

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

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

Richard Wilson
Chief Officer for Environmental & Operational Services