



**LICENSING COMMITTEE**  
**22 June 2011 at 6.00 pm**  
**CONFERENCE ROOM - COUNCIL OFFICE**

**AGENDA**

**Membership:**

Chairman: Cllr. A Pett

Cllrs: Cllr. L Abraham, Cllr. Mrs B Ayres, Cllr. L Ayres, Cllr. C Clark,  
Cllr. P Cooke, Cllr. R J Davison, Cllr. Mrs A Dawson, Cllr. Mrs A Firth,  
Cllr. M Fittock, Cllr. R Hogarth, Cllr. Mrs F Parkin, Cllr. R Piper,  
Cllr. S Raikes and Cllr. R Walshe

Apologies for absence

1. **Apologies for absence.**
2. **Minutes of the meetings of the Committee held on 22 March 2011 and of the Sub-Committees held on 10 June 2011** (Pages 1 - 20)
3. **Declarations of interest**
4. **Terms of Reference of the Licensing Committee - Item for information and noting** (Pages 21 - 24)  
*Alan Twyman*
5. **Membership of Licensing Hearing Sub-Committees** (Pages 25 - 26)  
*Alan Twyman*
6. **Officer Responsibilities and Delegations - Sexual Entertainment Venues** (Pages 27 - 32)  
*Anthony Garnett*
7. **Taxi Policy (Verbal Update)**  
*Anthony Garnett*

**EXEMPT ITEMS**

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Director or Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

For any other queries concerning this agenda or the meeting please contact:

**The Democratic Services Team (01732 227241)**

**LICENSING COMMITTEE**

Minutes of the meeting of the Licensing Committee  
held on 22 March 2011 commencing at 6 p.m.

Present: Cllr Pett (Chairman)

Cllrs. Abraham, Mrs Broomby, Brown, Cooke, Darrington, Davison, Mrs Dawson, McInnes, Orridge, Mrs Parkin, Piper, Waller and Wigg.

29. APOLOGIES FOR ABSENCE

There were no apologies for absence.

30. MINUTES OF PREVIOUS MEETINGS

Unfortunately, Cllr Mrs Broomby had attended the last meeting of the Committee at 7pm instead of 5pm. The Chairman noted her apologies.

Resolved: That, subject to the above amendment, the minutes of the meeting held on 26 January 2011 be approved and signed by the Chairman as a correct record.

31. DECLARATIONS OF INTEREST

All Councillors present declared a personal interest by virtue of knowing Cllr. John Underwood, who was a taxi driver in the District.

Cllrs. McInnes and Pett declared personal interests by virtue of knowing Colin Annetts, who was a taxi driver in the District.

Cllr Mrs Dawson declared a personal interest as taxis were her main mode of transport.

32. HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE FEES 2011/12  
(Report No. 4)

The report considered the responses received from the consultation with drivers and vehicle proprietors after the fees had been set by the Licensing Committee on 26 January 2011 in order to set the appropriate fees and associated costs of Hackney Carriage and Private Hire licensing for 2011/12. The Assistant Licensing Partnership Manager explained that 105 responses had been received from 550 consultation letters sent. These were outlined in Appendix A of the report. The licence fees and associated costs of "taxi" licensing had been increased in line with a 2% inflation rate in accordance with the Council's Service and Budget Plan.

The Council had recently been notified that the fees associated with Criminal Records Bureau checks were due to increase to £44 as of 6 April 2011. The Assistant Licensing Partnership Manager explained that this would affect driver licensing fees and would be included in the fee change for 2011/12.

Resolved: That, subject to the additional £8 of external Criminal Records Bureau charges, from 1 April 2011 the fees and associated costs for licences

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in respect of Hackney Carriage drivers and vehicles and Private Hire drivers, vehicles and operators be varied as follows:

