



Despatched: 01.06.12

LICENSING COMMITTEE - LICENSING HEARING
(SUB-GROUP A)

19 June 2012 at 10.30 am

Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Cllrs. Clark (substitute), Mrs. Parkin and Pett

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.

1. **Declarations of interest.**
2. **Appointment of Chairman**
3. **Exclusion of Press and Public**

Consideration of Exempt Information

Recommendation: That, under section 100A(4) of the Local Government Act 1972,

the public be excluded from the meeting when considering pages 9 – 20 of the following Agenda Item, on the grounds that likely disclosure of exempt information is involved as defined by Schedule 12A, paragraph 7 (Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime).

4. New Inn Public House, 75 St Johns Hill, Sevenoaks. TN13 3NY (Pages 1 - 20)

(Sevenoaks Town and St Johns)

**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.

APPLICATION FOR A REVIEW OF THE PREMISES LICENCE FOR THE NEW INN, 75 ST. JOHNS HILL, SEVENOAKS, KENT TN13 3NY UNDER THE LICENSING ACT 2003

Licensing Committee (Hearing) – 19 June 2012

APPLICATION REFERENCE NO: 12/00930/REVIEW

Report of the: Community and Planning Services Director

Status: For Decision

Portfolio Holder Cllr. Mrs Bracken

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

Recommendation: Members' instructions are requested

Background

The procedure for Hearings of Sub-Committees of the Licensing Committee established in accordance with Section 9 of the Licensing Act 2003 is attached.

The application is made by Kent Police, Council Offices, Argyle Road, Sevenoaks, Kent. TN13 1HG for a review of the premises licence for The New Inn, 75 St. Johns Hill, Sevenoaks, Kent. TN13 3NY on the grounds of the licensing objective of Prevention of Crime and Disorder.

THE GROUNDS FOR REVIEW ARE:

Following the suspected purchase of a substantial amount of what is believed to be unlawful drugs at the premises on two separate occasions.

Representations received from statutory consultees:

Fire Safety	NO OBJECTIONS
Trading Standards	NO COMMENTS RECEIVED
Social Service	NO COMMENTS RECEIVED
Police	SEE ABOVE STATEMENT
Commercial	NO OBJECTIONS

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Environmental Protection	NO OBJECTIONS
Development Control	NO OBJECTIONS

Representations received from interested parties:

1 from local resident on behalf of themselves and the residents

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.

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 -

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- (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: $\frac{1}{2}$ 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.

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Hearing conditions - currently on the licence.

All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.

For the final hour of opening the music is reduced in volume and is discernibly quieter.

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.

The relevant section of the Guidance issued under section 182 of The Licensing Act 2003 is Chapter 11, which is attached to this report at Appendix B.

Human Rights

In considering this Notice it is necessary to consider the rights of the premises user. The hearing procedure has been formulated to ensure a fair hearing for all parties.

Legal

Under the Licensing Act 2003 the Licensing Authority has a duty to exercise licensing control in respect of premises licences.

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 19th June 2012 subject to any appeal to a Magistrates Court or higher Court.

Sources of Information: <http://www.culture.gov.uk/beerandentertainment>

Contact Officer(s): Mrs. Claire Perry Ext. 7325

Mrs. Leeann Leeds Ext. 7270

KRISTEN PATERSON
COMMUNITY AND PLANNING SERVICES DIRECTOR

From: [REDACTED]
Sent: 27 April 2012 09:01
To: Licensing
Subject: New Inn Public House, St John's Hill, Sevenoaks

FAO: Leanne Leeds

I am writing this letter on behalf of the residents of St James' Road and Golding Road, who wish to undermine the licensing objective of prevention of public nuisance

We as residents of St James's Rd (the Castle end!) have to put up with quite a lot that the New Inn can throw at us. As long term residents, we long for the day the New Inn respected the views of its local inhabitants. I speak constantly to many residents around St John's and St James's and we all share the same views. My garden, along with other residents who live in Golding Rd, all dread summer days where the locals spill out into the garden or the road, made worse since the smoking ban a few years ago.

Our main objective to the pub has always been the volume of noise spewing out on a weekend, especially in high summer, and the lack of respect it gives to noise pollution after hours (11pm onwards). The council and the police seem never too interested in this part of the town and I'm sure they would be more attentive if this problem was occurring near the vine or the town centre.

We have never objected to the pub being there, after all, it's been there a long time, and I have also frequented its establishment over the years, along with the remaining few such as the Castle and the Rifleman. We all realise that Pubs have to run a business and that means all sorts of entertainment. But we do object strongly to the way it behaves and gets away with it and we have had several "run-ins" with various landlords of the New Inn over many years much to no avail.

