

LICENSING COMMITTEE
26 June 2012 at 6.00 pm
Conference Room, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Pett

Cllrs. Abraham, Mrs. Ayres, Ayres, Clark, Cooke, Davison, Mrs. Dawson, Fittock, Hogarth, Orridge, Mrs. Parkin, Piper, Raikes and Walshe

	<u>Pages</u>	<u>Contact</u>
1. Apologies for absence		
2. Minutes	(Pages 1 - 6)	
Minutes of the meetings of the Committee held on 11 April 2012 (attached) and of the Sub-Committees held on 24 April 2012 (attached), 19 June 2012 (to follow) and 26 June 2012 (to follow).		
3. Declarations of interest		
4. Actions from the previous meeting		
None.		
5. Membership of Licensing Hearing Sub-Committees	(Pages 7 - 8)	Philippa Gibbs Ext. 7247
6. Police Reform and Social Responsibility Act 2011		Hannah Langford Ext. 7475
Presentation		

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 11 April 2012 commencing at 6.00 pm

Present: Cllr. Pett (Chairman)

Cllrs. Abraham, Mrs. Ayres, Ayres, Clark, Davison, Fittock, Hogarth,
Mrs. Parkin, Piper, Raikes and Walshe

Apologies for absence: Cllr. Firth

22. MINUTES

Resolved: That the minutes of the meetings of the Licensing Committee held on 1 February 2012 and of the Sub-Committee held on 20 March 2012 and 2 April 2012 be approved and signed by the Chairman as correct records.

23. DECLARATIONS OF INTEREST

All Councillors present declared a personal interest in Minute Item 25 by virtue of knowing Cllr. John Underwood, who was a taxi driver in the District.

Cllr. Clark declared an additional personal interest in Minute Item 25 by virtue of knowing Graham Maxted, who was a taxi driver in the District.

Cllrs. Mrs. Parkin, Pett and Piper declared an additional personal interest in Minute Item 25 by virtue of knowing Colin Annetts, who was a taxi driver in the District.

24. ACTIONS FROM THE PREVIOUS MEETING

On 26 October 2011 the Committee had taken the decision to suspend two Hackney Carriage driver licences and at the previous meeting Members had enquired whether the drivers' appeals had yet been heard. The Chairman confirmed the hearing took place at Sevenoaks Magistrates Court on 4 April 2012. The Court had decided that, on the balance of probability, both drivers had been equally culpable for the serious altercation and the Committee's decision upheld. Both drivers were liable for the Council's legal costs on top of their own.

The Chairman felt this was a clear signal that the Council would not tolerate this kind of behaviour from licensees and that the Council would be supported by the courts. He wished to thank the whole Licensing Team for their work on this matter and in particular Leeann Leeds who had prepared the reports and acted as a witness for the Council.

The licensees had 21 days in which to appeal to the Crown Court. The Licensing Partnership Manager would be writing to both drivers confirming the decision and requesting that they return their badges should they choose not to appeal. Neighbouring authorities would be also informed of the decision to suspend.

Agenda Item 2
Licensing Committee - Wednesday, 11 April 2012

25. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES 2012-13

The Licensing Partnership Manager advised that on 1 February 2012 proposed fees for Hackney Carriage and Private Hire licensing had been put before the Committee. The Council had sent the proposals to over 400 consultees and the responses received were set out in the appendix to the report. The responses received were split evenly between those who supported and those who opposed the proposals.

Members asked what the argument was against a freeze in the fees. The Head of Environmental and Operational Services commented that the Council had budgeted for an inflationary increase of 3%. If the Committee decided to leave the fees unchanged then compensatory savings would have to be made elsewhere in the Council's budget. It was also clarified that the fees would be considered again in one year and that the reference to "for three years" in the report was to the length of a licence and not for how long the fees would be held at that level.

Officers confirmed the tender for the medical supplier was being considered and a Portfolio Holder Decision was expected before the end of April 2012. Early indicators suggested the cost of the medical fee may fall to £50.

The Council was not permitted to consider an accompanying rise in the tariffs charged by drivers unless representations were received from the licensees. No representations had been received by the Council since 11 March 2011 when the matter was last considered by the Committee.

It was unanimously

Resolved: that from 16 April 2012 the list of fees and associated costs for licences in respect of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators be varied as set out in the report.

THE MEETING WAS CONCLUDED AT 6.22 pm

Chairman

LICENSING HEARING

Minutes of the meeting of the Licensing Hearing
held on 24 April 2012 commencing at 10.30 am

Present: Cllrs. Raikes and Walshe

Also present: Ms. L. Phillips - Applicant's Representative
Ms. T. Moseley - Objector
Mrs. L. Leeds - Licensing Officer
Mrs. H. Langford - Legal Adviser
Ms V. Etheridge - Democratic Services Officer

1. APPOINTMENT OF CHAIRMAN

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

2. DECLARATIONS OF INTEREST.

No declarations of interest were made.

