

LICENSING COMMITTEE
26 June 2014 at 6.00 pm
Conference Room, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Mrs. Morris Vice-Chairman: Cllr. Clark
Cllrs. Abraham, Ayres, Mrs. Ayres, Bosley, Cooke, Mrs. George, Orridge, Mrs. Parkin, Pett,
Raikes and Walshe

	<u>Pages</u>	<u>Contact</u>
Apologies for Absence		
1. Minutes	(Pages 1 - 28)	
To agree the Minutes of the meeting of the Committee held on 18 March 2014, and of the Sub-Committees held on 9 May 2014, 12 May 2014, 30 May 2014 and 4 June 2014 as a correct record.		
2. Declarations of interest		
Any interests not already registered		
3. Actions from the previous meeting		
None		
4. Appointments to Licensing Hearing Sub Committees	(Pages 29 - 30)	Vanessa Etheridge Tel: 01732 227199
5. Expedited/Summary Review Process And Recent Application	(Pages 31 - 36)	Claire Perry Tel: 01732 227325
6. Lullingstone Castle		Claire Perry Tel: 01732 227325
Verbal Update on horse trading issues at Lullingstone Castle.		

EXEMPT ITEMS

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

For any other queries concerning this agenda or the meeting please contact:

The Democratic Services Team (01732 227241)

LICENSING COMMITTEE

Minutes of the meeting held on 18 March 2014 commencing at 5.30 pm

Present: Cllr. Mrs. Morris (Chairman)

Cllr. Clark (Vice-Chairman)

Cllrs. Abraham, Cooke, Clark, Mrs. George, Mrs. Parkin, Piper and Raikes

Apologies for absence were received from Cllrs. Davison, Orridge and Walshe

18. Minutes

Resolved: That the minutes of the meeting of the Licensing Committee held on the 4 February 2014 be approved and signed by the Chairman as a correct record.

19. Declarations of interest

No additional declarations of interest were made.

20. Actions from the previous meeting

There were none.

21. Hackney Carriage and Private Hire Licensing: License Fees 2014/15

The Licensing Partnership Manager presented a report which detailed the fees and associated costs for licences in respect of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators. Communication was sent to Hackney Carriage and Private Hire licensees which asked for their views on the proposed increases in fees for the Taxi Licensing service. Only one comment was received.

In response to a question the Licensing Partnership Manager confirmed that there had been no changes to the report apart from the corrected typographical errors.

Public Sector Equality Duty

Members noted that there were no adverse equality impacts arising from the report.

Resolved: That it be recommended to Full Council that from 1 April 2014 the list of fees and associated costs for licences in respect of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators be varied as set out in paragraph 7 of the report.

22. Adoption of Kent Licensing Compliance and Enforcement Protocol

The Licensing Partnership Manager presented a report which advised Members of the revised Kent and Medway Compliance and Enforcement Protocol. She explained that a

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working group of the Kent and Medway Regulatory Licensing Steering Group which included some of the 12 other Local Authorities and Kent Police met to review the existing protocol.

In response to a question the Licensing Partnership Manager explained that there were key factors which were considered for a risk rating on a premises. Each premises would be given a score and depending on what band it was in would then depend on how often the premises was visited.

Public Sector Equality Duty

Members noted that there were no adverse equality impacts arising from the report.

Resolved: That it be recommended to Full Council to adopt a revised Kent and Medway Compliance and Enforcement Protocol.

23. Making a Representation

The Licensing Partnership Manager tabled a copy of Making a Representation which explained the procedures for making a written representation and speaking at a Licensing Hearing. She explained that if a person wanted to represent someone who had made a valid representation the Council must be notified in writing prior to the hearing.

The Committee expressed their thanks to the Licensing Partnership Manager, the Print Studio and Democratic Services for putting the leaflet together.

Resolved: The report was noted.

