

LICENSING COMMITTEE (HEARING) – 08 JUNE 2010**APPLICATION FOR A PREMISES LICENCE FROM THE YE OLD CROWN INN, 74-76 HIGH STREET, EDENBRIDGE, KENT TN8 5AR FOR VARIATION UNDER THE LICENSING ACT 2003****APPLICATION REFERENCE NO: 10/01453/LAPRE**

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| 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 Mr. Michael E. De Gouveia, Ye Old Crown, 74 – 76 High Street, Edenbridge, Kent TN8 5AR. The application to vary the premises licence is to include a change to the sale of alcohol until 01:00 hours every day.

The variation is to:

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| Section B | No change to the current licence authorisation. |
| On New Year's Eve from 10:00 until 04:00 hours on New Year's Day. | |
| Section C | No change to the current licence authorisation. |
| On New Year's Eve from 10:00 until 04:00 hours on New Year's Day. | |
| Section E | The application does not wish to change the hours authorised for live music under the current premises licence but it does seek to include the outside of the premises. |

Item No. 3

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| On New Year's Eve from 10:00 until 04:00 hours on New Year's Day. | |
| Section F | No change to the current licence authorisation. |
| On New Year's Eve from 10:00 until 04:00 hours on New Year's Day. | |
| Section H | No change to the current licence authorisation. |
| On New Year's Eve from 10:00 until 04:00 hours on New Year's Day. | |
| Section I | The application does not wish to change the hours authorised for the provision for making music under the current premises licence but it does seek to include the outside of the premises. |
| On New Year's Eve from 10:00 until 04:00 hours on New Year's Day. | |
| Section J | No change to the current licence authorisation. |
| On New Year's Eve from 10:00 until 04:00 hours on New Year's Day. | |
| Section L | No change to the current licence authorisation. |
| Section M | To allow sale of alcohol both on and off the premises every day from 10:00 until 01:00 hours. |
| Residents and their bona fide guests are permitted to purchase and consume alcohol at any time. There is no change to the current licence authorisation with respect to this. | |
| On New Year's Eve from 10:00 hours until 04:00 hours New Year's Day | |
| Section O | No change to the current licence authorisation. |

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

General

The applicant is currently a member of Pub Watch and will continue to be. Staff are given regular training with updates.

The Prevention of Crime and Disorder

CCTV in place. We are in constant contact with the Edenbridge Police and are aware of best practice regarding drug policing and monitoring.

Public Safety

CCTV in place. Have accessed and comply with safety exits. Have sufficient staff employed to assist with safety. Ongoing safety and first aid training. Provision of toughened glass or plastic e.g. ashtrays outdoors

The Prevention of Public Nuisance

CCTV in place

Adhere to best practice and Licensing Act 2003

Make sure all patrons leave in a quiet and orderly fashion.

The Protection of Children from Harm

CCTV in place

Challenge 25

Limit hours when children allowed at bar

Accepted accredited proof of age

Regular staff training and updates.

Representations received from statutory consultees:

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

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| Environmental Protection | NO OBJECTIONS |
| Development Control | NO ADVERSE COMMENTS |

Representations received from interested parties:

1 representation from Edenbridge Town Council

Conclusions

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

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.

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).

Mandatory Conditions in force from 6th 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 -
 - (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.

Item No. 3

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 8th June 2010, subject to any appeal to a Magistrates Court or higher Court.