	<b>Existing Fees</b>	<b>New Fees</b>
<b>Hackney Carriage Driver's Licence</b>		
On initial application	£154 for three years (01.04.09 – 31.03.12)	£154 for three years (01.04.09 – 31.03.12)
Criminal Records Bureau Search Fee	£36	£44
On renewal	£110 for three years (01.04.09 – 31.03.12)	£110 for three years (01.04.09 – 31.03.12)
Criminal Records Bureau Search Fee	£36	£44
<b>Hackney Carriage Vehicle Licence</b>		
	£267 for one year	£272 for one year
<b>Private Hire Operator's Licence</b>		
On initial application	£279 for three years	£284.5 for three years
On renewal	£89 for three years	£91 for three years
<b>Private Hire Driver's Licence</b>		
On initial application	£154 for three years (01.04.09 – 31.03.12)	£154 for three years (01.04.09 – 31.03.12))
Criminal Records Bureau Search Fee	£36	£44
On renewal	£110 for three years (01.04.09 – 31.03.12)	£110 for three years (01.04.09 – 31.03.12)
Criminal Records Bureau Search Fee	£36	£44
<b>Private Hire Vehicle Licence</b>		
	£267 for one year	£272 for one year
<b>Additional Costs</b>		
Change of Hackney Carriage to Private Hire	£63	£64
Change from Private Hire to Hackney Carriage	£83	£85
Replace Vehicle Plate	£36	£37
Replace Identification Badge	£25.50	£26
Vehicle Re-test	£54.85	£54.85
Vehicle Partial Re-Test	Half the current MOT fee	Half the current MOT fee
Change of Ownership of Licensed Vehicle	£62	£63
Attempting "Knowledge Test" after two failures	£46 for each attempt	£47

	<b>Existing Fees</b>	<b>New Fees</b>
Vehicle Tests –		Owner turning up without having first verified their documents with the Licensing team will be charged £54.85.
Copies of existing licences	£7.50 each	£8.00 each

**Replacement Vehicles**

If a licensed vehicle is replaced during the valid licence period then the cost of licensing the replacement vehicle will be £272. However, if the vehicle is replaced within six months of the issue of the licence then the fee will be reduced by £100 in the first of those six months; £90 in the second; £80 in the third; £70 in the fourth; £60 in the fifth and £50 in the sixth month.

If a licensed vehicle is replaced temporarily for up to 2 months because of damage to it then the fee will be £99 to test and licence the replacement vehicle and a further £99 to test and re-licence the original vehicle.

Medical Fee for new and renewal driver licences for Hackney Carriage and Private Hire payable directly to The Cedars Surgery	£55 for three years (01.01.09 – 31.12.11)	£55 for three years (01.01.09 – 31.12.11)
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**33. HACKNEY CARRIAGE LICENSING PROPOSED FARE CHARGE INCREASE (Report No. 5)**

The Assistant Licensing Partnership Manager explained that the report followed a request by Sevenoaks Town Taxi Drivers' Association for an increase in the Hackney Carriage maximum fare from a flat rate of £3.50 to £3.80. All the Hackney Carriage proprietors licensed by the Licensing Authority had been balloted on the option, in addition to an option of no change to the current fares. It was noted that 77% of respondents to the consultation were in favour of the fare increase.

A further proposal for fare increase had been received on 9 March. However, the taxi trade would need to be consulted on the proposal before it could be considered.

The Licensing Partnership Manager explained that, for benchmarking purposes, licensing authorities referred to the Tariff One fares as published by Private Hire Monthly for a two mile journey. The March issue was referred to during Members' deliberations.

A number of Members felt that fuel prices had recently risen quite significantly and that a fare increase would help taxi drivers to offset some of their costs.

A Member was concerned regarding analysis of costs to taxi drivers and requested that this information be provided when reviews were next considered by the Committee.

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It was clarified that, should a time limit be imposed with regard to review of fare chart increases, the Committee would be able to undertake a review in exceptional circumstances. However, it was noted that “exceptional circumstances” were immeasurable and therefore this wording was not included in the resolution.

Members discussed the recommendations in detail, including additional wording which specified the time period for review of proposed fare increases and it was:

- Resolved: That a) the application for an increase in the maximum Hackney Carriage fare tariffs be approved as per the report;
- b) the Head of Environmental and Operational Services be authorised to publicise the proposed fare increase and that if no unresolved objections were received, the proposed fares would take effect from 1 May 2011;
- c) the Committee would not consider the further fare chart increase or carry out consultation on the proposal at this time; and
- d) the Committee limit the frequency of review for fare chart increase proposals to once a year, applications being due by 31 December each year and implementation on 1 April the following year.

34. HACKNEY CARRIAGE FLEET SIZE (Report No. 6)

The Licensing Partnership Manager explained that the Committee had previously resolved to carry out a consultation with all Hackney Carriage drivers and proprietors in the District to evaluate whether they wanted an Unmet Demand Survey to be undertaken. The Committee had requested that 75% of those surveyed must be in favour of an Unmet Demand Survey in order for one to be carried out.

It was explained that if it was decided to limit the fleet size, an Unmet Demand Survey would be carried out every three years. The report also outlined the key objectives for a survey and details of how the survey would be undertaken. There were financial implications of a survey and the Licensing Partnership Manager noted that these would be built into the licensing fees.