THE MEETING WAS CONCLUDED AT 5.50 PM

CHAIRMAN

LICENSING HEARING

Minutes of the meeting
held on 9 May 2014 commencing at 10.00 am

Present: Cllrs. Clark, Mrs. George and Mrs. Parkin

Also present	PC 9923 Mark Beresford	-	Applicant
	Mr. S. Parameswaren	-	Objector
	Mrs. V. Parameswaren	-	Objector
	Miss. E. Dring	-	Objector's Legal representative
	Mrs. L. Leeds	-	Licensing Officer (SDC)
	Mr. D. Lagzdins	-	Legal Advisor (SDC)
	Miss. C. Shacklock	-	Acting Democratic Services Officer (SDC)

1. Appointment of Chairman

Resolved: That Cllr. Clark be appointed as Chairman of the meeting.

2. Declarations of Interest

There were no additional declarations of interest.

3. Application For A Review Of The Premises License Under The Licensing Act 2003 For Sans Minimarket, 2 Station Parade, London Road, Sevenoaks, Kent. TN13 1DL

The Hearing gave consideration to a report by the Chief Officer Environmental and Operational Services giving details of an application for a review of the premises licence under Section 51 of the Licensing Act 2003 for Sans Minimarket, 2 Station Parade, London Road, Sevenoaks, Kent, TN13 1DL on the grounds of the licensing objectives the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

The Chairman advised the Hearing that the Sub-Committee had been shown the CCTV footage prior to the meeting. Both parties confirmed that they had seen also seen the footage and were happy for the meeting to continue.

The application stated that on 21 February 2014 a 20 year old male entered the store and purchased alcohol. He left the store and purchased alcohol. He left the store, joining a group of youths standing directly outside the entrance, who were under 18 years old and that it was very likely this alcohol was supplied to them. Staff failed to take reasonable steps to either confirm who the alcohol was going to be supplied to, their ages or to refuse the sale.

The Hearing heard from PC Beresford, the applicant on behalf of Kent Police who tabled a timeline of incidents for the Hearing's consideration and heard from Miss Dring (Legal representative for Sans Minimarket).

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Licensing Hearing - Friday, 9 May 2014

The Panel were shown a still image of the CCTV footage with regards to the communication between the youths. In response to questions from the Sub-Committee PC Beresford confirmed that five arrests were made from that group of youths. One was arrested before the sale at Sans Minimarket and the 4 other youths were arrested after the sale. Criminal damage had been made in the Sevenoaks area.

A witness statement from Mr. Parameswaren was tabled for the Hearing's consideration.

The Hearing heard from the legal representative for Sans Minimarket. They accepted the severity of the incident and had cooperated with the Police investigation. She advised the Sub-Committee that Mr. Parameswaren had held the premises license for Sans Minimarket for 12 years with no incidents and had also held one for 25 years in Greenhithe again with no incidents. Many of the conditions suggested had already been implemented.

In response to questions she confirmed that in due course four personal licences would be held by employees, as an application had been submitted by the Manager and Mr Parameswaren son. It was confirmed that the youth had been banned from the shop.

It was suggested by the Panel that in the future it could be worth considering the shop safe and Bottlewatch scheme PC Beresford Confirmed he was happy with the removal of the proposed conditions 3 and 5.

At 10:45 a.m. the Hearing Members withdrew to consider the issues raised accompanied by the Council's Legal Advisor and the Clerk to the Hearing for the purpose of providing advice only.

At 11:30 a.m. the Hearing Members, Council's Legal Advisor and the Clerk to the Hearing returned to the Council Chamber.

The Chairman advised the Hearing that the Sub-Committee had had regard to the Licensing Objectives, to the guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. He summarised the conditions and that the suggested conditions of 1, 2, 4 and 7 had already been implemented before the hearing. The Sub-Committee agreed that suggested condition 3 should be on the premises licence, however would allow for the time delay on the condition.

It was therefore unanimously,

Resolved: That the six additional conditions as set out in the licence attached as an appendix to these minutes be added to the premises licence.

THE MEETING WAS CONCLUDED AT 11.40 am

Chairman

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LICENSING ACT 2003 – Section 52 (10)

Notice of determination of application for a review of premises licence

To: Chief Inspector Tim Cook

Of: Kent Police, C/O Community Safety Unit, Sevenoaks Council Offices, Argyle Road, Sevenoaks, Kent. TN13 1HG

Ref: 14/00707/REVIEW

Sevenoaks District Council being the licensing authority, on the 13 March 2014 received an application for a review of the premises licence in respect of premises known as Sans Minimarket, 2 Station Parade, London Road, Sevenoaks, Kent. TN13 1DL

On the 9 May 2014 there being valid representations which were received had not been withdrawn, a hearing was held to consider these representations, and having considered it them the Licensing Sub-Committee determined as follows:

To modify the conditions of the licence in the following respects, namely

Mandatory Conditions:

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.

