



LICENSING COMMITTEE - LICENSING HEARING
(SUB-GROUP B)
03 September 2013 at 2.00 pm
Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Cllrs. Abraham (substitute), Davison 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.)

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.

1. Appointment of Chairman

Apologies for absence

2. Declarations of interest.

3. Application for a Premises Licence - Martins, 19 - 21 The Row, New Ash Green, Kent. DA3 8JB (Pages 1 - 10)

(Ash and New Ash Green)

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 five 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.

APPLICATION FOR A PREMISES LICENCE FROM MARTINS, 19 - 21 THE ROW, NEW ASH GREEN, KENT. DA3 8JB FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003

LICENSING COMMITTEE (HEARING) – 3 SEPTEMBER 2013

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

Status: For Decision

Key Decision: No

Executive Summary: (Only to be inserted if report is more than 2 A4 sides long – if not – delete.) Set out the key issues in the report.

This report supports the Key Aim of (insert information from Community Plan or Best Value Performance Plan or delete if unnecessary and irrelevant.)

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

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

Mrs. Leeann Leeds Ext. 7270

Recommendation: Members' instructions are requested

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 Martin McColl Ltd, Martin McColl House, Ashwells Road, Brentwood, Essex. CM15 9ST
3. The application is to allow licensable activities at the premises.
4. The application is to allow:

Section M	To allow sale of alcohol for consumption off the premises every day from 09:00 until 21:00 hours
Section O	Hours premises are open to the public from 06:00 until 23:00 hours

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

Agenda Item 3

6. **General:**

We are a national retailer that sells alcohol as part of a broad offering of goods and services. We have held off-licenses in our stores for many years and are an approved British Institute of Inn-Keeping examination centre. We have written training policies and formal training programs are in place, which ensure our people are equipped to meet all licensing objectives. All training and revision / refresher materials are reviewed regularly. We have introduced our "Think 25" policy to all our stores, this policy is brought to the customers attention through point of sale material at the checkout and wherever alcohol is displayed for sale.

7. **The Prevention of Crime and Disorder:**

The premises has digital CCTV system that covers many areas of the shop floor, including the proposed area which will be used for display of beer and wine. High value alcoholic products such as champagne and spirits will be displayed behind the sales counter.

Images are retained for a minimum of 31 days and made available on request by an authorised person.

A member of the Management team is on the premises all the time the store is open.

8. **Public Safety:**

A member of the Management team is on the premises all the time the store is open and is trained to manage the store including looking after the safety of the public.

The store adheres to all rules and regulations relating to public safety.

9. **The Prevention of Public Nuisance:**

These premises are proposed to be licensed for the consumption of liquor off the premises only. In addition to there being no consumption on the premises, there is no form of entertainment on the premises. There are no outdoor area utilised for the benefit of member of the public and the nature of the operation does not require the employment of door supervisors or use of dedicated cab firms. The store is an active member of the community and is always happy to liaise with police and enforcement authorities should the need arise.

10. **The Protection of Children from Harm:**

All staff are trained and have regular refresher training on the corporate "Think 25" policy. Staff are trained to look at the customer and "Think 25" when selling age restricted products.

A till prompt will appear on the initial sale of alcohol that will remind the seller of the Think 25 policy and remind staff not to sell alcohol to anyone under the age of 18. The Company also provide continual external support through test purchasing

operations. When alcohol is refused by the seller the refusal is recorded and refusals frequently checked on a regular basis by a Manager.

The store displays signage around the store informing both staff and customers of our "Think 25" policy

11. Representations received from statutory consultees:

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

12. Representations received from interested parties:

2 received from local residents

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 03rd September 2013 subject to any appeal to a Magistrates Court or higher Court.

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	No	N/A

Agenda Item 3

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
against different groups in the community?		
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 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

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.

Appendices

Appendix A – Representations from local residents

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

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19 JUL 2013

SEVENOAKS DISTRICT COUNCIL

From: publicaccess@sevenoaks.gov.uk
Sent: 18 July 2013 21:30
To: Licensing
Subject: Comments for Licensing Application 13/02105/LAPRE

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 9:28 PM on 18 Jul 2013 from Mr Michael Boniface.

Application Summary

Address: 19 - 21 The Row New Ash Green Kent DA3 8JB

Proposal: Premises Licence

Case Officer: Jessica Bolton

[Click for further information](#)

Customer Details

Name: Mr Michael Boniface

Email: [REDACTED]

Address: [REDACTED]

Comments Details

Committer Type: Member of the Public

Stance: Customer objects to the Licensing Application

Reasons for comment:

- Crime Objections
- Fitness of Licence Applicant
- Noise Disturbance
- Opening Hours
- Protection of Children from Harm
- Safety of Premises

Comments: 9:28 PM on 18 Jul 2013 There is already sufficient businesses selling off-premises alcohol without a newsagent selling it as well. There has been an alcohol problem with under-age drinkers in the village for many years. The Co-op is opposite Martins. It's opening hours are 7am to 10pm. Additional off-licence premises are NOT necessary. I strongly oppose this application. There is a problem with youngsters in the area leaving drink related rubbish in the village. This is likely to make it worse. I have seen in the past some of the staff in Martins selling cigarettes to underage youngsters, I would not trust them not to sell alcohol to underage youngsters. There is no publicity in the village about this application. Very few people know about it. Not good.

