



Despatched: 15.11.13

LICENSING COMMITTEE - LICENSING HEARING
(SUB-GROUP C)
02 December 2013 at 10.30 am
Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Cllrs. Mrs. George, Orridge and Mrs. Parkin

(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**
2. **Declarations of interest.**
3. **Application for a Premises Licence from (The) Old Post Office, 13 High Street, Sevenoaks, Kent. TN13 1HZ (Pages 1 - 8)**

(Sevenoaks Town & St. Johns)

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 PREMISES LICENCE FROM OLD POST OFFICE (THE) , 13 HIGH STREET, SEVENOAKS, KENT. TN13 1HZ FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003

Application reference No: 13/01611/LAPRE

Licensing Committee (Hearing) – 2 December 2013

Report of Chief Officer Environmental & Operational Services – Mr Richard Wilson

Status: For Decision

Key Decision: No

Portfolio Holder Cllr. Lowe

Contact Officer(s) Leeann Leeds Ext: 7270

Recommendation to Licensing Sub Committee: Members’ instructions are requested

Introduction and Background

- 1 The procedure for Hearings of Sub-Committees of the Licensing Committee established in accordance with Section 9 of the Licensing Act 2003 is attached to the agenda.
- 2 The application is made by Mr Sureshchandra Patel & Mrs Parulata Patel 13 High Street Sevenoaks Kent. TN13 1HZ
- 3 Application is to allow licensable activities at the premises.

The application is to allow:

Section M	To allow sale of alcohol for consumption off the premises on Monday to Saturday from 07:00 hours until 21:00 hours. On Sunday from 07:00 hours until 15:00 hours. On Christmas Eve until 23:00 hours
Section O	Hours premises are open to the public on Monday to Saturday from 07:00 until 21:00 hours. On Sunday from 07:00 hours until 15:00 hours. On Christmas Eve until 23:00 hours

Agenda Item 3

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

General:

We comply with all the rules and requirements

The Prevention of Crime and Disorder:

We have CCTV cameras on the premises and alarm system.

All alcohol will be situated behind the counter and will not be displayed on the shop floor.

Public Safety:

Not specified on application form

The Prevention of Public Nuisance:

Not specified on application form

The Protection of Children from Harm:

We have a policy of 'No ID No Sale' for age related products on the premises.

All alcohol will be situated behind the counter and will not be displayed on the shop floor.

Representations received from statutory consultees:

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

Representations received from interested parties:

1 received (Appendix A)

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

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.

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?		N/A

Agenda Item 3

Appendices

Appendix A – Representations

Appendix B - Map

Mr Richard Wilson

Chief Officer for Environmental and Operational Services

Leeann Leeds

From: publicaccess@sevenoaks.gov.uk
Sent: 31 October 2013 10:53
To: Licensing
Subject: Comments for Licensing Application 13/01611/LAPRE

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

Comments were submitted at 10:56 AM on 31 Oct 2013 from Mr Andrew Burton.

Application Summary

Address: The Old Post Office 13 High Street Sevenoaks Kent TN13 1HZ
Proposal: Premises Licence
Case Officer: Leeann Leeds
[Click for further information](#)