3. CO-OPERATIVE STORE, 30-32 HEVER ROAD, WEST KINGSDOWN, TN15 6HD.

The Hearing gave consideration to a report by the Community and Planning Services Director giving details of an application for a variation to the Premises Licence, under the Licensing Act 2003 for the Co-operative Store, 30-32 Hever Road, West Kingsdown, Sevenoaks, TN15 6HD. The application was made by The Co-operative Group Food Ltd, New Century House, Manchester, M60 4ES. It was noted that an objection 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 in support of the application. She explained that the request for an extension to the hours would make the store more convenient and bring the store in line with all other Co-operative Stores. However there was no plan to change the current opening hours at the moment. With reference to the objector's noise concerns she wanted to assure all present that the applicant took the issue very seriously and that it had been raised with the General Manager of the store. It was proposed that music would be turned down between the hours of 07:00 hours and 08:00 hours. However she believed that this was a private nuisance matter and as such did not relate to the licensing objectives. With reference to the concern expressed about youths in the area, this potentially fell under the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm and advised all those present of the details within the application which dealt with these licensing objectives. She also pointed out that whilst this was of concern, the Police had raised no objections. The Chairman queried where deliveries to the store were made.

Agenda Item 2

Licensing Hearing - Tuesday, 24 April 2012

The Hearing heard from the objector who raised concerns of noise nuisance from the music and tanoy system within the store, and of youths hanging around and approaching adults to purchase alcohol for them. However through community policing this problem had recently improved. She did not see that the extension offered any greater convenience or community benefit and was not suitable for a rural village store. Further to the questions raised to the applicant's representative she explained where store deliveries were made and outlined some of the difficulties experienced. The objector did not wish to be obstructive but wanted to be able to enjoy her leisure time at home without worrying about the noise and asked whether the music system could be placed on a time, or the store's ceiling or her floor be soundproofed by the applicant. She was disappointed that no other residents had written in as concern had been expressed to her by others and she knew that one resident had written to their Member of Parliament. The Chairman sought confirmation that it was a residential area. It was noted that it was a residential area with a number of properties in close proximity to the store. The map within the agenda papers was referred to.

At 11.23 a.m. the Hearing Members and Council's Legal Adviser withdrew to consider the issues raised.

At 11.45 a.m. the Hearing Members and Council's Legal Adviser returned to the Council Chamber.

The Chairman informed the Hearing that the Sub-Committee had had regard to the representations made by the Applicant and the Objector's comments on noise and concerns about behaviour occurring outside the store. However they had also taken into account the absence of representations from other local residents and the Police.

The Chairman further advised that the Sub-Committee had taken account of the guidance issued under s.183 of the Licensing Act 2003 and the Council's Statement of Licensing policy, in particular paragraph 5.2 which stated that the Council would interpret Public Nuisance in its widest sense which the Sub-Committee took to include where noise impacts on those living in the area.

It was therefore unanimously,

Resolved: That the variation to the Premises Licence in respect of the Co-operative Store, 30-32 Hever Road, West Kingsdown, Sevenoaks, TN15 6HD, be granted, subject to the conditions contained in the licence attached as an appendix to these minutes.

THE MEETING WAS CONCLUDED AT 11.48 am

Chairman

LICENSING ACT 2003 – Sections 35 and 36

Notice of determination of application for variation of premises licence

To: Co-op Welcome

Of: The Co-operative Group Food Limited , 30-32 Hever Road, West Kingsdown. TN15 6HD

Ref: 12/00679/LAPRE

Sevenoaks District Council being the licensing authority, on the 12 February 2012 received an application for a variation to a premises licence in respect of premises known as Co-op Welcome, 30-32 Hever Road, West Kingsdown, TN15 6HD.

On the 24 April, 2012 there being a valid representation which was received and had not been withdrawn, a hearing was held to consider this representation, and having considered it the Licensing Sub-Committee determined as follows:

To grant the variation of the Premises Licence

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.

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.

To add an additional condition on the Licence as follows:

1. That no sound (whether recorded music, store announcements or other sounds) shall be broadcast within the store via ceiling mounted loudspeakers before 08:00 hours and after 22:00 hours

Reason: For the Prevention of Public Nuisance

This licence granted at the Hearing is effective from the 24 April 2012.

Dated: 24 April 2012.

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.

LICENSING COMMITTEE – 26 JUNE 2011

APPOINTMENTS TO LICENSING HEARING SUB-COMMITTEES

Report of the: Deputy Chief Executive and Director of Corporate Resources

Status: For Decision

This report supports the Key Aim of Balanced Communities.

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

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

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 Orridge

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): Philippa Gibbs Ext. 7247

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

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