Conditions arising from the Licensing Hearing 9 May 2014

- 1) A 'challenge 25' scheme will be operated at all times to a standard agreed by the police and/or trading standards. All staff will be fully trained in 'Challenge 25' and the training will be fully auditable and available to any responsible authority on request, with notices to advise customers that 'Challenge 25' is in operation being prominently displayed.

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- 2) The premises supervisor shall ensure that a refusals and challenge register is kept and maintained to a standard agreed by the Police and Trading Standards. This will include a weekly supervisory check by the premises supervisor or duty manager, who will countersign the register and print the date of the check.. This register as a minimum shall include both refusals of alcohol and challenges for identification as per the challenge 25 scheme.
- 3) From three months from (a) until the end of the period given for appealing against the decision, or (b) if the decision is appealed against, until the appeal is disposed of no sale of alcohol shall take place at the premises unless a personal licensing holder is present in person.
- 4) The only proof of age that will be accepted will be a Passport, photographic driving licence or an accredited 'PASS' marked proof of age card.
- 5) No alcohol shall be sold at the premises, unless from the location of the checkout there is either:
 - a) a clear line of sight for staff at the checkout to be able to see outside the entrance, and / or
 - b) a CCTV and monitor operating and positioned so that staff at the checkout can view outside of the entrance
- 6) Between the hours of 17:00 and 22:00 hours on every Friday, there shall be no sale of alcohol unless there are at least 2 Members of staff working at the premises. This shall be the case for a period not less than 12 months from the imposition of this condition.

The reasons for the decision are:

- 1) The prevention of crime and disorder
- 2) The prevention of public nuisance
- 3) The protection of children from harm

The determination will not have effect (a) until the end of the period given for appealing against the decision, or (b) if the decision is appealed against, until the appeal is disposed of. *

Dated:

Signed

Chair – Licensing Hearing

Signed

Designation – Licensing Officer

Please address any communications to:

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

***Note:** Pursuant to Part 1 of Schedule 5 of the Licensing Act 2003 as amended, any party eligible to appeal must appeal to a magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

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LICENSING HEARING

Minutes of the meeting
held on 12 May 2014 commencing at 2.00 pm

Present: Cllrs. Abraham, Mrs. Morris and Raikes

Also present	Mr. N. Chapman	-	Applicant (SDC)
	Mr. M. de Gouveia	-	Objector
	Mrs. M. de Gouveia	-	Objector
	Miss. J. Bolton	-	Licensing Officer (SDC)
	Mr. D. Lagzdins	-	Legal Advisor (SDC)
	Miss. C. Shacklock	-	Acting Democratic Services Officer (SDC)

1. APPOINTMENT OF CHAIRMAN

Resolved: That Cllr. Raikes be appointed as the Chairman of the meeting.

2. DECLARATIONS OF INTEREST

There were no additional declarations of interest.

3. APPLICATION FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR YE OLD CROWN, 74 - 76 HIGH STREET, EDENBRIDGE, KENT. TN8 5AR

The Hearing gave consideration to a report by the Chief Officer Environmental and Operational Services giving details of an application for a review of the premises licence under section 51 of the Licensing Act 2003 for Ye old Crown, 74 -76 High Street, Edenbridge, Kent, TN8 5AR on the grounds of the licensing objective the prevention of public nuisance.

The application was made by Dartford and Sevenoaks Environmental Health Partnership, on the grounds that complaints had been received in 2013 and subsequently of amplified music. The Environmental Health Officer advised that the Landlord of Ye Old Crown had been served with an abatement notice and complaints had been received periodically since the serving of the notice. The Landlord had taken informal steps by relocating the music sets to a room with thicker walls, keeping the doors and windows shut and stopping amplified music being played outdoors. On 12 and 18 April 2014 an Environmental Health Officer had gone to the property from which the noise complaints had been made and the noise was now at an acceptable level. The Officer therefore felt it appropriate that the informal steps become conditions on the licence.