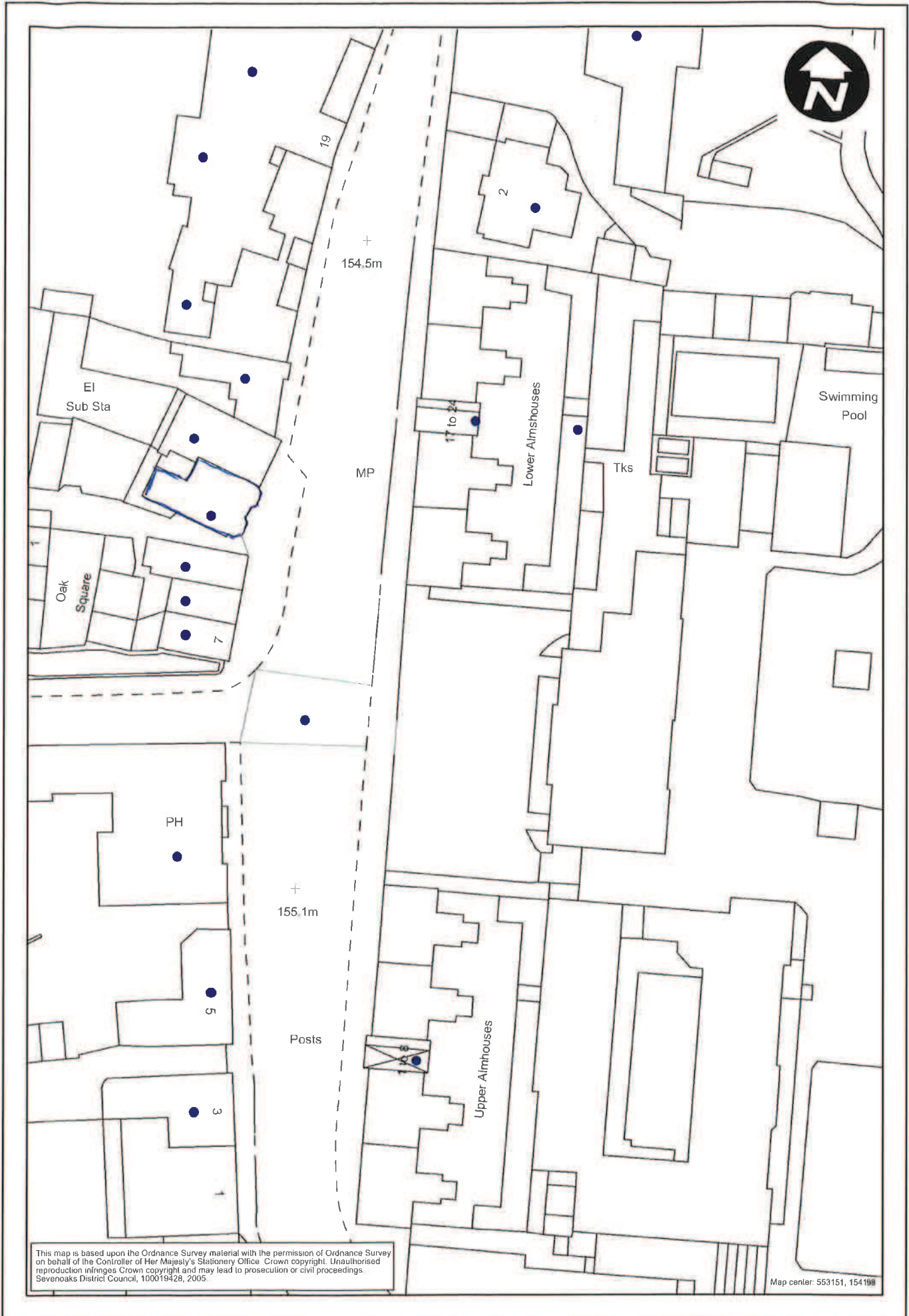
Customer Details

Name: Mr Andrew Burton
Email: [REDACTED]
Address: Sevenoaks School, High Street, Sevenoaks TH13 1HU

Comments Details

Commenter Type: Neighbour
Stance: Customer objects to the Licensing Application
Reasons for comment: - Noise Disturbance
- Protection of Children from Harm
Comments: 10:56 AM on 31 Oct 2013 I am writing on behalf of Sevenoaks School. The shop at The Old Post Office is well supported by staff and pupils from Sevenoaks School. Whilst we understand the difficult economic circumstances for small businesses, no attempt was made to discuss this matter with the School before the application for a licence was submitted. We consider that the creation of an off-licence immediately opposite the School would be detrimental to our pupils, some of whom are as young as 11. The application falls foul of the licensing objective of protecting children from harm. Moreover, we have already experienced cases of adults using the School as a short cut and confronting pupils when in an inebriated state. The availability of alcohol adjacent to the School would be likely to increase this risk. Additionally, we have a number of units of staff accommodation in the vicinity of the The Old Post Office and fear that the sale of alcohol for extended hours would lead to increased noise disturbance. All told, the granting of this licence would enhance the risk of public nuisance contrary to the licensing objectives.

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Map center: 553151, 154198

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