

LICENSING HEARING

Minutes of the meeting of the Licensing Hearing
held on 19 August 2013 commencing at 1.05 pm

Present: Cllrs. Abraham, Mrs. Ayres and Ayres

Also present: P.C. Beresford - Kent Police Representative
Ms. C. Eames - Objector's Legal Representative
Mr. G. Barnes - Objector
Mr. K. Morris - Objector
Ms. S. Pegler - Objector
Ms. J. Bolton - Licensing Officer
Mrs. L. Leeds - Licensing Officer
Mr. G. Grove - Legal Adviser
Ms V. Etheridge - Democratic Services Officer
Mr. R. Wilson - Observer (Head of Environment & Operational Services)

1. Appointment of Chairman

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

2. Declarations of interest

There were no declarations of interest.

3. Licensing Act 2003 - consideration of interim steps following an application for a summary review of a premises licence - Royal Oak, West York, Ash

The Hearing gave consideration to a report by the Head of Environment & Operational Services giving details of an application under Section 53 of the Licensing Act 2003 for a summary review hearing and that accordingly the application had been referred to the Sub-Committee for consideration of interim steps pending a formal review hearing and determination on the grounds of the licensing objective of prevention of crime and disorder in accordance with Section 53A of the Licensing Act 2003.

The application was made by Kent Police and the grounds for review were that on Sunday 11 August 2013 there was an incident at the premises involving serious crime under section 53A of the Licensing Act 2003 (premises associated with serious crime and disorder), and the standard review route would take at least 28 days.

The Hearing heard from PC Beresford, the applicant on behalf of Kent Police and Ms Eames (Solicitor representing Shepherd Neame) and Mr Barnes (Property and Tenanted Trade Director – Shepherd Neame), the objectors to the application.

PC Beresford advised the Sub Committee that Kent Police did not request summary reviews as a matter of course but there were a number of factors in this case that gave them real concern that should these factors go unaddressed, the road was open for another serious assault, and a management response falling far below what is reasonable and expected, that could result in serious injury or worse of the reasons for

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the application. In response to the Chairman he advised that, subject to the Sub Committee's approval, certain interim steps had been agreed with the licence holder. These were that: Kevin Morris cease to be designated premises supervisor and be replaced with immediate effect by Samantha Pegler (the stepdaughter of Mr Morris and an existing member of staff); the terminal hour for sale of alcohol to be changed to 23.00 – all week, up until the full hearing; the terminal hour for the premises being open to be changed to 23.30 – all week, up until the full hearing; additional visits to be carried out by brewery management; a suitable drugs policy to be put in place; and adaptation of the CCTV.

In response to questions from the Sub Committee he advised that he had requested the transcript of the discussion with the emergency services operator which should be available in time for the full review hearing, and that he did not have dates or details with him but he believed that there had been at least one other incident at the premises in the past month.

Ms Eames confirmed the agreement that had been reached with Kent Police, and added that the restrictions should only be in place until the full review hearing. In response to questions the Sub Committee was advised that Mr Morris was a tenant at the premises and would remain living there for the time being. No action would be taken by the licence holder when at the moment no details or evidence had been passed to them. The Sub Committee advised that they did not feel happy about the choice of alternative designated premises manager, Ms Eames pointed out that the agreement had been reached with Kent Police. PC Beresford confirmed that he was happy with the choice as Ms Pegler had, since the incident, been very cooperative.

It was confirmed that this was an interim steps hearing only. Pending the submission of the full evidence at the review hearing, which the licence holder had not yet had access to, they had decided not to take a challenging role.

At 13.35 the Hearing Members, the Council's Legal Adviser and Democratic Services Officer withdrew to consider the issues raised.

At 13.47 the Hearing Members, Council's Legal Adviser and Democratic Services Officer 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 interested parties as well as the guidance issued under Section 53A of the Licensing Act 2003 and the Council's Statement of Licensing policy.

It was therefore unanimously,

Resolved: That the following modifications be made to the current premises licence pending the full review hearing

- a) Kevin Morris cease to be designated premises supervisor and be replaced with immediate effect by Samantha Pegler;
- b) the terminal hour for sale of alcohol to be changed to 23.00, seven days a week;
- c) the terminal hour for the premises being open to be changed to 23.30, seven days a week;

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- d) additional visits to be carried out by brewery management;
- e) a suitable drugs policy to be put in place; and
- f) adaptation of the CCTV and the outside camera to be repaired.

THE MEETING WAS CONCLUDED AT 1.47 pm

Chairman

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LICENSING ACT 2003 – Section 53a

Notice of determination of interim steps following an application for a summary review of a premises licence

To: Chief Officer of Police for the Kent Police area
Of: Maidstone Police Station, Palace Avenue, Maidstone Kent
Ref: 11/00342/LAPMV

Sevenoaks District Council being the licensing authority, on the 15 August 2013 received an application for the review of a premises licence in respect of premises known as The Royal Oak, West Yoke, Ash TN15 7HT.

On the 19 August 2013, within 48 hours of receipt of the chief officer's application, a hearing was held to consider whether it was necessary to take interim steps, and having considered it the Council have determined as follows:

To make the following modifications to the Premises Licence pending the full review hearing (to be held within 28 days of the application being received):

Supply of alcohol:

Sunday to Thursday 10:00 - 23:00
Friday and Saturday 10:00 - 23:00

The opening hours of the premises:

Sunday to Thursday 10:00 - 23:30
Friday and Saturday 10:00 - 23:30

The designated premises supervisor where the premises licence authorises for the supply of alcohol be changed from

Mr Kevin Morris
3 Gresham Close
Rainham
Kent. ME8 7RR

to

Samantha Pegler
Royal Oak,
West Yoke,
Ash TN15 7HT

Minute Annex

To add conditions to the Licence as follows (pending the full review hearing):

CCTV to be adapted and outside camera repaired, to allow immediate taking of images recorded by police upon arrival whether on disk, video tape or otherwise. All recording to be kept for a minimum period of 28 days – prevention of crime and disorder, by allowing immediate viewing and circulation aiding apprehension of offenders – this allows an interim measure by the premises with CCTV coverage continuing following an incident.

A suitable Drugs Policy to be worked on and permanently put in place.

To add the following informative to the Licence as follows (pending the full review hearing):

Additional visits by brewery staff to be carried out.

The reason for the above modifications to the premises licence is to take interim steps due to the potential undermining of the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance in light of an alleged breach of licence conditions, until a full review hearing is held.

The interim steps are effective from the 19 August 2013.

Dated:

Signed

Chairman – Licensing Hearing

Signed

Designation – Licensing Officer

Please address any communications to:

The Licensing Partnership
Community Services
Council Offices
PO Box 182
Argyle Road
Sevenoaks
Kent TN13 1GP

Note: An appeal against the interim steps may be made to the above address and a further hearing held within a further 48 hours pursuant to Section 53A Summary Review Guidance 4.(4.1).