In response to questions the Environmental Health Officer explained that soundproofing was not always the most effective option as it could not be quantified. Ye Old Crown was a historic building and soundproofing could end up being very costly. He explained that since the publication of the agenda he had been in email contact with the Landlord and discussed revised conditions. A noise limiter was now considered inappropriate as it would be triggered too easily in rooms with such low ceilings. If the informal steps were

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Licensing Hearing - Monday, 12 May 2014

incorporated as conditions then it would be acceptable for music to continue until 11.30 p.m. as set out in the original licence.

The Landlord informed the hearing that sound was better insulated where the music had been moved to, that he had put acoustic foam around the windows and he carried out check to ensure that windows were kept shut. Sound levels would only rise when the doors were opened for people leaving and entering. The Environmental Health Officer advised this was comparable to other licensed premises.

At 2.25 p.m. the Hearing Members withdrew to consider the issues raised accompanied by the Council's Legal Advisor and the Clerk to the Hearing for the purpose of providing advice only.

At 2.49 p.m. the Hearing Members, Council's Legal Advisor and the Clerk to the Hearing returned to the Council Chamber.

The Chairman advised the Hearing that the Sub-Committee had had regard to the Licensing Objectives, to the guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. He also advised that the conditions were to prevent public nuisance.

It was unanimously,

Resolved: that the three additional conditions as set out below be added to the premises licence:

- 1) All doors and windows shall be kept closed except for access and egress during the playing of live and recorded music.
- 2) No live or recorded music shall be played within the outdoor areas of the premises.
- 3) Live music and DJ sessions shall only take place in the area highlighted in red on the plan attached to this notice.

THE MEETING WAS CONCLUDED AT 2.50 pm

Chairman

LICENSING ACT 2003 – Section 52 (10)

Notice of determination of application for a review of premises licence

To: Dartford and Sevenoaks Environmental Health Partnership

Of: Civic Centre, Home Gardens, Dartford, Kent, DA1 1DR

Ref: 14/00743/REVIEW

Sevenoaks District Council being the licensing authority, on the 17 March 2014 received an application for a review of the premises licence in respect of premises known as Ye Old Crown, 74 – 76 High Street, Edenbridge, TN8 5AR

On the 12 May 2014, with there having being valid representations which were received and which had not been withdrawn, a hearing was held to consider these representations, and having considered them the Licensing Sub-Committee determined as follows:

To modify the conditions of the licence in the following respects, namely

Mandatory conditions

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 -

(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);

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- (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: ½ 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.

Exhibition of films

Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where -

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section -

"children" means person aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Conditions arising from the Licensing Hearing on 12 May 2014

- 1) All doors and windows shall be kept closed except for access and egress during the playing of live and recorded music.
- 2) No live or recorded music shall be played within the outdoor areas of the premises.
- 3) Live music and DJ sessions shall only take place in the area highlighted in red on the plan attached to this notice.

The reasons for the decision are: the prevention of public nuisance

The determination will not have effect (a) until the end of the period given for appealing against the decision, or (b) if the decision is appealed against, until the appeal is disposed of. *

Dated:

Signed

Chair – Licensing Hearing

Signed

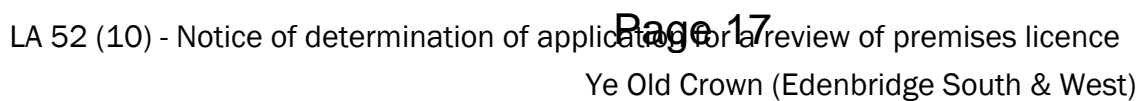
Designation – Licensing Officer

Please address any communications to:

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

***Note:** Pursuant to Part 1 of Schedule 5 of the Licensing Act 2003 as amended, any party eligible to appeal must appeal to a magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

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LICENSING HEARING

Minutes of the meeting held on 30 May 2014 commencing at 10.30 am

Present: Cllrs. Ayres, Mrs. Ayres and Mrs. Morris

Also present	PC 9923 M Beresford	-	Kent Police Representative
	Ms. S. Le Fevre	-	Objector's Legal Representative
	Mr. G. Liyanage	-	Objector
	Mrs. C. Powell	-	Objector
	Mr. S. Powell	-	Objector
	Mrs. L. Leeds	-	Licensing Officer
	Mr. L. Roberts	-	Legal Advisor
	Mr. D. Lagzdins	-	Democratic Services Officer

1. Appointment of Chairman

Resolved: That Cllr. Mrs Morris be appointed Chairman of the meeting.

