

LICENSING COMMITTEE (HEARING) – 22 SEPTEMBER 2009

APPLICATION FOR A PREMISES LICENCE FROM THE SUNRISE OPERATIONS OF SEVENOAKS, 64 - 70 WESTERHAM ROAD, BESSELS GREEN, SEVENOAKS, KENT TN13 2PZ FOR NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003

APPLICATION REFERENCE NO: 09/00475/PRE

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

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.

The application is made by Sunrise Operations Of Sevenoaks, 64 - 70 Westerham Road, Bessels Green, Sevenoaks, Kent TN13 2PZ. The premises is a registered care/nursing home wishing to serve alcohol to residents and charging for alcohol on occasion. Served from the bistro area and consumed within the bistro, dining area of the building. Also to include light entertainment for residents e.g. singing and dancing.

The application is to:

Section A	To allow exhibition of plays, indoors and outdoors every day from 10:00 until 23:00 hours
Section B	To allow the exhibition of films, indoors every day from 10:00 until 22:00 hours
Section E	To allow live music, indoors and outdoors every day from 10:00 until 23:00 hours
On New Year's Eve we would like to extend this to 00:30 hours.	
Section F	To allow recorded music, indoors every day from 10:00 until 23:00 hours
On New Year's Eve we would like to extend this to 00:30 hours.	
Section G	To allow performances of dance, indoors every day from 10:00 until 22:00 hours
Section H	To allow anything of a similar description to that falling within (e), (f) or (g), indoors every day from 10:00 until 22:00 hours
On New Year's Eve we would like to extend this to 00:30 hours.	
Section I	To allow the provision of facilities for making music, indoors and outdoors every day from 10:00 until 23:00 hours
On New Year's Eve we would like to extend this to 00:30 hours.	
Section J	To allow the provision of facilities for dancing, indoors every day from 10:00 until 22:00 hours
Section M	To allow sale of alcohol, on the premises every day from 10:00 until 23:00 hours
On New Year's Eve we would like to extend this to 00:30 hours.	
Section O	Hours premises are open to the public, every day from 00:00 until 00:00 hours

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

General

Essentially a residents nursing home solely for the use of residents and their families.

The Prevention of Crime and Disorder

Private Care home monitored under the Care Standards Act. Only invited guests are allowed to functions.

Public Safety

Full public liability insurance covered within the building. Full compliance with Health and Safety guidelines, a brand new construction built to comply with current building regulations.

The Prevention of Public Nuisance

Alcohol at lunch, dinner etc, ad hoc functions with residents and their family members which finish at approx. 22:00 hours. Essentially a residents nursing home solely for the use of residents and their families.

The Protection of Children from Harm

Full understanding of licensing law, children only on premises with adult family supervision.

Representations received from statutory consultees:

Fire Safety	NO ADVERSE COMMENTS
Trading Standards	NO ADVERSE COMMENTS
Social Service	NO ADVERSE COMMENTS
Police	NO ADVERSE COMMENTS
Commercial	NO OBJECTIONS
Environmental Protection	NO ADVERSE COMMENTS
Development Control	NO OBJECTIONS

Representations received from interested parties:

3 Residents, 1 residents association and 1 Chevening Parish Council (Appendix B).

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 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

Miss. Jessica Bolton Ext. 7480

**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 22 September 2009, subject to any appeal to a Magistrates Court or higher Court.

**PROCEDURE AT SUB-COMMITTEES OF THE LICENSING
COMMITTEE (ESTABLISHED IN ACCORDANCE WITH
SECTION 9 OF THE LICENSING ACT 2003)**

- 1 In accordance with Section 9 (1) of the Licensing Act 2003, the Licensing Committee has resolved to establish five Sub-Committees, each consisting of three members of the Committee.
- 2 The Sub-Committees have delegated authority to determine those functions that are reserved for decision by the Sub-Committees in accordance with Appendix B of the Council's Statement of Licensing Policy dated 7th January 2008.
- 3 Hearings shall be conducted in accordance with this Procedure Note and The Licensing Act 2003 (Hearings) Regulations 2005 subject to the right of the Sub-Committee to vary that procedure at their absolute discretion if considered in the public interest.
- 4 The quorum for a Sub-Committee shall be two members.
- 5 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
- 6 The order of business at hearings shall be:
 - (a) Election of Chairman.
 - (b) Declarations of interests.
 - (c) Chairman explains the procedure to be followed at the hearing, including the setting of equal time limits for all parties and the granting of adjournments.
 - (d) Chairman ascertains who is assisting or representing the parties.
 - (e) Applicant (or his/her representative) addresses the Sub-Committee.
 - (f) Applicant questioned by members. At the discretion of the Sub-Committee, other parties may be permitted to question the applicant.
 - (g) Persons who have made representations in respect of the application (or their representative) address the Sub-Committee. No issues other than those relevant to their representations may be raised.
 - (h) Members question each party at the conclusion of their address. At the discretion of the Sub-Committee, the applicant may be permitted to question other parties.

Item No. 3 – Appendix A

- (i) Sub-Committee may offer the parties a short adjournment to discuss in the absence of the Sub-Committee whether a solution acceptable to all the parties can be put to the Sub-Committee.
- (j) Applicant (or his/her representative) makes closing address.
- (k) Sub-Committee may grant a short adjournment. The parties may not speak to members regarding the application during adjournments.
- (l) The Sub-Committee considers the application and motions put to accept or reject the application in the terms requested or to grant the application subject to specified conditions. Reasons are to be given for motions.
- (m) The parties will be informed of the decision at the hearing or thereafter in accordance with Regulation 26 of the 2005 Regulation.