212 vehicle proprietors and 272 Hackney Carriage drivers were licensed by the Licensing Authority. Of the 553 consultation letters sent, 109 responses had been received. As such the 75% threshold had not been met. It was also noted that 49% of respondents were not in favour of the survey.

In response to some concern, the Assistant Licensing Partnership Manager confirmed that all consultation information had requested the views of individual drivers and proprietors and were sent with pre-paid envelopes for responses to be returned to the Council.

A Member felt that the information included in the survey would not only be useful to drivers and proprietors but also the Council as the Licensing Authority. He felt that a survey would be of great benefit to the Council and that it was worth considering undertaking the survey with the cost being spread over four or five years.

The Chairman noted that those who would be required to pay for the survey were not in favour of one.

Resolved: That no limit be placed on the size of taxi fleet in the District and that an Unmet Demand Survey not be progressed.

35. DRAFT TAXI LICENSING POLICY (Report No. 7)

The Assistant Licensing Partnership Manager explained that the Council was required regularly to review its Taxi Licensing Policy. The report introduced the draft Policy which was due for consultation. Amendments to the Policy were highlighted in italics and the following points were mentioned:

- Environmental Considerations – the Policy proposed to reduce vehicle licensing costs with respect to greener vehicles.
- Accessibility – Officers awaited regulations from Government with regard to accessibility and were therefore unable to progress this section of the Policy at this time.
- Roof Signs – the Council's workshop which assessed all licensed vehicles had reported that red light signs were difficult to obtain. This item was therefore being removed from the Policy.
- Fire Extinguishers – following consultation with Kent Fire and Rescue services it had been decided to remove this item from the Policy as it conflicted with their safety advice.
- Convictions Policy – Officers had recently received guidance on this section and would update it before the Policy was consulted upon. Members requested Officers consider the number of years passed following a conviction before an individual could obtain a taxi licence as they felt it seemed low.
- Penalty Points Scheme – the scheme was in line with other licensing authorities and was reported to have been successful elsewhere.

A Member was concerned that drivers would be penalised for leaving a Hackney Carriage unattended when they were assisting passengers with shopping, etc. The Assistant Licensing Partnership Manager confirmed that enforcement would continue to be proportionate.

Members were asked to send any comments on the Policy to the Licensing Team.

Resolved: That the report be noted.

THE MEETING WAS CONCLUDED AT 7.25 P.M.

Chairman





**LICENSING COMMITTEE**

Minutes of the meeting of the Licensing Hearing  
held on 10 June 2011 commencing at 10.00 a.m.

Present: Cllrs. Abraham, Mrs. Parkin and Pett.

Also present: Dr. Bob Sterritt - Representing the Applicant  
Cllr. Clive Pearman - Representing Edenbridge Town Council  
Mr. A. Stanfield - Legal Services Manager  
Mrs. L. Leeds - Licensing Officer  
Mr. D. Lagzdins - Democratic Services Officer  
Cllr. Clark observed the Hearing.

1. ELECTION OF CHAIRMAN

Resolved: That Cllr. Pett 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 PREMISES LICENCE FROM THE EDENBRIDGE  
RUGBY FOOTBALL CLUB, THE PAVILION AND RECREATION GROUND,  
LINGFIELD ROAD, EDENBRIDGE, KENT UNDER THE LICENSING ACT  
2003

The Hearing gave consideration to a report by the Community and Planning Services Director giving details of an application under the Licensing Act 2003 for a club premises certificate at the Edenbridge Rugby Football Club, The Pavilion and Recreation Ground, Lingfield Road, Edenbridge, Kent. It was noted that objections had been received and that accordingly the application had been referred to the Sub-Committee for determination.

The Hearing heard from the applicant's representative who explained it would be helpful if the Club was licensed to be open for longer hours and provide music so as to allow flexibility. Use of facilities tended to be during the daytime.

The Hearing heard from the objector who raised the concerns of residents. He accepted the Club did not have a history of causing disturbances and that he usually raised any concerns residents had at the Parish Council's quarterly meetings with the Club. He felt most concerns raised in the report could be resolved through the quarterly meetings.

The Chairman offered the parties a short adjournment to discuss in the absence of the Sub-Committee whether a solution acceptable to both the parties could be put to the Sub-Committee.

At 10.27 a.m. the Hearing adjourned.

At 10.35 a.m. the Hearing reconvened.

