



Despatched: 16.08.13

**LICENSING COMMITTEE - LICENSING HEARING**

**02 September 2013 at 10.30 am**

**Council Chamber, Argyle Road, Sevenoaks**

**AGENDA**

**Membership:**

Cllrs. Abraham, Mrs. Morris and Raikes

(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.)

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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 Democratic 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 Partnership Manager on 01732 227325.

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1. **Appointment of Chairman**
2. **Apologies for absence**
3. **Declarations of interest.**
4. **Application for a review of the Premises Licence for the Edenbridge Cellar, 58 High Street, Edenbridge, Kent. TN8 5AJ (Pages 1 - 16)**

(Edenbridge North & East)

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

- 1.1 In accordance with Section 9(1) of the Licensing Act 2003, the Licensing Committee has resolved to establish Sub-Committees, each consisting of three members of the Committee.
- 1.2 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 2011.
- 1.3 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.
- 1.4 The quorum for a Sub-Committee shall be two members.
- 1.5 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
- 1.6 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 Regulation.

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**APPLICATION FOR A REVIEW OF THE PREMISES LICENCE FOR THE EDENBRIDGE CELLAR, 58 HIGH STREET, EDENBRIDGE, KENT. TN8 5AJ UNDER THE LICENSING ACT 2003**

**APPLICATION REFERENCE NO: 13/02178/REVIEW**

**Licensing Hearing – 2 September 2013**

Report of                      Head of Environment & Operational Services – Mr Richard Wilson

Status:                         For Decision

Key Decision:                No

**Portfolio Holder**            Cllr. Ms. Lowe (Portfolio Holder for Housing & Community Safety)

**Contact Officer(s)**        Miss. Jessica Bolton Ext. 7480

                                      Mrs. Leeann Leeds Ext. 7270

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**Recommendation:** Members' instructions are requested

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**Introduction and Background**

1. The procedure for Hearings of Sub-Committees of the Licensing Committee is established in accordance with Section 9 of the Licensing Act 2003.
2. The application is made by Kent Police, Council Offices, Argyle Road, Sevenoaks, Kent. TN13 1HG for a review of the premises licence for Edenbridge Cellar, 58 High Street, Edenbridge, Kent. TN8 5AJ on the grounds of the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

**The Grounds for Review are:**

3. Kent Police do not have confidence in the effective day to day management and control of this premises by the current Designated Premises Supervisor.
4. The DPS rarely attends the premises, and the staff are unable to contact her, either by phone or in person.
5. There are strong indications that staff are being left to their own devices and not supervised, either directly or remotely for extended periods of time.
6. This is despite efforts by Kent Police and Trading Standards to address this.
7. The Licensing Act 2003 is very clear that the sale of alcohol must not take place if there is not a Designated Premises Supervisor. Without this effective supervision

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all the licensing objectives are compromised. Of particular concern is the risk of alcohol being supplied to children, and the resultant risk of harm associated with this.

### **Representations received from statutory consultees:**

|                          |                                   |
|--------------------------|-----------------------------------|
| Fire Safety              | <b>NO COMMENTS RECEIVED</b>       |
| Trading Standards        | <b>NO OBJECTIONS (Appendix A)</b> |
| Social Service           | <b>NO COMMENTS RECEIVED</b>       |
| Police                   | <b>SEE ABOVE STATEMENT</b>        |
| Commercial               | <b>NO COMMENTS RECEIVED</b>       |
| Environmental Protection | <b>NO OBJECTIONS</b>              |
| Development Control      | <b>NO OBJECTIONS</b>              |

### **Representations received from interested parties:**

1 in support of the Review of the premises Licence from Edenbridge Town Council (Appendix A).

### **Key Implications**

#### Financial

None directly arising from this report.

#### Legal Implications and 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 02<sup>nd</sup> September 2013 subject to any appeal to a Magistrates Court of higher Court.

The relevant section of the Guidance issued under section 182 of The Licensing Act 2003 is Chapter 11.

Equality Impacts

| Consideration of impacts under the Public Sector Equality Duty:   |        |                        |
|---|--------|------------------------|
| Question  | Answer | Explanation / Evidence |
| a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community? | No     | N/A                    |
| b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?                                    | No     |                        |
| c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?   |        |                        |

**Conclusions**

Without prejudice, the Officer would like to draw to Members attention issues that they may wish to consider:

Mandatory conditions – the following conditions are already added to the premises licence.

**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**

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

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request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

### **Operation Schedule**

Identification will be asked for of any person ordering alcohol who looks under the age of 21.

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.