We have badgered the council about its license and its views on loud music at unsociable hours, and we were led to believe that the fire exit doors, which they use as an entrance to the so called bear garden? Should remain SHUT at all times and if they are to maintain a bear garden, then they should build in the necessary building regulations such as a double door etc... Talking of which, one resident has already witnessed "fly-tipping" from the current landlord who seems to think that dumping his rubbish over the fence out of sight from his beer garden is perfectly Ok? Although I appreciate that the land is privately owned and therefore the Council is powerless to act on such illegal activities as fly tipping, it just highlights the many problems we as residents encounter on a regular basis.

I conclude by stating that we have no objection to there being a public house but would wish for swift action to be taken in reducing the on-going noise pollution that this public house seems to revel in without any due care or responsibility to its local residents.

I welcome any positive action that will enhance the lives of the residents in this area and fully support the police in tackling drugs and other anti-social behaviours that seem to be on the increase in the area.

I have already dropped off at your offices a signed petition from some of the residents who wish for their names and addresses to remain private and confidential, and this was action on the request of Ms Hazel Marlor of the Environmental Department at Sevenoaks DC.

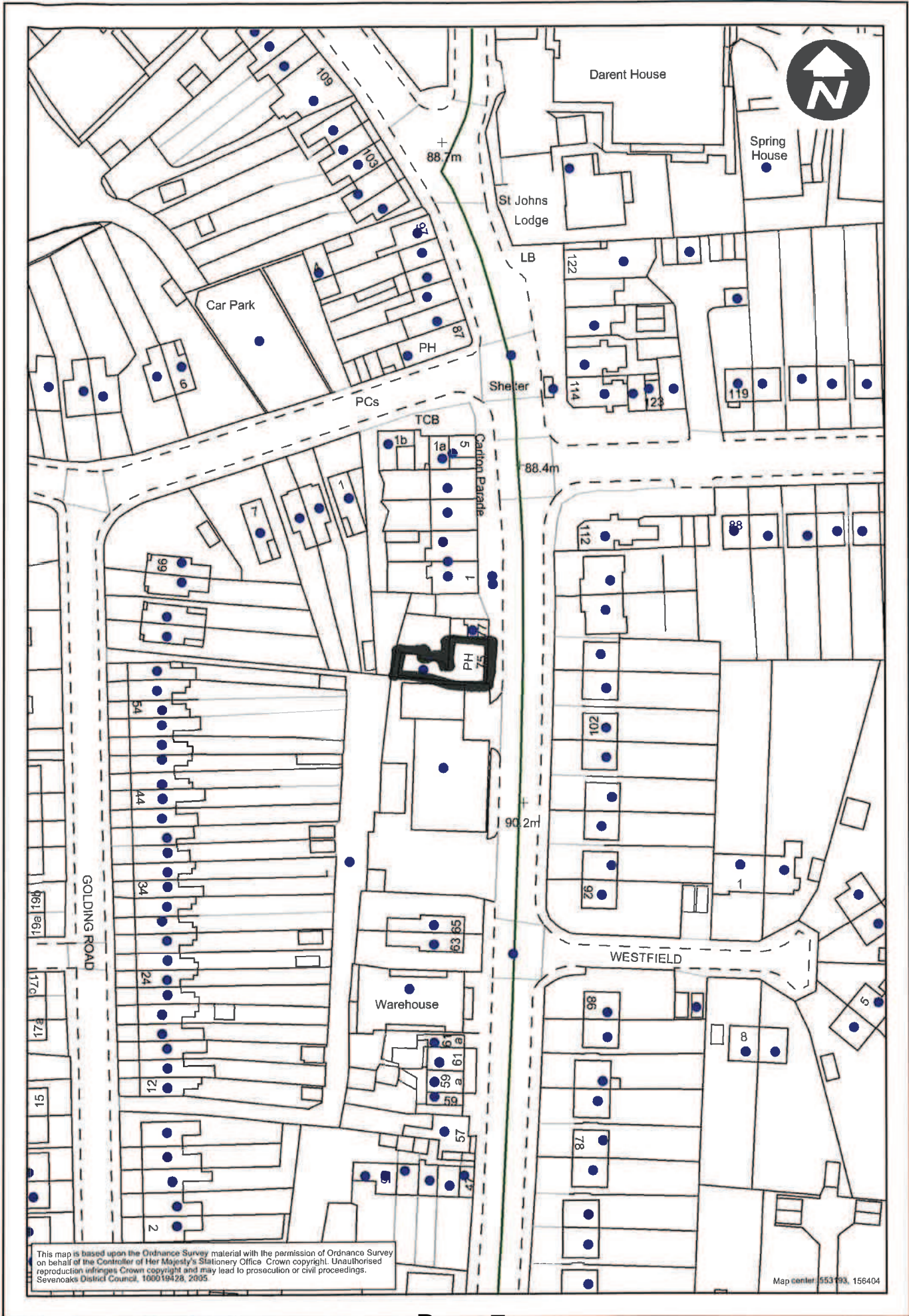
If I can be of further assistance, please do not hesitate to contact me

Kind regards

Simon Martin

■ St James's Road
Sevenoaks
TN13 3NH

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