

CONSIDERATION OF INTERIM STEPS FOLLOWING AN APPLICATION FOR A SUMMARY REVIEW OF A PREMISES LICENCE FOR THE PORTOBELLO INN LONDON ROAD WEST KINGSDOWN SEVENOAKS KENT. TN15 6JB

Licensing Sub Committee – 30 May 2014

Report of Chief Officer 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 purpose of this report is for the Sub-Committee to consider whether it is necessary to impose interim steps on the premises licence pending the determination of a summary review of the premises licence.
- 3 The application is made by Superintendent Keers on behalf of the Chief Officer of Police for the Kent Police area for a summary review of the premises licence for Portobello Inn, London Road, West Kingsdown, Sevenoaks, Kent. TN15 6JB

The Grounds for Review

- 4 On Friday 23 May 2014 there was an incident involving patrons of the premises which resulted in serious crime under Section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder).
- 5 A copy of the certificate and summary review application is attached to this report as Appendices A and B.

The interim steps that the licensing authority must consider taking are:

- The modification of the conditions of the premises licence;
- The exclusion of the sale of alcohol by retail from the scope of the licence;
- The removal of the designated premises supervisor from the licence; and

- The suspension of the licence.
6. Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the amended guidance issued under section 182 of the 2003 Act.
7. In reaching this decision, members **must** have regard to the following:
- The application form for a summary Licence Review;
 - The certificate issued by the police that accompanied the application;
 - Any representations by the police; and
 - Any representations made by the holder of the premises licence.

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

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.

Key Implications

Financial

None directly arising from this report.

Legal Implications and Risk Assessment Statement.

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		N/A

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
minimise the impacts identified above?		

Appendices

Appendix A – Summary Licence Review Application
(Exempt Information)

Appendix B – Certificate under section 53A(1)(b) of
The Licensing Act 2003

Appendix C – Current Premises Licence Part A

Appendix D – Location Map

Background Papers:

<https://www.gov.uk/government/organisations/home-office/series/alcohol-licensing-premises-licence-application>

The Licensing Act 2003

Section 53A Licensing Act 2003 – Summary Review
Guidance

Section 182 of the Licensing Act 2003 guidance

Section 21 of the Violent Crime Reduction Act 2006

Richard Wilson

Chief Officer for Environmental & Operational Services