### **Appendices**

Appendix A – Representations from Town Council and Responsible Authorities

Appendix B – Location maps

### **Background Papers:**

<https://www.gov.uk/government/organisations/home-office/series/alcohol-licensing-premises-licence-application>

**Mr Richard Wilson**  
**Head of Environment & Operational Services**



**Jessica Bolton**

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**From:** Licensing  
**Sent:** 19 August 2013 12:08  
**To:** Jessica Bolton  
**Subject:** FW: Edenbridge Cellar, 58 High Street, Edenbridge

FYI..

Janet.

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**From:** Clare.Hooper2@kent.gov.uk [mailto:Clare.Hooper2@kent.gov.uk]  
**Sent:** 15 August 2013 15:45  
**To:** Licensing  
**Subject:** RE: Edenbridge Cellar, 58 High Street, Edenbridge

Dear Janet

Yes I can confirm it is in support of the application.

Kind regards

Clare

**Mrs Clare Hooper**  
**Trading Standards Officer**

Kent County Council  
Customer and Communities  
Regulatory Services Group  
8 Abbey Wood Road  
Kings Hill  
West Malling  
Kent, ME19 4YT  
Internal tel: 7003 5291  
External tel: 01732 525291  
Fax: 01732 525319  
Email: [clarem.hooper@kent.gov.uk](mailto:clarem.hooper@kent.gov.uk)

[www.kent.gov.uk/tradingstandards](http://www.kent.gov.uk/tradingstandards)  
[www.buywithconfidence.gov.uk](http://www.buywithconfidence.gov.uk)

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**From:** Licensing [mailto:licensing@sevenoaks.gov.uk]  
**Sent:** 14 August 2013 10:37  
**To:** Hooper, Clare - CC CS  
**Subject:** RE: Edenbridge Cellar, 58 High Street, Edenbridge

Dear Clare,

Thank you for your comments re the above.


I have passed them to our Licensing Officer but would be grateful if you could confirm that your comments are made in support of the review application.

Many thanks,

Janet Lockie

Licensing Administration Officer

for Sevenoaks District Council, Tunbridge Wells Borough Council and Maidstone Borough Council

 **Direct:** 01732 227185

 **Fax:** 01732 742339

 **Email:** [janet.lockie@sevenoaks.gov.uk](mailto:janet.lockie@sevenoaks.gov.uk)

[www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk)



*please don't print this e-mail unless you really need to*

### The Licensing Partnership

Sevenoaks District Council, Tunbridge Wells Borough Council and Maidstone Borough Council have a Licensing Partnership to process and issue licensing applications.

Applications should be sent to the address below where there is a central administration.

Licensing Officers are located at each local licensing authority, together with admin support to deal with people visiting the Gateways and Tunbridge Wells Town Hall.

**Please send all licensing applications to:**



Licensing Partnership

P.O. Box 182

Sevenoaks

Kent TN13 1GP

**Email:** [licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk)



tel: 01732 227004

**Payments:** For all licensing applications please make cheques payable to: "Sevenoaks District Council". Alternatively card payments may be made over the telephone on the number above.

**Help us to improve our licensing service to you by completing our online survey** [Click here to comment](#)



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Follow us on  
**Pinterest**

- We value your feedback, comment online on the service you receive from us: [Click here to comment](#)

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**From:** Clare.Hooper2@kent.gov.uk [mailto:Clare.Hooper2@kent.gov.uk]

**Sent:** 13 August 2013 13:52

**To:** Licensing; Kent Police - Mark Beresford

**Subject:** FW: Edenbridge Cellar, 58 High Street, Edenbridge

Further to my brief email below, I have been unable to add the whole content of the attached letter to the following alcohol licence review. Therefore I have sign posted my online application to the attached letter.

**Your ref:** 13/02178/REVIEW

**Premises:** Edenbridge Cellar, 58 High Street, Edenbridge, Kent, TN8 5AJ

Kind regards

Clare

**Jessica Bolton**

---

**From:** Clare.Hooper2@kent.gov.uk  
**Sent:** 13 August 2013 13:52  
**To:** Licensing; Kent Police - Mark Beresford  
**Subject:** FW: Edenbridge Cellar, 58 High Street, Edenbridge  
**Attachments:** Edenbridge Cellar .doc

Further to my brief email below, I have been unable to add the whole content of the attached letter to the following alcohol licence review. Therefore I have sign posted my online application to the attached letter.