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The applicant's representative and the representative of the local Parish Council informed the Sub-Committee that they had agreed on possible conditions for the licence.

It was moved, seconded and unanimously-

Resolved: That a Club Premises Certificate in respect of The Edenbridge Rugby Football Club, The Pavilion and Recreation Ground, Lingfield Road, Edenbridge, Kent, subject to the conditions contained in the licence attached as an appendix to these minutes, be granted.

THE MEETING WAS CONCLUDED AT 10:45 A.M.

LICENSING ACT 2003 – Section 23

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## Notice of determination for application club premises certificate

**To:** The Edenbridge Rugby Football Club

**Of:** Edenbridge Rugby Football Club, The Pavilion and Recreation Ground,  
Lingfield Road, Edenbridge, Kent TN8 5DY

**Ref:** 11/00611/LACPC

Sevenoaks District Council being the licensing authority, on the 17 March 2011 received an application for a premises licence in respect of premises known as the Edenbridge Rugby Football Club, The Pavilion and Recreation Ground, Lingfield Road, Edenbridge, Kent TN8 5DY.

On the 10 June 2011 there being valid representations which were received had not been withdrawn, a hearing was held to consider these representations, and having considered them the Licensing Sub-Committee determined as follows:

To grant the Club Premises Certificate:

Section E To allow live music indoors on Sunday to Friday from 10:00 hours until 23:00 hours and on Saturday from 10:00 hours until 00:00 hours.

Section F To allow recorded music indoors on Sunday to Friday from 10:00 hours until 23:00 hours and on Saturday from 10:00 hours until 00:00 hours.

Section H To allow anything of a similar description to that falling within (e), (f) or (g) music indoors on Sunday to Friday from 10:00 hours until 23:00 hours and on Saturday from 10:00 hours until 00:00 hours.

Section I To allow the provision of facilities for making music indoors on Sunday to Friday from 10:00 hours until 23:00 hours and on Saturday from 10:00 hours until 00:00 hours.

Section J To allow the provision of facilities for dancing indoors on Sunday to Friday from 10:00 hours until 23:00 hours and on Saturday from 10:00 hours until 00:00 hours.

Section L To allow sale of alcohol for consumption on the premises on Sunday to Friday from 10:00 hours until 23:00 hours and on Saturday from 10:00 hours until 00:00 hours.

Section M Hours premises are open to the public on Sunday to Friday from 08:00 hours until 23:30 hours and on Saturday from 08:00 hours until 00:30

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hours.

To add the conditions on the Licence as follows:

Mandatory Conditions in force from 06 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

LA 23 – Notice of Determination for the Club Premises Certificate

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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.

4. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Reason for the decision:

(i) the Applicant and interested parties present at the Hearing reached agreement as to the hours during which licensable activities may take place; and

(ii) the Committee was satisfied that the agreed hours would not undermine the promotion of the Licensing Objectives.

This licence granted at the Hearing is effective from 10 June 2011.

Dated: 10 June 2011

Signed -----

Chair – Licensing Hearing

Signed -----

Designation – Licensing Officer

Please address any communications to:

Licensing Partnership  
Community and Planning Services  
Council Offices

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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.

**LICENSING COMMITTEE – LICENSING HEARING**

Minutes of the meeting of the Licensing Hearing  
held on 10 June 2011 commencing at 2.30 p.m.

Present: Sub-Committee D: Cllrs. Davison, Mrs. Parkin and Pett

Also present: Mr. A. Symonds - Applicant  
Mr. N. Townsend - Applicant  
Mr. B.S. Nagra - Objector (resident)  
Dr. I. Ward - Objector (resident)  
Mrs. L. Leeds - Licensing Officer  
Mr. A. Stanfield - Legal Services Manager  
Mr. D. Lynch - Democratic Services Officer

1. ELECTION OF CHAIRMAN

Resolved: That Cllr. Pett 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 FROM HARTLEY AND DISTRICT SOCIAL CLUB LTD,  
THE CLUB HOUSE, ASH ROAD, HARTLEY, KENT DA3 8EH FOR A  
VARIATION OF THE CLUB PREMISES CERTIFICATE UNDER THE  
LICENSING ACT 2003

The Hearing gave consideration to a report by the Community and Planning Services Director giving details of an application under the Licensing Act 2003 for variation of the existing Club Premises Certificate at Hartley and District Social Club Ltd, The Club House, Ash Road, Hartley. It was noted that objections had been received and that accordingly the application had been referred to the Sub-Committee for determination.

