

**LICENSING COMMITTEE (HEARING) – 8 FEBRUARY 2010**

**APPLICATION FOR A PREMISES LICENCE FROM THE BANANA LEAF RESTAURANT, 47 BETHEL ROAD, SEVENOAKS, KENT. TN13 3UE) FOR VARIATION UNDER THE LICENSING ACT 2003**

**APPLICATION REFERENCE NO: 09/00768/PRETRB**

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 Mr K Rahman, 47 Bethel Road, Sevenoaks Kent. TN13 3UE
- 3 The variation proposed, will increase revenue for the business. We would like to extend the hours for live music, recorded music, performance of dance, facilities for making music and facilities for dancing.

**The variation is to:**

Section E	To allow live music indoors on Monday to Thursday from 19:00 hours until 23:00 hours, Friday and Saturday from 19:00 hours until 00:00 hours and Sunday from 19:00 hours until 23:00 hours.
On New years eve until 00:30 hours the following day	
Section F	To allow recorded music indoors on Monday to Thursday from 19:00 hours until 23:00 hours, Friday and Saturday from 19:00 hours until 00:00 hours and Sunday from 19:00 hours until 23:00 hours.

On New years eve until 00:30 hours the following day	
Section G	To allow performances of dance indoors on Monday to Thursday from 19:00 hours until 23:00 hours, Friday and Saturday from 19:00 hours until 00:00 hours and Sunday from 19:00 hours until 23:00 hours.
On New years eve until 00:30 hours the following day	
Section I	To allow the provision of facilities for making music indoors on Monday to Thursday from 19:00 hours until 23:00 hours, Friday and Saturday from 19:00 hours until 00:00 hours and Sunday from 19:00 hours until 23:00 hours.
On New years eve until 00:30 hours the following day	
Section J	To allow the provision of facilities for dancing music indoors on Monday to Thursday from 19:00 hours until 23:00 hours, Friday and Saturday from 19:00 hours until 00:00 hours and Sunday from 19:00 hours until 23:00 hours.
On New years eve until 00:30 hours the following day	

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

#### **General**

- 4 Music events have been held at the premises and owner and staff are respectful of neighbouring properties with regards to the noise level from musical events.
- 5 I am mindful of the licensing objectives in the day to day running of the business.

#### **The Prevention of Crime and Disorder**

- 6 CCTV coverage of the premises
- 7 Effective and responsible management at premises
- 8 Training and supervision of staff.

**Public Safety**

- 9 Fire extinguishers in place and maintained, illuminated fire exit signs, fire alarm and detectors.
- 10 Effective and responsible management of premises.
- 11 Fire alarms and detectors.

**The Prevention of Public Nuisance**

- 12 All music will cease at the end of the permitted times in consideration of neighbours.
- 13 After 21.30 hours no bottles will be disposed of in external containers.

**The Protection of Children from Harm**

- 14 Children are accompanied by an adult.
- 15 Proof of age is required.
- 16 Challenge 21 policy in operation.

**Representations received from statutory consultees:**

Fire Safety	<b>NO ADVERSE COMMENTS</b>
Trading Standards	<b>NO ADVERSE COMMENTS</b>
Social Service	<b>NO ADVERSE COMMENTS</b>
Police	<b>NO ADVERSE COMMENTS</b>
Commercial	<b>NO ADVERSE COMMENTS</b>
Environmental Protection	<b>SEE APPENDIX B</b>
Development Control	<b>NO ADVERSE COMMENTS</b>

**Representations received from interested parties:**

- 17 One letter from Environmental health and one letter from Sevenoaks Town Council attached at Appendix B.

**Conclusions**

- 18 Without prejudice, the Officer would like to draw to Members attention issues that they may wish to consider:
- 19 Mandatory conditions – the following conditions will be added to the premises licence when it is issued.

**Mandatory conditions**

Supply of alcohol

- 20 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.
- 21 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.

**Risk Assessment Statement**

- 22 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 8 February 2010 subject to any appeal to a Magistrates Court or higher Court.

**Sources of Information:** <http://www.culture.gov.uk/alcohol> and entertainment

**Contact Officer(s):** Mrs. Leeann Leeds Ext. 7270  
Mrs. Claire Perry Ext. 7325

**KRISTEN PATERSON  
COMMUNITY AND PLANNING SERVICES DIRECTOR**