2. Declarations of interest

Cllr. Ayres declared that he was a former policeman and collected a police pension.

3. Exclusion of Press and Public

Resolved: That, under section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting when considering Appendix A of the following report, 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. The Portobello Inn, London Road, West Kingsdown, TN15 6JB

(Exempt Information Schedule 12A paragraph 7 Local Government Act 1972)

The Hearing gave consideration to a report by the Chief Officer Environmental and Operational Services giving details of an application under Section 53A of the Licensing Act 2003 for a summary review hearing. Accordingly the application had been referred to the Sub-Committee as the licensing authority for consideration of whether interim steps were necessary pending a review of the premises licence.

The Hearing heard from the applicant and asked questions. The Hearing heard from the legal representative for the Premises Licence Holder and asked questions.

At 11.42 the Hearing Members withdrew to consider the issues raised. The Council's Legal Adviser and Democratic Services Officer were present to give legal advice and to minute the decision.

At 12.02 the Hearing Members, Council's Legal Adviser and Democratic Services Officer returned to the Council Chamber.

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Licensing Hearing - Friday, 30 May 2014

It was unanimously -

Resolved: That the Committee is satisfied on the basis of the information given in the application that on the day of the incident 23 May 2014 the supervision of the premises was not sufficient and that this contributed to the serious incident that occurred. Given the seriousness of the incident, suspending the licence in the interim is proportionate and necessary.

THE MEETING WAS CONCLUDED AT 12.04 pm

Chairman

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: 11/00696/LAPRE

Sevenoaks District Council being the licensing authority, on 28 May 2014 received an application for the summary review of a premises licence in respect of premises known as The Portobello Inn, London Road, West Kingsdown TN15 6JB.

On the 30 May 2014, 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 suspend the premises licence

For the following reasons:

The Committee is satisfied on the basis of the information given in the application that on the day of the incident 23 May 2014 the supervision of the premises was not sufficient and that this contributed to the serious incident that occurred. Given the seriousness of the incident, suspending the licence in the interim is proportionate and necessary.

The interim steps are effective from 30 May 2014.

Dated:	Signed
	Chairman – Licensing Hearing
	Signed
	Designation – Licensing Officer

Please address any communications to:

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

Note: Representations against the interim steps may be made to the above address and a further hearing held within a further 48 hours pursuant to Section 53B(6).

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LICENSING HEARING

Minutes of the meeting held on 4 June 2014 commencing at 10.30 am

Present: Cllrs. Abraham, Clark and Walshe

Also present	PC9923 M Beresford	-	Kent Police Representative
	PS9923 G Brimson	-	Kent Police Representative
	Mr. M. Phipps	-	Applicant's Legal Representative
	Ms. Y. Gell	-	Applicant
	Mrs. C. Powell	-	Applicant
	Mr. S. Powell	-	Applicant
	Mrs. L. Leeds	-	Licensing Officer
	Mr. L. Roberts	-	Legal Advisor
	Mr. D. Lagzdins	-	Democratic Services Officer
	Cllr. Mrs. Morris	-	SDC Councillor

The meeting commenced at 10:45 to facilitate on-going discussion between the Premises Licence Holder and the representatives from Kent Police.

1. Appointment of Chairman

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

2. Declarations of interest

There were none.

3. Exclusion of Press and Public

Resolved: That, under section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting when considering Appendix A of the following report, 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. The Portobello Inn, London Road, West Kingsdown, TN15 6JB

(Exempt Information Schedule 12A paragraph 7 Local Government Act 1972)

The Hearing gave consideration to a report by the Chief Officer Environmental and Operational Services giving details of an application under Section 53A of the Licensing Act 2003 for a summary review of the premises licence. On 30 May 2014 a meeting of the Licensing Sub-Committee had taken the interim step to suspend the premises licence pending the full review. A representation had been received by Sevenoaks District Council on 2 June 2014 made by the Premises Licence Holder against that interim step. Accordingly and under Section 53B of the Licensing Act 2003 the interim steps had been referred to the Sub-Committee for consideration.