The Hearing heard from the applicants who explained that prior to 2003 they had all day opening hours, and that they were seeking these variations to allow for a limited number of functions for club members during the day. They acknowledged the issue of a noise complaint in January 2011 and reported that they were working with the Environmental Health Officer to resolve this matter.

The Hearing heard from the objectors who raised the concerns of residents, in particular the suitability of the building for music, the issues of noise as nuisance, and the noise complaint in January 2011. They questioned whether the club needed a permanent variation in their certificate and suggested that Club could apply for Temporary Event Notices as required.

The hearing agreed to circulate a statement from the Senior Environmental Health Officer.

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At 3.23 p.m. the Hearing Members withdrew to consider the issues raised.

At 3.56 p.m. the Hearing Members returned to the Council Chamber.

It was unanimously

- (a) Resolved: That variations to the Club Premises Certificate in respect of Hartley and District Social Club Ltd, The Club House, Ash Road, Hartley, subject to the conditions contained in the licence attached as an appendix to these minutes, be granted.

THE MEETING WAS CONCLUDED AT 4.05 P.M.



**Notice of determination of application for variation of club premises certificate**

To: Hartley and District Social Club Ltd  
 Of: The Club House, Ash Road, Hartley, Kent DA3 8EH  
 Ref: 11/00622/LACPC

Sevenoaks District Council being the licensing authority, on the 18 March 2011 received an application for a variation to a premises licence in respect of premises known as Hartley and District Social Club Ltd, The Club House, Ash Road, Hartley, Kent DA3 8EH.

On the 10 June 2011 there being valid representations which were received had not been withdrawn, a hearing was held to consider these representations, and having considered them the Licensing Sub-Committee determined as follows:

To grant the variation of the Premises Licence

Section L	To allow sale of alcohol for consumption on and off the premises on Monday to Thursday from 19:00 hours to 00:00 hours, Friday to Saturday from 12:00 hours until 00:00 hours and Sunday 12:00 to 23:00 hours.
<b>Non standard timings:</b> All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours	
Section M	Hours premises are open to the public on Monday to Thursday from 19:00 hours until 00:30 hours, Friday to Saturday 12:00 to 00:30 and on Sunday from 12:00 hours until 23:30 hours.
<b>Non standard timings:</b> All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours	
<b>To add the conditions on the Licence as follows:</b>  Up to 20 days a year for Sections A, B, F, G, I, J, L and M upon written request to Sevenoaks District Council as Licensing Authority with two working days notice by post, e-mail or fax.	
Section A	To allow exhibition of plays indoors on Monday to Thursday from 09:00 hours until 23:00 hours, on Friday and Saturday from 09:00 hours until 00:00 hours and on Sunday from 09:00 hours until 22:30 hours.

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<p><b>Non standard timings:</b> All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours</p>	
Section B	<p>To allow the exhibition of films indoors on Monday to Thursday from 09:00 hours until 23:00 hours, on Friday and Saturday from 09:00 hours until 00:00 hours and on Sunday from 09:00 hours until 22:30 hours.</p>
<p><b>Non standard timings:</b> All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours</p>	
Section F	<p>To allow recorded music films indoors on Monday to Thursday from 09:00 hours until 23:00 hours, on Friday and Saturday from 09:00 hours until 00:00 hours and on Sunday from 09:00 hours until 22:30 hours. The areas to be used would be the main bar area or the upstairs hall.</p>
<p><b>Non standard timings:</b> All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours</p>	
Section G	<p>To allow performances of dance indoors on Monday to Thursday from 09:00 hours until 23:00 hours on Friday and Saturday from 09:00 hours until 00:00 hours and on Sunday from 09:00 hours until 22:30 hours.</p>
<p><b>Non standard timings:</b> All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours</p>	
Section I	<p>To allow the provision of facilities for making music indoors on Monday to Thursday from 09:00 hours until 23:00 hours on Friday and Saturday from 09:00 hours until 00:00 hours and on Sunday from 09:00 hours until 22:30 hours.</p>
<p><b>Non standard timings:</b> All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours</p>	
Section J	<p>To allow the provision of facilities for dancing on Monday to Thursday from 09:00 hours until 23:00 hours on Friday and Saturday from 09:00 hours until 00:00 hours and on Sunday from 09:00 hours until 22:30 hours.</p>

<p><b>Non standard timings:</b> All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours</p>	
<p>Section L</p>	<p>To allow sale of alcohol for consumption on and off the premises on Monday to Saturday from 11:00 hours until 00:00 hours.</p>
<p><b>Non standard timings:</b> All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours</p>	
<p>Section M</p>	<p>Hours premises are open to the public on Monday to Saturday from 09:00 hours until 00:30 hours and on Sunday from 09:00 hours until 23:30 hours</p>
<p><b>Non standard timings:</b> All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours</p>	

**Also to add the conditions on the Licence as follows:**

Apply the conditions 1,2 and 3 as recommended in the Senior Environmental Health Officer's report of 14 April 2011, as a pre-condition before the extended hours may be operated.

