

LICENSING HEARING

Minutes of the meeting
held on 9 September 2013 commencing at 10.30 am

Present: Cllrs. Mrs. Ayres (Substitute), Davison and Raikes

Also present	P.C. Beresford	-	Kent Police Representative
	Ms. C. Eamy	-	Objector's Legal Representative
	Mr. G. Barnes	-	Objector
	Mr. C. Pattinson	-	Objector
	Ms. S. Pegler	-	Objector
	Mrs. L. Leeds	-	Licensing Officer
	Mr. L. Roberts	-	Legal Advisor
	Mr. D. Lagzdins	-	Democratic Services Officer

1. Appointment of Chairman

Resolved: That Cllr. Davison be appointed as the Chairman of the meeting.

2. Declarations of interest

There were no declarations of interest.

3. Application for a review of the Premises Licence for the Royal Oak, West Yoke, Ash

The Hearing gave consideration to a report by the Head of Environmental and Operational Services giving details of an application from Kent Police for the summary review of the Premises Licence for The Royal Yoke, Ash, Sevenoaks, Kent TN15 7HT under section 53A of the Licensing Act 2003.

Documents from Kent Police relating to an incident outside of the licensed premises on 11 August 2013 were tabled for Members' consideration.

The Hearing heard from the Police Licensing Officer. He advised that urgent steps had been required following a serious incident outside the premises. There had been an assault outside the premises 25 minutes after the premises should have closed, 55 minutes after the premises should have stopped serving alcohol. The former premises supervisor had stopped an ambulance despite the clear wishes of the victim and had failed to provide appropriate first aid.

At an interim hearing on 19 August 2013 the Licensing Sub-Committee had ordered the Designated Premises Supervisor (DPS), Kevin Morris, to be replaced by his daughter, Samantha Pegler, and for there to be a reduction in licensed hours. The police had since added further evidence for the Licensing Authority to consider.

The Sub-Committee was advised that the tenancy had since been transferred to Ms Pegler. Mr Morris would still live on the premises. A proposed 6 month probationary period for the new DPS had been agreed with the licence holders (Shepherd Neame) with reduced hours. The Officer had been assured that Shepherd Neame were in a stronger position to revoke the tenancy if necessary.

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The Police Licensing Officer responded to Members questions. He was satisfied that the measures put in place or proposed by the licence holders were adequate to mitigate those concerns raised and with the transfer to a new DPS who had not been a DPS before but had many years experience as bar staff. The Officer had very positive initial dealings with the new DPS.

The legal representative for the premises licence holder accepted that unlicensed activities had taken place. She clarified the details of the proposed agreement reached with Kent Police. As a calming measure the licensed hours would be reduced by one hour each day for 6 months, until 28 February 2014, with the closing time to be set as 30 minutes afterwards. This would not apply for the period 20 December 2013 to 1 January 2014. Shepherd Neame had stepped in and were reviewing the CCTV on the premises. A new drugs policy was being drawn up and staff would be trained in it. Increased support would be provided to Ms Pegler given that she was a new tenant and given the review. The Property and Tenanted Trade Director would visit the site every couple of weeks as a minimum.

The representative added that the previous DPS had effectively lost his tenancy from this review. The licensees had taken the opportunity to work with Kent Police and arrive at a proposal. They hoped the 6 month period would allow the new DPS to become successful. They were already confident from the new DPS having turned away a Licensing Officer who sought to be served after hours as a test.

The licence holders reassured the Hearing that there had been an acknowledgement and recognition of past failings, but the proposals were an commitment to address these.

At 11:05 a.m. the Hearing Members and withdrew to consider the issues raised and the Council's Legal Advisor accompanied them for the purpose of providing legal advice only.

At 11:20 a.m. the Hearing Members and the Council's Legal Advisor returned to the Council Chamber.

The Chairman informed the Hearing that the Sub-Committee had agreed to the additional condition limiting licensed and opening hours, as agreed between Kent Police and the licensee. It was also requested that a copy of the new drugs policy be forwarded to the Sevenoaks District Council Licensing Officers once produced.

The condition was imposed with particular regard to the licensing objective of the prevention of crime and disorder.

THE MEETING WAS CONCLUDED AT 11.22 am

Chairman

LICENSING ACT 2003 – Section 53C(10)

Notice of determination of application for a review of premises licence

To: Chief Officer of Police for the Kent Police area
Of: Maidstone Police Station, Palace Avenue, Maidstone Kent
Ref: 11/00342/LAPMV

Sevenoaks District Council being the licensing authority, on the 15 August 2013 received an application for the review of a premises licence in respect of premises known as The Royal Oak, West Yoke, Ash TN15 7HT.

On 9 September 2013, within 28 days of receiving the application for a review, a hearing was held to consider this application and relevant representations and having considered them the Licensing Sub-Committee determined as follows:

To modify the conditions of the licence in the following respects, namely

Additional Condition:

That until 28 February 2014 all licensable activities shall not take place outside the hours of

Sunday to Thursday 10.00 to 23.00

Friday and Saturday 10.00 to 00.00

Save and except between 20 December 2013 and 1 January 2014 and the premises shall be closed to the public 30 minutes after the last time for the supply of alcohol.

The reason for the decision is the prevention of crime and disorder.

The determination will not have effect (a) until the end of the period given for appealing against the decision, or (b) if the decision is appealed against, until the appeal is disposed of. *

Dated: _____
Signed _____
Chair – Licensing Hearing
Signed _____
Designation – Licensing Officer

Please address any communications to:

Licensing Regime
Community and Planning Services

Minute Annex

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.