordance with Section 9 of the Licensing Act 2003 is attached at Appendix A.

The application is made by The Chicago Pizza Pie Factory Limited, Seebeck House, 1 Seebeck Place, Knowhill, Milton Keynes, MK5 8FR

- The application to vary the Premises Licence is to extend the permitted hours for all activities to 01.00 hours; closing at 01.30 hours Monday to Sunday. The hours for existing notable days to be extended by one hour, as detailed in the application.
- To add facilities for making music and dancing 08.00-01.00 Monday to Sunday.

**The variation is to:**

Section B	To allow the exhibition of films indoors every day from 08:00 hours (existing, no change) until 01:00 hours. This may include entertainment programs, sport, music videos and entertainment of a like kind.
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	<p>To allow the exhibition of films on Bank Holidays (Friday to Monday inclusive) until 02.00 hours.</p> <p>On Christmas Eve to the day after Boxing Day (excluding Christmas Day) until 02.00 hours.</p> <p>On New Year's Eve - from the end of licensable activities until their commencement on New Year's Day.</p>
<p>Section E</p>	<p>To allow live music indoors every day from 08:00 hours (existing, no change) until 01:00 hours. This may be unamplified or amplified. May be via artists singing, Karaoke, DJ or other of a similar nature.</p>
	<p>To allow live music on Bank Holidays (Friday to Monday inclusive) until 02.00 hours.</p> <p>On Christmas Eve to the day after Boxing Day (excluding Christmas Day) until 02.00 hours.</p> <p>On New Year's Eve - from the end of licensable activities until their commencement on New Year's Day.</p>
<p>Section F</p>	<p>To allow recorded music indoors every day from 08:00 hours (existing, no change) until 01:00 hours. This will be played through an in-house system and/or during live entertainment events.</p>
	<p>To allow recorded music on Bank Holidays (Friday to Monday inclusive) until 02.00 hours.</p> <p>On Christmas Eve to the day after Boxing Day (excluding Christmas Day) until 02.00 hours.</p> <p>On New Year's Eve - from the end of licensable activities until their commencement on New Year's Day.</p>
<p>Section G</p>	<p>To allow performances of dance every day indoors from 08:00 hours (existing, no change) until 01:00 hours. Dancing by staff and/or performers.</p>

<p>To allow performance of dance on Bank Holidays (Friday to Monday inclusive) until 02.00 hours.</p> <p>On Christmas Eve to the day after Boxing Day (excluding Christmas Day) until 02.00 hours.</p> <p>On New Year's Eve - from the end of licensable activities until their commencement on New Year's Day.</p>	
Section H	<p>To allow anything of a similar description to that falling within (e), (f) or (g) every day indoors from 08:00 hours (existing, no change) until 01:00 hours as per the existing licence – entertainment of a similar nature to E, For G.</p>
<p>To allow anything of a similar description to that falling within (e), (f) or (g) on Bank Holidays (Friday to Monday inclusive) until 02.00 hours.</p> <p>On Christmas Eve to the day after Boxing Day (excluding Christmas Day) until 02.00 hours.</p> <p>On New Year's Eve - from the end of licensable activities until their commencement on New Year's Day.</p>	
Section I	<p>To allow the provision of facilities for making music every day indoors from 08:00 hours (existing, no change) until 01:00 hours. Facilities may include in-house sound system, musical instruments, Karaoke equipment, video/TV screens.</p>
<p>To allow the provision of facilities for making music on Bank Holidays (Friday to Monday inclusive) until 02.00 hours.</p> <p>On Christmas Eve to the day after Boxing Day (excluding Christmas Day) until 02.00 hours.</p> <p>On New Year's Eve - from the end of licensable activities until their commencement on New Year's Day.</p>	
Section J	<p>To allow the provision of facilities for dancing every day indoors from 08:00 hours (existing, no change) until 01:00 hours. Provision of permanent/temporary dance floor.</p>

<p>To allow the provision of facilities for dancing on Bank Holidays (Friday to Monday inclusive) until 02.00 hours.</p> <p>On Christmas Eve to the day after Boxing Day (excluding Christmas Day) until 02.00 hours.</p> <p>On New Year's Eve - from the end of licensable activities until their commencement on New Year's Day.</p>	
Section L	To allow late night refreshment every day indoors from 23:00 hours (existing, no change) until 01:00 hours. Hot food and drink.
<p>To allow late night refreshment on Bank Holidays (Friday to Monday inclusive) until 02.00 hours.</p> <p>On Christmas Eve to the day after Boxing Day (excluding Christmas Day) until 02.00 hours.</p> <p>On New Year's Eve - from the end of licensable activities until their commencement on New Year's Day.</p>	
Section M	To allow sale of alcohol every day both on and off the premises from 10:00 hours (existing, no change) until 01:00 hours.
<p>To allow sale of alcohol on Bank Holidays (Friday to Monday inclusive) until 02.00 hours.</p> <p>On Christmas Eve to the day after Boxing Day (excluding Christmas Day) until 02.00 hours.</p> <p>On New Year's Eve - from the end of licensable activities until their commencement on New Year's Day.</p>	
Section O	Hours premises are open to the public every day from 08:00 hours (existing, no change) until 01:30 hours.
<p>To allow an additional 30 minutes to the terminal hours to be permitted on the following: Bank Holidays (Friday to Monday inclusive)</p> <p>Christmas Eve to the day after Boxing Day (excluding Christmas Day).</p> <p>To remain open from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>	

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

**General**

**The Prevention of Crime and Disorder**

**Public Safety**

**The Prevention of Public Nuisance**

No further steps required; existing measures will continue

**The Protection of Children from Harm**

**Representations received from statutory consultees:**

Fire Safety	<b>NO OBJECTIONS</b>
Trading Standards	<b>NO ADVERSE COMMENTS</b>
Social Service	<b>NO ADVERSE COMMENTS</b>
Police	<b>SEE APPENDIX C</b>
Commercial	<b>NO OBJECTIONS</b>
Environmental Protection	<b>SEE APPENDIX D</b>
Development Control	<b>NO ADVERSE COMMENTS</b>

**Representations received from interested parties:**

10 from local residents, 1 from Sevenoaks Town Council, 2 from residents associations (attached at Appendix E).

**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/club premises certificate 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. 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.

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

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

Irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

(i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) Drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than

any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
  - (i) the outcome of a race, competition or other event or process, or
  - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

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.

5. The responsible person shall ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

### **Exhibition of films**

Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where -

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section -

"children" means person aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

**Sources of Information:**

<http://www.culture.gov.uk/alcohol> and entertainment

**Contact Officer(s):**

Mrs. Claire Perry Ext. 7325

**KRISTEN PATERSON  
COMMUNITY AND PLANNING SERVICES DIRECTOR**

**RISK ASSESSMENT STATEMENT**

This Hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005 No. 44.

The decision of this Hearing will be encompassed within the issued premises licence, and the licence will take effect on 8 November 2011(indicate if different), subject to any appeal to a Magistrates Court or higher Court.