

LICENSING HEARING

Minutes of the meeting of the Licensing Hearing held on 6 July 2011 commencing at 10.00 am

Present: Cllr. C Clark and Cllr. Mrs F Parkin

Also present:

Mr. M. Khan	- Applicant
Mr. H. Peyrel	- Applicant
Mrs. A. Peyrel	- Applicant
Mr. D Goodall	- Objector (resident)
Ms. C. Goodall	- Objector (resident)
Cllr M. Short	- Objector (Member of Sevenoaks Town Council)
Cllr Mrs B. Ayres	- Sevenoaks District Council (Observer)
Cllr L. Ayres	- Sevenoaks District Council (Observer)
Mr M. Penn-Hughes	- Sevenoaks District Council (Observer)
Mrs. C. Perry	- Licensing Officer
Mr. A. Stanfield	- Legal Services Manager
Mr. N. Chapman	- Environmental Protection Officer
Mr. D. Lynch	- Democratic Services Officer

7. APPOINTMENT OF CHAIRMAN

Resolved: That Cllr. Pett be appointed Chairman of the meeting.

8. DECLARATIONS OF INTEREST.

Cllr Mrs. Parkin declared a personal interest as a trustee of Sevenoaks and District Age UK and CHIPS in respect of letters from these organisations tabled by applicants at the meeting.

9. EL MATADOR, 49 LONDON ROAD, SEVENOAKS

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 premises licence from El Matador Restaurant, 49 London Road, Sevenoaks TN13 1AR. It was noted that objections had been received and that accordingly the application had been referred to the Sub-Committee for determination.

The Chairman agreed to the applicants tabling a written statement. The Chairman suspended the Hearing at 10.15 a.m. to enable the meeting to read the statement. The Chairman re-commenced the hearing at 10.25 a.m..

The Hearing heard from the applicants who stated that the written statement was a compromise proposal following consultation with local residents and the

Licensing Hearing - Wednesday, 6 July 2011

Environmental Protection Officer, in particular to address the issue of noise in Lime Tree Walk. The applicants also accepted the points made by Sevenoaks Town Council with the exception of point ii.

The Hearing heard from the objectors who raised the concerns of residents and Sevenoaks Town Council, in particular the issues of noise from events.

The Hearing heard from the Environmental Protection Officer who raised concerns regarding noise breakout from the premises and the area to be used for smoking.

At 11.05 a.m. the Hearing Members withdrew to consider the issues raised.

At 11.29 a.m. the Hearing Members returned to the Council Chamber.

It was unanimously,

Resolved: That the Premises Licence in respect of El Matador, 49 London Road, Sevenoaks TN13 1AR subject to the conditions contained in the licence attached as an appendix to these minutes, be granted.

06.07.11 - El Matador

THE MEETING WAS CONCLUDED AT 11.38 am

Chairman

LICENSING ACT 2003 - Section 23

Notice of determination for application for premises licence**To:** El Matador**Of:** 49 London Road, Sevenoaks, TN13 1AR**Ref:** 11/00705/LAPRE

Sevenoaks District Council being the licensing authority, on the 30 March 2011 received an application for a premises licence in respect of premises known as El Matador, 49 London Road, Sevenoaks, TN13 1AR.

On the 6 July 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 Premises Licence:

Section E	To allow live acoustic music on Monday to Saturday 19:00 to 22:00 hours and Sunday 16:00 to 21:00 hours indoors
Section F	To allow recorded music on Monday to Saturday 20:00 to 23:30 hours and Sunday 20:00 to 22:30 hours indoors.
Section G	To allow performances of dance for Salsa, Tango, Flamenco show and teaching classes on Monday to Saturday 19:00 to 23:00 hours and Sunday 16:00 to 21:00 hours indoors.
Section I	To allow the provision of facilities for making music on Monday to Saturday 19:00 to 22:00 hours and Sunday 16:00 to 21:00 hours indoors.
Section J	To allow the provision of facilities for dancing on Monday to Saturday 19:00 to 23:00 hours and Sunday 16:00 to 21:00 hours indoors.
Section L	To allow late night refreshment from 23:00 to 00:00 hours indoors Monday to Saturday.
Section M	To allow sale of alcohol everyday from 11:00 to 23:30 hours Monday to Saturday and 11:00 to 22:30 hours on Sunday for consumption on the premises. To allow sale of alcohol everyday from 11:00 to 22:00

Minute Annex

	hours Monday to Sunday for consumption off the premises.
Section O	Hours premises are open to the public everyday from 08:30 to 00:00 hours Monday to Saturday and Sunday 10:00 to 23:00 hours.

To add the conditions on the Licence as follows:

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.

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: 14 pint;

Minute Annex

(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

Apply the conditions 1-6 as outlined in Appendix B - Response from Environmental Protection:

1. All external door and windows must be kept closed, other than for access and egress, in all rooms when regulated entertainment occurs.
2. When regulated entertainment occurs the lobby doors shall be kept closed other than for access and egress.
3. No regulated entertainment should occur in the external areas of the premises.
4. Disposal of waste bottles into external receptacles must not occur between 22:00 and 08:00 hours.
5. The external seating area shall not be used after 22:00 hours.
6. The external area adjacent to the north of the building on Lime Tree Walk shall not be used after 22:00 hours or when regulated entertainment is taking place in the ground floor rooms.

Apply the condition ix as outlined in Appendix C - Response from Sevenoaks Town Council:

Notices to be displayed requesting customers to be quiet and considerate when leaving the premises.

The Committee having regard to the representations heard today including the amended hours offered by the applicant; the written representations; and Environmental Protection and Development Control's comments consider that the grant of the licence on these terms with conditions attached addressed the representations made by the interested parties and responsible authorities put to the Committee.

This licence granted at the Hearing is effective from the 6 July 2011.

Dated: 6 July 2011

Signed

Chair – Licensing Hearing

Signed

Designation – Assistant Licensing
Manager

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.