LICENSING PARTNERSHIP

19 JUL 2013

SEVENOAKS DISTRICT COUNCIL

From: publicaccess@sevenoaks.gov.uk
Sent: 18 July 2013 20:45
To: Licensing
Subject: Comments for Licensing Application 13/02105/LAPRE

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 8:43 PM on 18 Jul 2013 from Mrs Carol Boniface.

Application Summary

Address: 19 - 21 The Row New Ash Green Kent DA3 8JB

Proposal: Premises Licence

Case Officer: Jessica Bolton

[Click for further information](#)

Customer Details

Name: Mrs Carol Boniface

Email: [REDACTED]

Address: [REDACTED]

Comments Details

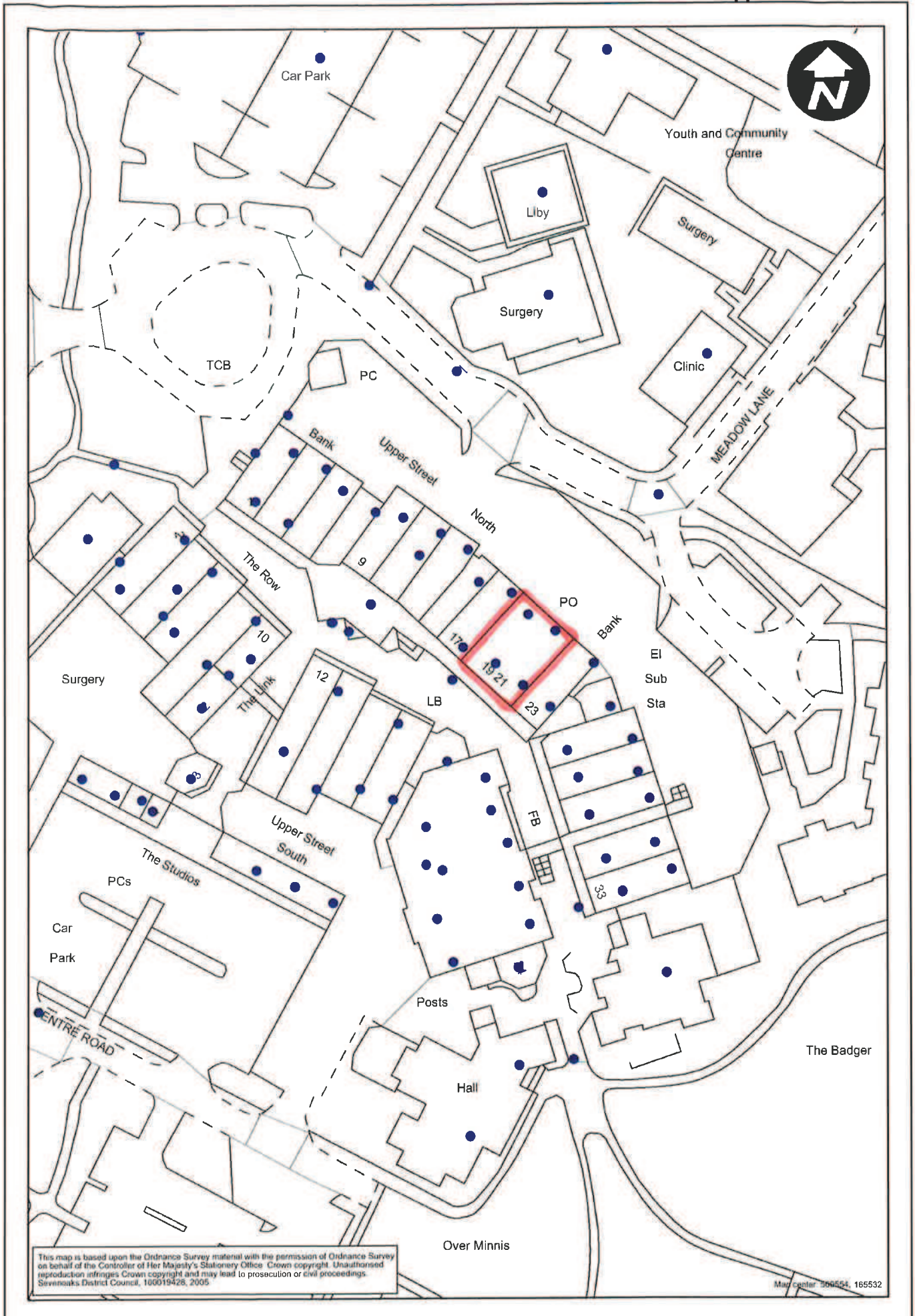
Commenter Type: Member of the Public

Stance: Customer objects to the Licensing Application

Reasons for comment:

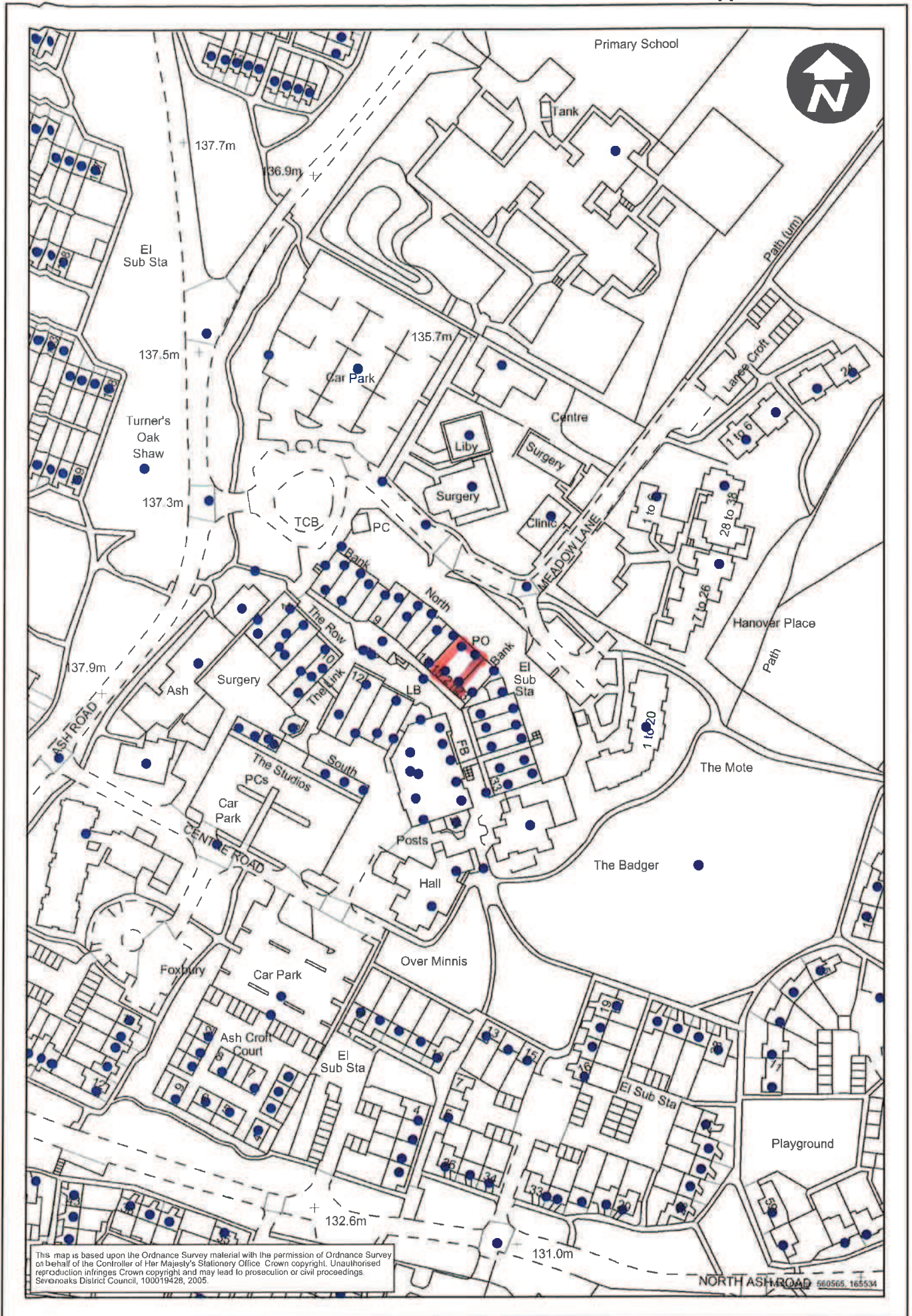
- Crime Objections
- Fitness of Licence Applicant
- Noise Disturbance
- Opening Hours
- Protection of Children from Harm

Comments: 8:43 PM on 18 Jul 2013 This application is quite unnecessary. There is a Co-Op branch directly opposite the applicant. It sells alcohol. We have experienced under-age drinking in New Ash Green over the years. There is absolutely no necessity for another premise to sell drink for consumption off the premises. The new refitted Co-Op opening hours are from 07.00 am to 10.00pm apart from Sunday. I also doubt the capability of the staff at Martin's not to sell alcohol to under-age customers. They sell cigarettes to youngsters who are definitely under 16 years of age, albeit possibly not as much as they used to. There has been an under-age drink problem in the Village for years, there is no need to add to it! I totally oppose this application as strenuously as possible. In addition, I have carried out a brief poll in the Village, not ONE other person had bothered to read the notice in Martin's window - there is no publicity to this application, so deliberately villagers have no idea of it. There is also a public house a few doors away from Martin's. I cannot believe that there is



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Map center 56554, 16552



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