Supply of alcohol for consumption off the premises

A club premises certificate may not authorise the supply of alcohol for consumption off the premises unless it also authorises the supply of alcohol to a member of the club for consumption on those premises.

A club premises certificate which authorises the supply of alcohol for consumption off the premises must include the following conditions:-

- (i) the supply of alcohol must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
- (ii) Any alcohol supplied for consumption off the premises must be in a sealed container.
- (iii) Any supply of alcohol for consumption off the premises must be made to a member of the club in person.

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### Mandatory Conditions in force from 06 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.

4. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or

supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

### Exhibition of films

Where the film classification body is specified in the certificate, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where -

(c) the film classification body is not specified in the certificate, or

(d) the relevant licensing authority has notified the holder of the certificate 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).

The reason for the conditions are to allow for sufficient flexibility for the applicants, whilst taking into account the representations made by other interested parties, in particular to promote the licensing objectives of prevention of public nuisance.

## Agenda Item 2

This licence granted at the Hearing is effective from the 10 June 2011.

Dated: 10 June 2011.

Signed .....

Chair – Licensing Hearing

Signed .....

Designation – 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.

## **PART 8 – LICENSING COMMITTEE**

### **1. Licensing Committee**

- 1.1 Composition: Fifteen Members of the District Council reflecting the political proportionality of the Council
- 1.2 Terms of Reference
- (a) Except as provided in the Licensing Act 2003 and the Gambling Act 2005, the discharge of all functions of the District Council as licensing authority prescribed by those acts;
  - (b) the issue, renewal, transfer, suspension and revocation of hackney carriage, private hire vehicle, driver and operator licenses;
  - (c) applications for the licensing of sex establishments; and
  - (d) the discharge of all other functions relating to licensing and registration in so far as they are the responsibility of the District Council.

### **2. Licensing Hearing Sub-Committees**

- 2.1 The Licensing Committee has established five Licensing Hearing Sub-Committees. The Chief Executive will call a meeting of one of the sub-committees whenever there is business to be transacted.

Composition: Each Sub-Committee will contain three Members of the Licensing Committee. Any member of the Licensing Committee may act as a substitute on any of the Licensing Sub-Committees. Democratic Services must be notified by the members concerned of any substitutions at least one working hour prior to a sub-committee meeting.

- 2.1 Terms of Reference

Licensing Act 2003:

- (a) determination of application for the grant/ renewal of a personal licence where an objection notice has been given by the Police;
- (b) consideration of Police objection notice following conviction of personal licence holder;
- (c) determination of application for the variation of a designated premises supervisor where a notice has been received from the Police;
- (d) determination of application for the transfer of a premises licence where a notice has been received from the Police;
- (e) determination of application for:
  - (i) premises licence;

- (ii) club premises certificate;
- (iii) provisional statement;
- (iv) variation of premises licence / club premises certificates;
- (v) review of a licence following an application by a senior police officer;

where relevant representations have been made;

- (f) determination of application for the review of a premises licence/club premises certificate;
- (g) determination on review of premises licence following closure order;
- (h) consideration of Police objection notice given in response to a temporary event notice; and
- (i) consideration of Police notice given in response to an interim authority notice.

**Gambling Act 2005:**

- (a) determination of application for the grant/ variation/ transfer/ reinstatement of premises licence;
- (b) determination on review of premises licence;
- (c) determination of application for provisional statement;
- (d) consideration of notice of objection to temporary use notice;
- (e) determination of application for the grant/ renewal of family entertainment centre gaming permit, club gaming permit, club machine permit, licensed premises gaming machine permit, gaming machine permit; and
- (f) cancellation of club gaming permit, club machine permit, licensed premises gaming machine permit.

**3. Procedure at Sub-Committees of the Licensing Committee (established in accordance with Section 9 of the Licensing Act 2003)**

- 3.1 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.
- 3.2 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 7<sup>th</sup> January 2008.

- 3.3 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.
- 3.4 The quorum for a Sub-Committee shall be two members.
- 3.5 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
- 3.6 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.
  - (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.