**Your ref: 13/02178/REVIEW**

**Premises: Edenbridge Cellar, 58 High Street, Edenbridge, Kent, TN8 5AJ**

Kind regards

Clare

**Mrs Clare Hooper**

**Trading Standards Officer**

Kent County Council

Customer and Communities

Regulatory Services Group

8 Abbey Wood Road

Kings Hill

West Malling

Kent, ME19 4YT

Internal tel: 7003 5291

External tel: 01732 525291

Fax: 01732 525319

Email: [clarem.hooper@kent.gov.uk](mailto:clarem.hooper@kent.gov.uk)

[www.kent.gov.uk/tradingstandards](http://www.kent.gov.uk/tradingstandards)

[www.buywithconfidence.gov.uk](http://www.buywithconfidence.gov.uk)

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**From:** Hooper, Clare - CC CS  
**Sent:** 13 August 2013 13:27  
**To:** 'licensing@sevenoaks.gov.uk'; 'Mark BERESFORD PC 9923'  
**Subject:** Edenbridge Cellar, 58 High Street, Edenbridge

Please find attached, for your information, a copy of a letter I am going to submit electronically.

Kind regards

Clare

**Mrs Clare Hooper**

**Trading Standards Officer**

Kent County Council

Customer and Communities

Regulatory Services Group

8 Abbey Wood Road

Kings Hill

West Malling

Kent, ME19 4YT

Internal tel: 7003 5291

External tel: 01732 525291

Fax: 01732 525319

Email: [clarem.hooper@kent.gov.uk](mailto:clarem.hooper@kent.gov.uk)

[www.kent.gov.uk/tradingstandards](http://www.kent.gov.uk/tradingstandards)

[www.buywithconfidence.gov.uk](http://www.buywithconfidence.gov.uk)

**TRADING STANDARDS**

**West Kent Area Office**

PO Box 286

West Malling

Kent ME19 4HW

Tel: 01732 525291

Fax: 01732 525319

Website: [www.tradingstandards.gov.uk/kent](http://www.tradingstandards.gov.uk/kent)

Email: [clarem.hooper@kent.gov.uk](mailto:clarem.hooper@kent.gov.uk)

Ask for: Clare Hooper

Ref: CH/ 379532

Date: 19 August 2013

Dear Sirs

**Licensing Act 2003**

**Your ref: 13/02178/REVIEW**

**Premises: Edenbridge Cellar, 58 High Street, Edenbridge, Kent, TN8 5AJ**

I write with regards to the above premises licence review. On Thursday 4 July 2013 I visited Edenbridge Cellar with Police Licensing Officer Mark Beresford, as we were visiting off-licenses in the area. I spoke to two sales assistants working in the shop. The shop displayed for sale a large amount of alcoholic drinks. The visit included:

**1. Reviewing the shops refusals record**

A record of refused sales of age restricted products was reviewed. This record showed that during 2013 only one member of staff had recorded refusals. This one person had only made records of refusals for the months of March and April this year. There was no evidence to suggest the refusals record is monitored.

**2. Age verification policy (condition of an alcohol license)**

At the time of my visit two sales assistants were standing behind the till area, working in the shop. I tried to discuss with the two sales assistants what they have to do when they sell age restricted products (such as alcohol) and how they ensure no underage sales of alcohol take place. Neither sales assistant could satisfactorily explain to me what the shop's policy is.

**3. Staff training refresher**

Edenbridge Cellar had a folder behind the till, which Trading Standards previously provided. This folder includes some staff training material and a refusals record template. There was evidence to show that staff had been trained on the sale of age restricted products, but nothing which showed that staff actually understood the information they were given, or are doing what they have been told. There was also no refresher training.

**4. Business Advice Notice issued**

At the time of visit I was aware that my colleague, Trading Standards Officer Gillian Powell, previously had a meeting with the shops Designated Premise Supervisor, to advise on the sale of age restricted products. Also present at this meeting was Police Licensing Officer Mark Beresford. From viewing Kent Trading Standards records, this meeting took place 5<sup>th</sup> November 2012. This visit was arranged due to lack of confidence in the shops age verification policy when the shop was previously visited on 11<sup>th</sup> October 2012, when Gillian Powell spoke to a sales assistant.

Therefore at the time of my recent visit I knew that comprehensive advice on the sale of age restricted products had been provided to The Designated Premise Supervisor, so I left a notice which made the following points:

- a. Lack of refusals with the refusals record not being monitored. There was no evidence to show that all staff make refusals.
- b. To have an age verification policy is a condition of having an alcohol licence, requesting contact during the next 10 days to inform me what the shop's policy is.
- c. Staff training had not been updated and should be refreshed.
- d. Whilst I specifically asked to be contacted during the next 10 days, that they should also contact me if they have any questions. At the time of this record made on 13 August 2013, I have not had a response to the notice left.

