



Despatched: 5 April 2012

**LICENSING COMMITTEE - LICENSING HEARING**  
**(SUB-GROUP E)**

**24 April 2012 at 10.30 am**

*Council Chamber, Argyle Road, Sevenoaks*

**AGENDA**

**Membership:**

Hogarth (Substitute) , Raikes and Walshe

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**IMPORTANT INFORMATION**

If an interested party (e.g. a parish or town council) has not made a "relevant representation" (section 18(6) and (7) of the Licensing Act 2003), it will not receive a notice of the hearing (Reg. 6(1) Hearings Regulations). The interested party will not, therefore be "a party to the hearing" (Reg. 2 Hearings Regulations). There will therefore be no right to address the hearing (Reg. 16 Hearings Regulations).

The above also applies to a Member i.e. if s/he does not make a "relevant representation" s/he will not be a "party to the hearing" and has no right to address the hearing unless appointed by "a party to the hearing" to assist or represent that party".

Would you please note that all the reports/information listed on this agenda are available from the Committee Services Team on request (01732 227241). Alternatively you can make an appointment to view the information at the District Council Offices by contacting the Licensing Manager on 01732 227325.

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1. **Appointment of Chairman**
2. **Declarations of interest.**
3. **Co-operative Store, 30-32 Hever Road, West Kingsdown, TN15 6HD. (Pages 1 - 14)**  
**(Fawkham and West Kingsdown)**

**PROCEDURE AT HEARINGS OF SUB-COMMITTEES OF THE  
LICENSING COMMITTEE ESTABLISHED IN ACCORDANCE WITH  
SECTION 9 OF THE LICENSING ACT 2003**

1. In accordance with Section 9 (1) of the Licensing Act 2003, the Licensing Committee has resolved to establish one or more Sub-Committees each consisting of three members of the Committee.
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 January 2005.
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.
4. The quorum for a hearing of a Sub-Committee shall be three members.
5. At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
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.
- (m) The parties will be informed of the decision at the hearing or thereafter in accordance with Regulation 26 of the 2005 Regulations.

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LICENSING COMMITTEE (HEARING) – 24 APRIL 2012

APPLICATION FOR A PREMISES LICENCE FROM THE CO-OPERATIVE STORE, 30-32 HEVER ROAD, WEST KINGSDOWN, SEVENOAKS, KENT. TN15 6HD FOR VARIATION UNDER THE LICENSING ACT 2003

APPLICATION REFERENCE NO: 12/00679/LAPRE

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Report of the: Community and Planning Services Director

Status: For Decision

Head of Service Head of Environment & Operational Services – Mr. Richard Wilson

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Recommendation: Members' instructions are requested

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**Background**

The procedure for Hearings of Sub-Committees of the Licensing Committee established in accordance with Section 9 of the Licensing Act 2003 is listed on the Agenda front sheet.

The application is made by The Co-operative Group Food Limited, New Century House, Manchester. M60 4ES

The variation is to increase the opening/alcohol hours of the store to 06:00 hours until 23:00 hours Monday to Sunday.

The variation is to:

Section M	To allow sale of alcohol everyday from 06:00 hours until 23:00 hours.
Section O	Hours premises are open to the public everyday from 06:00 hours until 23:00 hours.

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

**General**

A closed circuit TV monitoring system to be installed and maintained. Images recorded and retained for at least 21 days and to be handed to Police/Local Authority on request.

## Agenda Item 3

### The Prevention of Crime and Disorder

Signage to be displayed in store that it is an offence for people aged under 18 to purchase alcohol. Store fitted with a panic button for staff to press in case of emergency. Store fitted with a burglar alarm.

### Public Safety

To meet the requirements of the Fire Safety Order 2005

### The Prevention of Public Nuisance

No deliveries to take place between the hours of 23:00 and 06:00 hours the following day.

### The Protection of Children from Harm

All staff are trained in relation to underage related sales of alcohol, proof of age scheme in place. Challenge 25 scheme in place and notices of this prominently displayed within the store. Electronic till prompt when alcohol is scanned to remind staff to check the age of the purchaser. Age refusals register book kept to record where sales of alcohol are challenged or refused.

