

LICENSING HEARING
02 September 2013 at 10.30 am

At the above stated meeting the attached documents were tabled for the following items:

4. Application for a review of the Premises Licence for the Edenbridge Cellar, 58 High Street, Edenbridge, Kent. TN8 5AJ (Pages 1 - 12)

(Edenbridge North & East)

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Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

17 JUL 2013
SEVENOAKS DISTRICT COUNCIL

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Chief Inspector Tim Cook

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Edenbridge Cellar 58 High Street	
Post town Edenbridge	Post code (if known) TN8 5AJ

Name of premises licence holder or club holding club premises certificate (if known) Mr Antony Jeyanthiran Benedict
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Number of premises licence or club premises certificate (if known) 10/03766/LAPRE
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Part 2 – Applicant details

I am

Please tick yes

- 1) an interested part (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3 a member of the club to which this application relates (please complete (A) below)

RESTRICTED (when complete)
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(A) DETAILS OF INDIVIDUAL APPLICANT (fill in a applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

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(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC 9923 Mark Beresford Licensing Officer Community Safety Unit Sevenoaks Council Offices Argyle Road Sevenoaks Kent TN13 1HG
Telephone number (if any) 101
E-mail address (optional) west.division.licensing@kent.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Kent Police do not have confidence in the effective day to day management and control of this premises by the current Designated Premises Supervisor.

The DPS rarely attends the premises, and the staff are unable to contact her, either by phone or in person.

There are strong indications that staff are being left to their own devices and not supervised, either directly or remotely for extended periods of time.

This is despite efforts by Kent Police and Trading Standards to address this.

The Licensing Act 2003 is very clear that the sale of alcohol must not take place if there is not a Designated Premises Supervisor. Without this effective supervision all the licensing objectives are compromised. Of particular concern is the risk of alcohol being supplied to children, and the resultant risk of harm associated with this.

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Please provide as much information as possible to support the application

(please read guidance note 2)

Local Police officers and the Police licensing officer have had general concerns about the effective control of sales of alcohol from this store, which have arisen from indications that local youth congregating in public areas have previously obtained alcohol from the store.

Edenbridge high street and the surrounding area has had issues surrounding underage drinking and related anti-social behaviour. The area has an active KCAP (Kent Community Alcohol Project), and Edenbridge Cellar are members of this scheme and as such have committed themselves to various KCAP principles - notably relating to training of the staff, operating a 'Challenge 25' policy, and keeping an active and auditable refusals register. The location and nature of the store is such that it needs regular and effective supervision to deter, detect and prevent the supply of alcohol to children.

A number of visits during 2012 were conducted by the police. Neither the Designated Premises Supervisor, Ms Jennifer Benedict or the Premises Licence Holder, Mr Antony Jeyanthiran Benedict were present at the store during these visits.

A further unannounced visit took place on 11th October 2012 in the early evening. On this occasion neither the PLH or DPS were present. There was one member of staff working, Mr Kamsan. When asked, he had no awareness of KCAP, or of what 'Challenge 25' entailed. The refusal register last had an entry on 24th February 2012. A letter was sent out to the home address of the PLH and DPS following this visit highlighting these concerns.

A further unannounced visit took place on 31st October 2012, where neither the PLH or DPS were present. On this occasion the refusal register could not be located.

Contact was made with both the PLH and DPS, and a pre-arranged meeting with both took place at the premises on Monday 5th November 2012. In this meeting the following concerns were highlighted:

- 1) Concerns relating to the ability of the staff to be able to communicate effectively enough to enable effective and responsible sales of alcohol
- 2) The staff having no awareness of 'Challenge 25' or KCAP
- 3) the refusal register being out of date
- 4) Concerns about the perception of a lack of supervision of staff

Following further discussion it was requested that the DPS take the following actions:

- 1) Ensure Challenge 25 is re-introduced
- 2) Ensure refusals register is current
- 3) More direct supervision and regular meetings with staff
- 4) Keep auditable records of training and supervisor visits

A further visit on 7th December 2012. Again neither the PLH or DPS were present, and the staff present indicated that they had not been into the store for 2/3 weeks, and generally only attended to collect the takings. There was also concern again at the lack of entries in the refusals register. However, there was at this time an awareness of Challenge 25 and posters were visible.

In February 2013, information was received that a proxy purchasing incident took place at the store, where alcohol was supplied by an adult to 2 children. It was not clear whether the staff were aware of this.

A number of complaints were received in June 2013 from a local resident relating to noise and disturbance allegedly caused by staff at the premises late at night.