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Licensing Hearing - Wednesday, 4 June 2014

An operating schedule proposed by the Premises Licence Holders was tabled for the consideration of the Hearing.

The Hearing heard from the representative from Kent Police and asked questions. The Hearing heard from the legal representative for the Premises Licence Holder and asked questions.

At 12.07 the Hearing Members, withdrew to consider the issues raised. The Council's Legal Advisor and Democratic Services Officer were present to give legal advice and to minute the decision.

At 12.47 the Hearing Members, Council's Legal Advisor and Democratic Services Officer returned to the Council Chamber.

It was unanimously -

Resolved: That the additional conditions as set out in the Notice of Determination attached as an appendix to these minutes be added to the premises licence.

Notice of Determination

THE MEETING WAS CONCLUDED AT 12.49 pm

Chairman

LICENSING ACT 2003 – Section 53B

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: 11/00696/LAPRE

Sevenoaks District Council being the licensing authority, on 28 May 2014 received an application for the summary review of a premises licence in respect of premises known as The Portobello Inn, London Road, West Kingsdown TN15 6JB.

On 30 May 2014, 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 a Notice of Determination was issued.

On 2 June 2014 Sevenoaks District Council received a representation against the interim steps taken by the Council as the Licensing Authority. Within 48 hours of receipt of the representations being received, a hearing was held to consider whether the interim steps were appropriate for the promotion of the licensing objectives and to determine whether to withdraw or modify the steps taken. Having considered these the Council have determined as follows:

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

Prevention of Crime and Disorder

A CCTV system is to be installed to an appropriate standard as agreed with the police. The premises licence will remain suspended until the system becomes fully operational.

The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and recordings shall be kept for a period of 28 days.

The correct time and date will be generated onto both the recording and the real time image screen.

If the CCTV equipment breaks down the designated premises supervisor shall ensure the licensing authority and the police are informed as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident book and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The licensing authority and the police shall be informed when faults are rectified.

The designated premises supervisor shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into

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a removable format at the request of the licensing authority or responsible authorities.

There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during.

CCTV cameras shall monitor all areas used by premise patrons including any external smoking area and the car park to monitor numbers and prevent crime and disorder.

Signage must be displayed indicating that CCTV equipment is in use and recording at the premises.

An incident logbook/refusals register will be kept by the designated premises supervisor. This will be in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to a responsible authority upon request.

A written procedure will be produced and promulgated to staff to ensure the police will be called in the event that any criminal incident takes place or appears to be imminently likely to take place at the premises and staff will co-operate in any police investigation.

For any pre arranged event a risk assessment shall be prepared and provided to the police.

Either the DPS her husband or her mother to be present at all times when sales take place

The external areas are to be monitored and check sheets shall be used to confirm this is being done

Public Safety

The designated premises supervisor shall provide training for all staff to ensure that they are familiar with the premises licence, the Licensing Act 2003 and the appropriate procedures in case of an emergency. A record of the training shall be maintained and shall be available upon request by the licensing authority or responsible authorities.

Prevention of Public Nuisance

Notices will be displayed at all exits instructing customers to respect the needs of local residents and leave the premises and the area quietly.

Performers will be supervised to ensure the loading of equipment at the end of any event does not disturb surrounding residents.

The external area shall only be open to customers until 11pm. Adequate notices will be displayed to inform patrons of this requirement. After this time smoking only will be permitted.

The designated premises supervisor shall take all reasonable steps to ensure that patrons using the outside areas do so in a quiet and orderly fashion. Staff will regularly monitor the external area to ensure customer behaviour is acceptable.

Protection of Children from Harm

A challenge 21 policy will be used whereby any person who appears to be under 21 years of age and is attempting to purchase alcohol will be asked to provide identification. The only acceptable proof of age identification will be a passport, a photo driving licence, an EU identity card, military identification or a PASS approved proof of age card. Staff will be trained in this policy and records of the training will be kept.

Children will only be permitted on any part of the premises when accompanied by an adult and must leave the premises by 8pm, unless they are taking a table meal or attending a function when they will be permitted to stay until the end of the meal or function. This does not apply to the immediate family of the DPS.

