

LICENSING COMMITTEE (HEARING) – 6 JULY 2011

**APPLICATION FOR A PREMISES LICENCE FROM THE EL MATADOR 49
LONDON ROAD, SEVENOAKS, KENT. TN13 1AR FOR APPLICATION UNDER THE
LICENSING ACT 2003**

APPLICATION REFERENCE NO: 11/00705/LAPRE

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

Recommendation: Members' instructions are requested

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 at Appendix A.
- 2 The application is made by El Matador Limited, 49 London Road, Sevenoaks, Kent. TN13 1AR
- 3 The premises is a Spanish-Argentinian restaurant lounge serving tapas, steaks, pasta, pizza
- 4 The application is applying for live and recorded music, performance of dance, facilities for making music and dancing, sale of alcohol and late night refreshment.

The application is to:

Section E	To allow live acoustic music on Monday to Saturday 19:00 to 22:00 hours and Sunday 16:00 to 21:00 hours indoors.
On the Business Anniversary and New Year's Eve until 03:00 hours the following day.	

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Section F	To allow recorded music on Monday to Saturday 20:00 to 00:00 hours and Sunday 20:00 to 23:00 hours indoors.
On the Business Anniversary and New Year's Eve until 03:00 hours the following day.	
Section G	To allow performances of dance for Salsa, Tango, Flamenco show and teaching classes on Monday to Saturday 19:00 to 23:00 hours and Sunday 16:00 to 21:00 hours indoors.
On the Business Anniversary and New Year's Eve until 03:00 hours the following day.	
Section I	To allow the provision of facilities for making music on Monday to Saturday 19:00 to 22:00 hours and Sunday 16:00 to 21:00 hours Indoors.
On the Business Anniversary and New Year's Eve until 03:00 hours the following day.	
Section J	To allow the provision of facilities for dancing on Monday to Saturday 19:00 to 23:00 hours and Sunday 16:00 to 21:00 hours Indoors.
On the Business Anniversary and New Year's Eve until 03:00 hours the following day.	
Section L	To allow late night refreshment everyday from 23:00 to 01:00 hours indoors.
On the Business Anniversary and New Year's Eve until 03:00 hours the following day.	
Section M	To allow sale of alcohol everyday from 11:00 to 01:00 hours for consumption both on and off the premises.
On the Business Anniversary and New Year's Eve until 03:00 hours the following day.	
Section O	Hours premises are open to the public everyday from 08:00 to 01:00 hours.
On the Business Anniversary and New Year's Eve until 03:00 hours the following day.	

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

General

- 5 We will promote the licensing objectives in order to prevent under age drinking, violent and anti social behaviour, drunkenness on the premises and make provisions regarding irresponsible drinking.

The Prevention of Crime and Disorder

- 6 We will provide security and have a CCTV system indoors and outdoors. There will be an effective and responsible management team.

Public Safety

- 7 We will not exceed the occupancy of the premises. There will be a CCTV system. Suitable risk assessments will be carried out. The nature of the events/classes will be monitored.

The Prevention of Public Nuisance

- 8 We will restrict the hours of the events and music to 22.00hrs. The hours of operation will be limited. Good client management and responsible management of the premises.

The Protection of Children from Harm

- 9 Appropriate staff training will be carried out. A proof of age system will be in operation. Control of the nature of the events.

Representations received from statutory consultees:

Fire Safety	NO OBJECTIONS
Trading Standards	NO ADVERSE COMMENTS
Social Service	NO ADVERSE COMMENTS
Police	NO OBJECTIONS
Commercial	NO OBJECTIONS

Environmental Protection	SEE COMMENTS ATTACHED (Appendix B)
Development Control	SEE COMMENTS ATTACHED (Appendix B)

Representations received from interested parties:

10 Representations from 4 local residents and 1 Town Council (Appendix C).

Conclusions

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

12 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 -

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(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.

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.

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 the 06 July 2011 subject to any appeal to a Magistrates Court or higher Court.