A further visit took place on 4th July 2013 by the police licensing officer and a trading standards officer. Neither the PLH or DPS were present, and there were 2 members of staff on duty. Neither had any method to contact either the PLH or DPS, most notably did not even have a contact phone number. The nearest

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point of contact for any kind of supervisory assistance was a contact mobile number for a member of staff at a London store by the name of Chris. The refusal register had a most current entry of 4th April 2013, and no indications of any recent supervisory checks. The staff again indicated that management had not been to the store for about 2 weeks.

It is believed that both Mr & Ms Benedict have a number of similar stores in the London area, and as such the Edenbridge Cellar is rarely visited and left effectively unsupervised.

There is a unique condition on the premises licence, stating 'Identification will be asked for of any person ordering alcohol who looks under the age of 21'. The refusal register provides indication that this is not being followed rigidly, and there are no processes in place for the remote supervision of this if/when the DPS makes an appearance at the store.

As displayed above, efforts have been made to communicate, educate and assist both the PLH and DPS to properly fulfill the role of Designated Premises Supervisor, and as always this review has been seen as a last option to ensure that the licensing objectives are not at risk.

Should the sub-committee decide that the Designated Premises Supervisor is not exercising effective day to day control of this premises, it is requested that consideration be made to removing the current DPS, and to add further unique conditions to the premises licence to ensure that future designated premises supervisors are compelled to exercise direct and regular supervision.

Suggested wording for these conditions are:

- 1) Any designated supervisor for this premises must be the supervisor for this premises alone, and must not be or become the supervisor for any other premises.
- 2) The premises supervisor shall ensure that a refusals register is kept and maintained to a standard agreed by the Police and Trading Standards. This will include a weekly supervisory check by the premises supervisor or duty manager, who will countersign the register and print the date of the check.
- 3) A personal licence holder shall be present in person at the premises at all times when the sale of alcohol is taking place.

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Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to this premises please state what they were and when you made them

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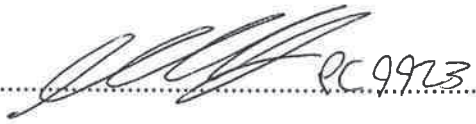
Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature  PC 9923

Date 16/07/2013

Capacity Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

PC 9923 Mark Beresford
Licensing Officer
Sevenoaks Council Offices
Argyle Road

Post town Sevenoaks	Post code TN13 1HG
Telephone number (if any) 101 (mob 07581 209912)	

If you would prefer us to correspond with you using an e mail address your e mail address (optional)
west.division.licensing@kent.pnn.police.uk

Notes for Guidance

- The ground(s) for review must be based on one of the licensing objectives.
- Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
- The application form must be signed.
- An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- This is the address which we shall use to correspond with you about this application.

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PREMISES LICENCE



Sevenoaks
DISTRICT COUNCIL

**The Licensing Act 2003
Schedule 12, Part A**

Premises Licence Number	10/03766/LAPRE
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Part 1 – Premises Details

Postal address of premises , or if none, ordnance survey map reference or description, including Post Town & Post Code	
Edenbridge Cellar 58 High Street Edenbridge Kent. TN8 5AJ	
Telephone number	None

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Sale or Supply of Alcohol

Times the licence authorises the carrying out of licensable activities		
Sale or Supply of Alcohol		
	Monday to Saturday	08:00 - 23:00
	Sunday	08:00 - 22:30

The opening hours of the premises		
Sunday		08:00 - 22:30
Monday to Saturday		08:00 - 23:00

The non-standard opening hours of the premises
Christmas Day from 10.00 hours until 21.00 hours

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption off the premises.

Part 2

Name, (registered) address, telephone number and email address (where relevant) of holder of premises licence
Mr Antony Jeyanthiran Benedict 33 Harland Road Lee London SE12 0JB

Licence Number: 10/03766/LAPRE
Issue Date: 10.12.12

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Registered number of holder, for example company number, charity number (where applicable)

Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Ms Jennifer Benedict
33 Harland Road
Lee
London. SE12 0JB

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number: LEW1382
Licensing Authority: London Borough Of Lewisham



Kristen Paterson
Community and Planning Services Director
Sevenoaks District Council

Licence Number: 10/03766/LAPRE
Issue Date: 10.12.12

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Licence issued by:
The Licensing Partnership P.O. Box 182 Sevenoaks Kent TN13 1GP
Telephone number: 01732 227004

Annex 1 – Mandatory conditions

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.

Annex 2 – Embedded conditions

Not applicable

Annex 3 – Conditions consistent with the Operating Schedule

Identification will be asked for of any person ordering alcohol who looks under the age of 21.

Annex 4 – Conditions attached after a hearing by the licensing authority

Not applicable

Annex 5 – Plans

Please see attached