Yours faithfully

**Clare Hooper**  
**Trading Standards Office**

Scan

Valid - JB.



**Sylvia Lewis**

**From:** Christine Lane <townclerk@edenbridgetowncouncil.gov.uk>  
**Sent:** 12 August 2013 15:32  
**To:** Licensing  
**Subject:** 13/02178/Review

13/02178/Review

I understand that a review of the licence for the Edenbridge Cellar is to be considered.

Over the last 12 months there has been a marked increase in the amount of anti social behaviour in the High Street area and in the number of bottles and cans the Council's groundstaff and the volunteer litter pickers have found in the Market Yard Car Park and other areas where youngsters gather.

At a recent meeting over anti- social behaviour the residents living close to the car park said that they believed that alcohol was being purchased by youngsters from the Edenbridge Cellar.

The Town Council supports the recommendations by the Police either to remove the licence or to ensure that the premises are properly supervised and managed.

Kind regards  
 Christine Lane  
 Town Clerk

**01732 865368**  
**Edenbridge Town Council, Doggetts Barn,**  
**72a High Street, Edenbridge, Kent TN8 5AR**

[townclerk@edenbridgetowncouncil.gov.uk](mailto:townclerk@edenbridgetowncouncil.gov.uk)

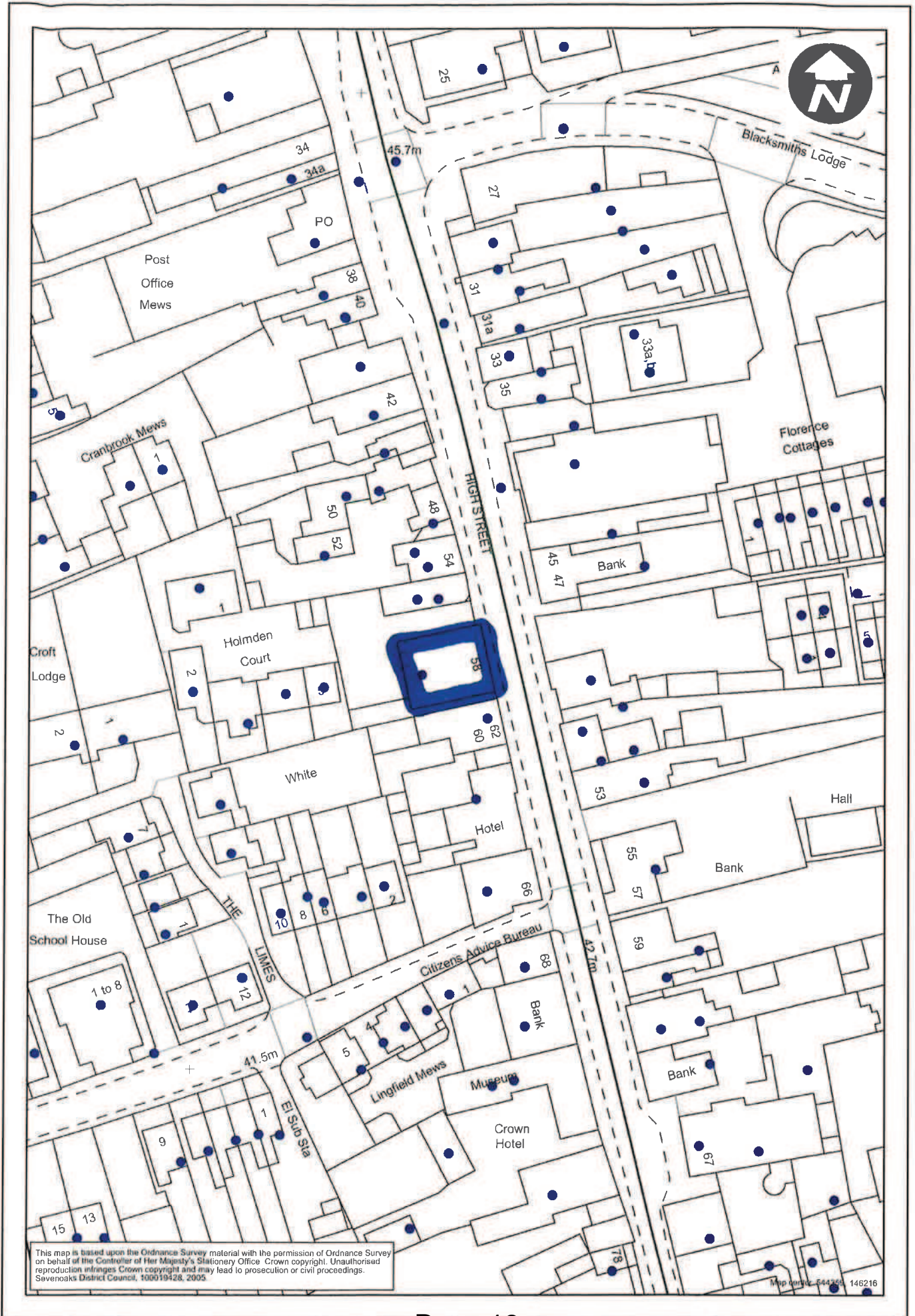
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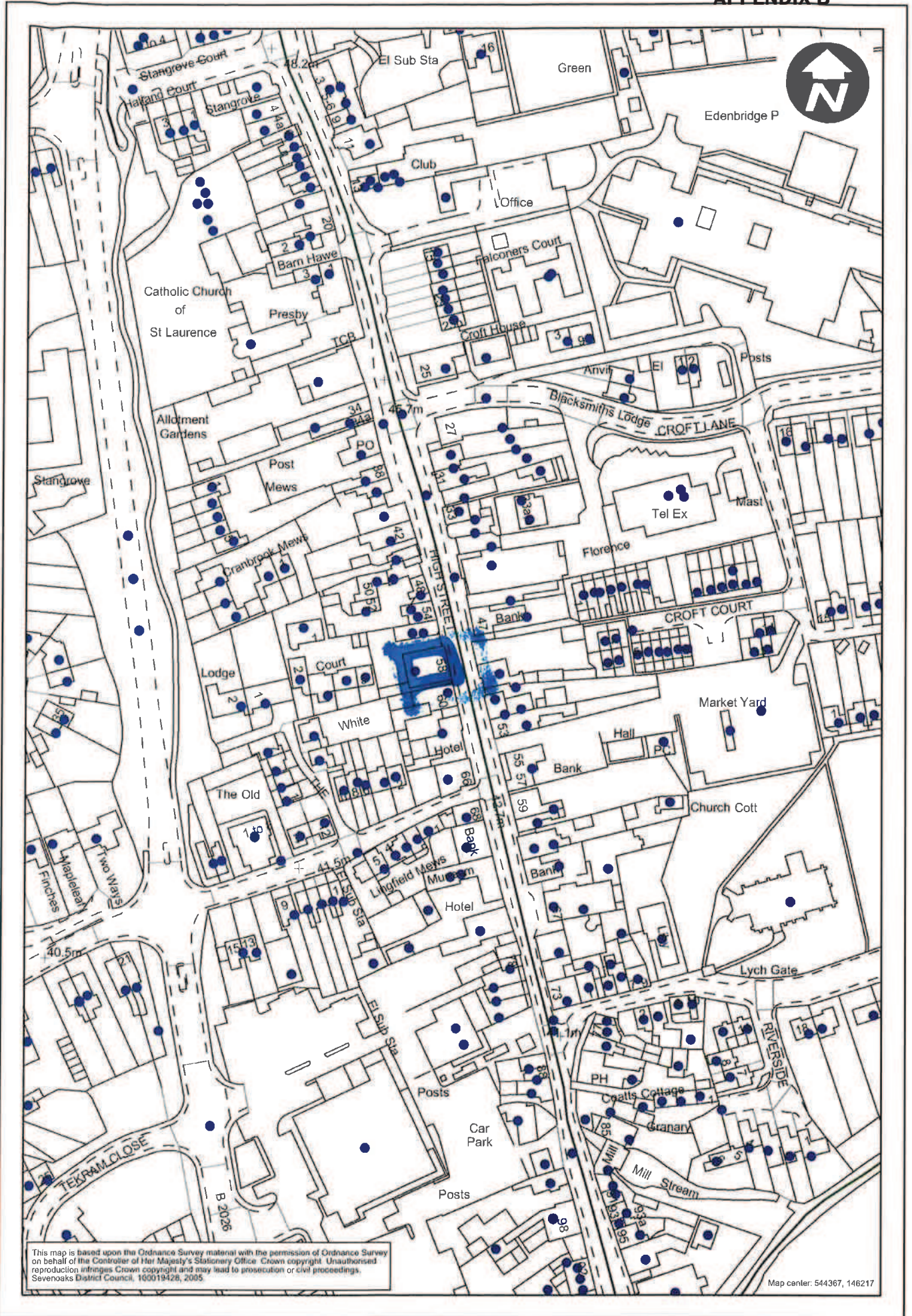
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