

LICENSING COMMITTEE

Minutes of the meeting of the Licensing Hearing
held on 25 November 2009 commencing at 10.00 a.m.

Present: Sub-Committee A: Cllr. L. Abraham, Cllr. C. Brown and Cllr. H. Darrington (substituting for Cllr. J. Brigden)

Also present: Mr. J. Reilly - Applicant (Trading Standards)
Mr. O. Jewell - Applicant (Trading Standards)
Mr. L. Older - Applicant (Trading Standards)
Mr. Foster - Objector
Mrs. C. Perry - Assistant Licensing Manager
Mrs. L. Leeds - Licensing Officer
Ms. L. Felton - Principal Solicitor
Mr. A. Round - Democratic Services Manager
Mr. R. Keatley - Democratic Services Officer

1. ELECTION OF CHAIRMAN

Resolved: That Cllr. Brown be appointed Chairman of the meeting.

2. DECLARATIONS OF INTEREST

There were no declarations of interest in respect of any matter discussed or voted on at the meeting.

3. APPLICATION FOR A REVIEW OF THE PREMISES LICENCE FOR THE WHEATSHEAF INN, MARSH GREEN, EDENBRIDGE, KENT, TN8 5QL FROM KENT COUNTY COUNCIL TRADING STANDARDS, PO BOX 286, WEST MALLING, KENT, ME19 4HW UNDER THE LICENSING ACT 2003

The Hearing gave consideration to the report by the Community and Planning Services Director giving details of an application for a review of the premises licence at the Wheatsheaf Inn, Marsh Green, Edenbridge, from Kent County Council Trading Standards.

The Hearing heard from Mr Reilly and Mr Jewell, the applicants on behalf of Kent County Trading Standards and Mr Foster, the objector to the application.

At 10:25 a.m. the Hearing adjourned

At 10:47 a.m. the Hearing reconvened.

It was unanimously

Resolved: That the conditions listed in para. 11, pp. 2-3 of the report be added to the premises licence in respect The Wheatsheaf Inn, Marsh Green, Edenbridge, in order to assist with the prevention of the sale of alcohol to persons under the age of 18. These conditions are attached as an appendix to these minutes.

THE MEETING WAS CONCLUDED AT 10:49 A.M.

LICENSING ACT 2003 – Section 52 (10)

Notice of determination of application for a review of premises licence

To: Mr Richard Strawson, Area Manager

Of: Kent County Council Trading Standards, PO Box 286, West Malling, Kent, ME19 4HW

Ref: 09/00578/REVIEW

Sevenoaks District Council being the licensing authority, on the 21 September 2009 received an application for a review of the premises licence in respect of premises known as Wheatsheaf Inn, Marsh Green, Edenbridge, Kent, TN8 5QL

On the 25 November 2009 a hearing was held to consider this application and having considered it the Licensing Sub-Committee determined as follows:

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

1. Mr Foster (or another person holding a Personal Licence) should at all times be in the bar area to personally supervise age restricted sales. If no personal licence holder is available to personally oversee a sale of alcohol then a sale cannot be made.

2. A Challenge 25 policy, where all potential purchasers believed to appear to be under 25 years of age should produce acceptable proof of age; should be publicised in the pub with use of sufficient notices for all potential purchasers to be aware of the policy; and this policy should be adhered to in all instances.

3. A refusals register is to be completed every time a refusal is made to someone because they appear under 25 years of age in a format agreed by Kent Trading Standards.

4. The refusals register should be checked and reviewed weekly by the Designated Premises Supervisor and a signature applied to the book to verify this.

5. There should be a written training procedure proportionate to the size of the business and number of staff with signatures gained from each member of staff to confirm they have been trained in relation to sales of age restricted goods. This training should include (but not be limited to):

- making all staff fully aware of a Challenge 25 policy

- training all staff on the use of a refusals register as described in point 3

6. Forms of identification which are to be acceptable as "proof of age" must be limited to a passport, full driving licence (with photo - not paper copy or provisional) or "Pass approved" proof of age card.

Mandatory Conditions:

The supply of alcohol

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

1. 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.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

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).

Existing conditions:

Credit Sales (from original Justices Licence)

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a) with and for consumption at a meal supplied at the same time, is consumed with the meal and paid for together with the meal;
- (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;

(c) to a canteen or mess.

The reasons for the decision are:

The sub-committee had listened carefully to the points raised by Kent Trading Standards and Mr. Foster, while it has sympathy for his position and appreciates the efforts he has made more recently it considers that in view of the serious circumstances of this case that the conditions sought by Kent Trading Standards are required to comply with the licensing objectives.

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: 25 November 2009

Signed

Chair – Licensing Hearing

Signed

Designation – Leeann Leeds, Licensing Officer

Please address any communications to:

Licensing Regime
Community and Planning Services
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.