## Agenda Item 4

Licensing Committee – 22 June 2011

- (m) The parties will be informed of the decision at the hearing or thereafter in accordance with Regulation 26 of the 2005 Regulation.

**LICENSING COMMITTEE – 22 JUNE 2011**

**APPOINTMENTS TO LICENSING HEARING SUB-COMMITTEES**

Report of the: Corporate Resources Director

Status: For Decision

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**This report supports the Key Aim of Balanced Communities.**

**Portfolio Holder** Cllrs. Mrs. Bracken

**Head of Service** Head of Legal and Democratic Services – Mrs. Christine Nuttall

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**Recommendation:** That the memberships of the Licensing Sub-Committees as set out in paragraph 1 below be approved.

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1 The proposed memberships for the five Sub-Committees are set out below:

Sub-Committee A – Cllrs. Davison, Mrs Parkin and Pett

Sub-Committee B – Cllrs. Ayres, Cooke and Mrs Firth

Sub-Committee C – Cllrs. Mrs Dawson, Fittock and Hogarth

Sub-Committee D – Cllrs. Abraham, Mrs Ayres, and Clark

Sub-Committee E – Cllrs. Piper, Raikes and Walshe.

Any member of the Licensing Committee may act as a substitute on any of the Licensing Sub-Committees.

**Sources of Information:** Membership of the Licensing Committee

**Contact Officer(s):** Alan Twyman Ext. 7247

**DR. PAV RAMEWAL  
DEPUTY CHIEF EXECUTIVE &  
CORPORATE RESOURCES DIRECTOR**

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## LICENSING COMMITTEE – 22 JUNE 2011

### OFFICER RESPONSIBILITIES AND DELEGATIONS – SEXUAL ENTERTAINMENT VENUES

Report of the: Community and Planning Services Director

Status: For Decision

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#### **Executive Summary:**

The purpose of this report is to seek approval to consult local residents & businesses about whether the Council should adopt the sexual entertainment provisions contained in the Policing and Crime Act 2009.

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**This report supports the Key Aim of safe communities**

**Portfolio Holder** Cllr. Mrs. Bracken

**Head of Service** Head of Environmental and Operational Services – Mr. Richard Wilson

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**Recommendation:** Members are asked to **approve** the proposed consultation set out under Options for Consultation in this report, to determine whether the Council should adopt the sexual entertainment licensing provisions contained in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

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#### **Introduction**

- 1 The Council has historically had powers to regulate sex establishments (sex shops and sex cinemas) through the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
- 2 In August 2008 the previous Government announced its intention to review the licensing arrangements for lap dancing clubs, with a view to giving local people a greater say over the number and location of such clubs within their area. It was the Government's view that the powers under the Licensing Act 2003 were inadequate, and they proposed to:
  - amend the Local Government (Miscellaneous Provisions) Act 1982 in respect of sex encounter establishments to cover all areas of the country;
  - categorise lap dancing clubs as sex encounter venues; and
  - remove sex encounter establishments from the Licensing Act 2003
- 3 Section 27 of the Policing and Crime Act 2009 extended the relevant provisions within the 1982 Act by the introduction of a new category of sex

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establishment, namely sexual entertainment venues i.e. lap dancing clubs and similar venues. For the assistance of Members, a summary of the relevant changes is set out under the Background section of this report.

- 4 In order for the new provisions relating to sexual entertainment venues to take effect within Sevenoaks, the Council would need to formally resolve to adopt the changes to the 1982 Act. The Council is required to consult local people about whether or not it should make such a resolution.
- 5 This report seeks the approval of Members to embark upon the required consultation exercise.

**Background**

- 6 A sexual entertainment venue is defined in the Local Government (Miscellaneous Provisions) Act 1982 as 'any premises at which relevant entertainment is provided before a live audience for financial gain of the organiser or the entertainer'.
- 7 The meaning of 'relevant entertainment' is 'any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)'. An audience can consist of just one person.
- 8 It is expected that the definition of 'regulated entertainment would apply to the following forms of entertainment – lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows.
- 9 Venues that currently provide entertainment of this nature are able to do so under the authority of a premises licence granted under the Licensing Act 2003. There are currently no such venues within the District. However, any representations concerning the grant or variation of a premises licence can only be based upon one of the 4 licensing objectives i.e. the prevention or crime of disorder, the prevention of public nuisance, the protection of public safety and the protection of children from harm.
- 10 Licensing Authorities cannot therefore consider representations on issues falling outside of the 4 licensing objectives e.g. whether a lap dancing club would be appropriate given the character and locality of the area in which it is proposed to be situated.
- 11 The changes introduced by the Policing and Crime Act 2009 will allow the Licensing Authority to refuse an application for the grant or renewal of a licence for a sexual entertainment venue on a number of specified grounds, including
  - That the number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time the application is

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determined is equal to or exceeds the number which the authority consider is appropriate for that locality. This number may be nil.