These modified interim steps are effective from 4 June 2014.

Dated:

Signed

Chairman – Licensing Hearing

Signed

Designation – Licensing Officer

Please address any communications to:

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

Note: There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

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APPOINTMENTS TO LICENSING HEARING SUB-COMMITTEES

Licensing Committee – 26 June 2014

Report of Chief Officer Legal and Governance

Status: For Decision

Key Decision: No

Portfolio Holder Cllr. Ms Lowe

Contact Officer(s) Vanessa Etheridge Ext. 7199

Recommendation to Licensing Committee: That the memberships of the Licensing Sub-Committees as set out in paragraph 6 below be approved.

Reason for recommendation: to comply with Part 8 of the Constitution.

Introduction and Background

- 1 Since 21 May 2009 the Committee has adopted emerging best practice in arranging the Licensing Committee into fixed pools of 3 Members who can be appointed, when necessary, for hearings. This arrangement is set out in the Committee's terms of reference.
- 2 Although the Committee is allotted into these groups of 3, any Member of the Committee is allowed to act as a substitute for any other. Substitutions are the responsibility of the Members concerned and should be notified to the Democratic Services Team at least one hour prior to the hearing.
- 3 At its meeting held on 26 June 2013 the Committee indicated that one additional Member should be put on "standby" for each Hearing in case a substitute is needed at relatively short notice. For administrative purposes this Member was to be selected informally by the Democratic Services Team.
- 4 The process has an aim of stressing that Members of the Committee sit on preferably an approximately equal number of hearings across the municipal year.

Proposed Memberships

- 5 The proposed memberships for the Sub-Committees are set out below:

Sub-Committee A – Cllrs. Mrs Ayres, Clark and Walshe

Sub-Committee B – Cllrs. Davison, Mrs Parkin and Raikes

Sub-Committee C – Cllrs. Ayres, Mrs George and Orridge

Agenda Item 4

Sub-Committee D – Cllrs. Abraham, Bosley and Cooke

Cllr. Mrs Morris to be a floating Member

Any member of the Licensing Committee may act as a substitute on any of the Licensing Sub-Committees. However the Democratic Services Team would aim to select a Member to act as reserve attendee for each hearing in case of non-attendance.

Key Implications

Financial

None directly arising from this report.

Legal Implications and Risk Assessment Statement

The recommendation is in line with best practice and is to comply with the Committee's terms of reference

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	
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?		

Background Papers:

[Previous reports to Committee and Annual Council papers](#)

Christine Nuttall

Chief Officer for Legal and Governance

EXPEDITED/SUMMARY REVIEW PROCESS AND RECENT APPLICATION

Licensing Committee – 26 June 2014

Report of Chief Officer Environmental and Operational Services

Status: For Information

Key Decision: No

Executive Summary: This report is intended to inform members of the Licensing Committee of the procedure for Expedited/Summary Review Applications and the recent application received by the Licensing Authority.

This report supports the Key Aim of Safe Communities to aid in the reduction of crime within the District.

Portfolio Holder Cllr. Ms Lowe

Contact Officer(s) Claire Perry Ext: 7325 / 07970 731616

Recommendation to Licensing Committee: That the report be noted.

Introduction and Background

1. The Licensing Act 2003 allows a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both).
2. These provisions were inserted at section 53A of the 2003 Act by the Violent Crime Reduction Act 2006 and came into force on 1 October 2007.
3. The new powers apply only where a premises licence authorises the sale of alcohol.
4. The powers do not apply in respect of other premises licences, nor to those operating under a club premises certificate.
5. The purpose of the new powers is to complement existing procedures in the Licensing Act 2003 for tackling crime and disorder associated with licensed premises. The existing powers provide for the instant closure of premises by the police in some circumstances, and the review of premises' licences by the licensing authority.
6. The new powers are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives.