### Representations received from statutory consultees:

Fire Safety	NO OBJECTIONS
Trading Standards	NO COMMENTS RECEIVED
Social Service	NO COMMENTS RECEIVED
Police	NO OBJECTIONS
Commercial	NO OBJECTIONS
Environmental Protection	NO COMMENTS RECEIVED
Development Control	NO COMMENTS RECEIVED

**Representations received from interested parties:**

1 local resident

**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

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. Leeann Leeds. Ext. 7270

**KRISTEN PATERSON  
COMMUNITY AND PLANNING SERVICES DIRECTOR**

## Agenda Item 3

### 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 24<sup>th</sup> April 2012 subject to any appeal to a Magistrates Court or higher Court.



█ Hever Road  
West Kingsdown  
Kent TN15 6HD

20 March 2012

Dear Sirs,

I write in respect of my concern in extending the licensing house of the Co-Operative store at 30-32 Hever Road, West Kingsdown, TN15 6HD and the disturbance that these extended hours may cause.

About 4 years ago, the store underwent a much needed refit, which meant that the speakers used for the background music and store announcements were relocated into the ceiling area of the store. Since this has happened, I have on several occasions contacted the store to get them to turn the volume down as I can hear the noise above my TV, let alone when I have been awoken by the latest "special offers" at 8am on a Sunday morning!!

I do not wish to be controversial, and am more than prepared to tolerate this with the current hours, but I am not prepared to suffer these acoustic intrusions at 6am. I will also add that even when I feel that the background noise is unacceptable, when I have gone down to the store to raise the issue, it isn't actually that loud, it's more down to the positioning of the speakers and the fact that they did not consider the use of sound proofing when they did the refit. The volume control is driven by whoever is working in the store and some staff are more accommodating than others.

I am also concerned that extending the hours may encourage the youths of the area to hang around and cause a nuisance, which can be quite intimidating for someone like myself who lives on their own.

I believe that the current opening hours of 8am to 10pm are more than acceptable for the needs of the village. I do not believe that extending these hours will bring either a benefit to the village or a boost in the profits of the store.

I would be most grateful if you could consider refusing the application of extended hours.

Yours faithfully,

█

Tina Moseley

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Map center: 557237, 163691

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# PREMISES LICENCE



The Licensing Act 2003  
Schedule 12, Part B

<b>Premises Licence Number</b>	05/01059/PRETRA
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**Part 1 – Premises Details**

<b>Postal address of premises , or if none, ordnance survey map reference or description, including Post Town &amp; Post Code</b>	
Co-operative Store 30-32 Hever Road West Kingsdown Sevenoaks Kent. TN15 6HD	
<b>Telephone number</b>	01474 852355

<b>Where the licence is time limited the dates</b>
Not Applicable

<b>Licensable activities authorised by the licence</b>
Sale or Supply of Alcohol

<b>Times the licence authorises the carrying out of licensable activities</b>		
Sale or Supply of Alcohol		
	Monday to Saturday	08:00 - 23:00
	Sunday	10:00 - 22:30

<b>The opening hours of the premises</b>		
Sunday	08:00 - 22:00	
Monday to Saturday	07:00 - 22:00	

<b>The non-standard opening hours of the premises</b>
None

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

## Agenda Item 3

### Part 2

**Name, (registered) address, telephone number and email address (where relevant) of holder of premises licence**

The Co-operative Group Food Limited  
New Century House  
Manchester. M60 4ES

Email address Susanne.Dickie@co-op.co.uk

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

Registered Business Number 26715R

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Gary Daryl William Haynes

**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: KS0501266  
Licensing Authority: Sevenoaks District Council

**State whether access to the premises by children is restricted or prohibited**

None



**Kristen Paterson**  
**Community and Planning Services Director**  
**Sevenoaks District Council**



# PREMISES LICENCE

## The Licensing Act 2003, Schedule 12, Conditions

<b>Premises Licence Number</b>	<b>KS0501059</b>
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### Part 1 – Premises Details

<b>Postal address of premises, or if none, ordnance survey map reference or description, including Post Town &amp; Post Code</b>	
Co-op Welcome 33 Hever Road West Kingsdown Sevenoaks Kent. TN15 6HD	
<b>Telephone number</b>	01474 852355

### 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

#### Permitted Hours (from original Justices Off Licence)

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- (b) On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- (c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- (d) On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;

Licence Number      KS0501059  
Application Number    05/01059/PRETRA

Issue Date          22/01/2008  
Page 1 of 2

### Agenda Item 3

- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

#### **Regulated Entertainment - (from original Justices Licence)**

Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.

#### **Annex 3 – Conditions consistent with the Operating Schedule**

Not applicable

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

Not applicable

#### **Annex 5 – Plans**

Please see attached





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