- That the grant or renewal would be inappropriate, having regard -
  - to the character of the relevant locality; or
  - the use to which any premises in the vicinity are put; or
  - to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made

Objections on moral grounds cannot however be considered.

- 12 Licences granted for sexual entertainment venues will be renewable annually, rather than lasting for the life of the business as is the case under the Licensing Act 2003. Furthermore, the authority will have a wider discretion when imposing conditions on a licence, and may apply different conditions for different types of venues. For example, it will be possible to regulate opening times, the display of advertisements and the visibility of the interior of the premises to passers by.
- 13 Premises providing other licensable activities in addition to sexual entertainment will still also require a premises licence under the Licensing Act 2003. In practical terms, this means that most sexual entertainment venues will require a licence under the 2003 Act as well as a sex establishment licence.
- 14 Premises which provide regulated entertainment on an infrequent basis i.e. on no more than 11 occasions within a 12 month period (subject to there being at least one month between events, and each event lasting no longer than 24 hours) will not need to be licensed as a sexual entertainment venue, and will instead continue to be licensed under the Licensing Act 2003.
- 15 Existing operators who hold a premises licence or club premises certificate under the Licensing Act 2003 will not automatically be entitled to the grant of a licence to operate as a sexual entertainment venue. However, they would be entitled to operate during the transitional period following adoption of the new provisions.
- 16 If adopted, the transitional period would last for 12 months starting on the date when the provisions come into force (The 'first appointed day'). The first appointed day must be not less than 1 month after the resolution to adopt the new provisions is passed.
- 17 During the period of 6 months after the first appointed day existing operators and new applicants can apply for a sex establishment licence. At the end of this 6 month period (the 'second appointed day') the Licensing Authority must consider all of the applications, and cannot grant any licences until all have been considered.

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- 18 Applications made by existing operators will not become operative until the end of the 12 month period (the ‘third appointed day’). Other licences granted will become effective immediately.

**Options for consultation**

- 19 Members are entitled to express a preferred view as part of the consultation exercise. In this regard there are 2 options -
- (1) Adopt the new provisions relating to sexual entertainment venues.
  - (2) Take no steps to adopt the new provisions, and continue to regulate the provision of sexual entertainment through the Licensing Act 2003.
- 20 In view of the matters raised in this report, it is suggested that Option 1 be approved as the preferred option for consultation.
- 21 It is proposed that the consultation should take place over a 6 week period. The results of the consultation would then be reported to the October meeting of this Committee.
- 22 If adopted, it is proposed that a draft policy would be prepared for approval by Members. Whilst there is no requirement to set a policy, and simply consider each application on its own merits, it is considered that a policy will aid transparency and promote consistency in our decision making process.

**Key Implications**

Financial

- 23 Unlike the Licensing Act 2003, there are no statutory fees for sex establishments or sexual entertainment venues. The level of fee is therefore at the discretion of the Licensing Authority, subject of course to the general principle that the income generated should not exceed the costs of providing the service.
- 24 The current fee for a sex establishment licence within Sevenoaks is £2,340. If following consultation, it is proposed to adopt the relevant provisions relating to sexual entertainment, a suggested fee will be put forward for approval by Members.

Legal, Human Rights etc.

- 25 The Council is legally required to consult local residents and businesses about whether or not it should adopt the new provisions relating to sexual entertainment venues.

Equality



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- 26 The government has carried out an equality impact assessment of the changes to the 1982 Act, which has found that no unintended or disproportionate impact is likely.

**RISK ASSESSMENT STATEMENT**

- 27 Failure to carry out the required consultation exercise could result in a legal challenge by an aggrieved party.

**Sources of Information:**

Schedule 3 to the Local Government  
(Miscellaneous Provisions) Act 1982 (as  
amended)

Section 27 of the Policing and Crime Act 2009

**Contact Officer(s):**

Anthony Garnett Ext. 7339

Claire Perry Ext. 7325

**COMMUNITY AND PLANNING SERVICES DIRECTOR  
KRISTEN PATERSON**