Agenda Item 5

7. The new powers allow:
 - the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both); and
 - the licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review.
8. In summary, the process is:
 - a local chief officer of police may apply to the licensing authority for an expedited review of a premises licence where a senior police officer has issued a certificate stating that in his/her opinion the premises are associated with serious crime or serious disorder (or both)
 - on receipt of the application and the certificate the licensing authority must within **48 hours** consider whether it is necessary to take interim steps pending determination of the review of the premises licence.
 - The authority must in any event undertake a review within 28 days of receipt of the application.
9. The range of options open to the licensing authority at the interim steps stage are:
 - modification of the conditions of the premises licence
 - the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence
 - removal of the designated premises supervisor from the licence; and
 - suspension of the licence.
10. In reaching a decision, members **must** have regard to the following:
 - The application form for a summary Licence Review;
 - The certificate issued by the police that accompanied the application;
 - Any representations by the police; and
 - Any representations made by the holder of the premises licence.

The recent application

11. On 28 May 2014 an application was made to the Licensing Authority by Superintendent Keers, on behalf of the Chief Officer of Police for the Kent Police area, for a summary review of the premises licence for Portobello Inn, London Road, West Kingsdown, Sevenoaks, Kent. TN15 6JB. The Licensing Authority convened a sub-committee to hear the application at an Interim Licensing Meeting on Friday 30 May.

12. The sub-committee heard that on Friday 23 May 2014 there was an incident involving patrons of the premises which resulted in serious crime under Section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder).
13. Having heard evidence from both parties the sub-committee made the decision to suspend the premises licence. Their reasons were that the Committee was satisfied on the basis of the information given in the application that on the day of the incident 23 May 2014 the supervision of the premises was not sufficient and that this contributed to the serious incident that occurred. Given the seriousness of the incident, suspending the licence in the interim was proportionate and necessary.
14. On 2nd June 2014 a representation was made by the Premises Licence Holder appealing the decision made by the Sub-Committee on 30th May 2014 to suspend the premises licence.
15. Following the requirements of the legislation the representation made on behalf of Greene King Retailing Limited, the Premises Licence Holder was considered on Wednesday 4 June 2014. The sub-committee having heard from both parties decided to impose a number of conditions which must be adhered to allowing the premises to open again.
16. The conditions that were added to the Licence as follows (pending the full review hearing):

Prevention of Crime and Disorder

- A CCTV system is to be installed to an appropriate standard as agreed with the police. The premises licence will remain suspended until the system becomes fully operational.
- The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and recordings shall be kept for a period of 28 days.
- The correct time and date will be generated onto both the recording and the real time image screen.
- If the CCTV equipment breaks down the designated premises supervisor shall ensure the licensing authority and the police are informed as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident book and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The licensing authority and the police shall be informed when faults are rectified.
- The designated premises supervisor shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of the licensing authority or responsible authorities.

Agenda Item 5

- There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during.
- CCTV cameras shall monitor all areas used by premise patrons including any external smoking area and the car park to monitor numbers and prevent crime and disorder.
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- Either the DPS her husband or her mother to be present at all times when sales take place.
- The external areas are to be monitored and check sheets shall be used to confirm this is being done.

Public Safety

- The designated premises supervisor shall provide training for all staff to ensure that they are familiar with the premises licence, the Licensing Act 2003 and the appropriate procedures in case of an emergency. A record of the training shall be maintained and shall be available upon request by the licensing authority or responsible authorities.

Prevention of Public Nuisance

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17. These modified interim steps are effective from 4 June 2014.

18. A final decision will be taken at a full Hearing on Monday 23 June 2014 where representations will be heard from other responsible authorities and members of the public.

Key Implications

Financial

The report is for information only.

Legal Implications and Risk Assessment Statement.

The report is for information only.

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	This is a report for information only to inform Members of the procedure for Expedited/Summary Reviews.
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		N/A

Agenda Item 5

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
minimise the impacts identified above?		

Conclusions

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

All decisions made at sub-committees must be with regard to the Licensing Act 2003, Secretary of State's Amended Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from the Policy or Guidance the departure must be directed solely at the attainment of the prevention of public nuisance objective and such departure must be supported by clear and cogent reasons.

Appendices

None

Background Papers:

Section 53A Licensing Act 2003 -
<http://www.legislation.gov.uk/ukpga/2003/17/contents>

Revised guidance issued under section 182 of the
Licensing Act 2003 -
<https://www.gov.uk/government/publications/revised-guidance-issued-under-section-182-of-the-licensing-act-2003>

Mr Richard Wilson

Chief Officer Environmental and Operational Services