

Licensing Hearing

Minutes of the meeting held on 23 October 2024 commencing at 10.30 am

Present: Cllr. Clack (Chairman)

Cllrs. Clayton and Edwards-Winser

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|---------------|-----------------|--|
| Also Present: | Kobir Hussain | Applicant |
| | Susan Lindsey | Senior Licensing Office (SDC) |
| | Colin Alden | Environmental Protection Team Leader (SDC) |
| | David Lagzdins | Council's Legal Advisor (SDC) |
| | Stephanie Hayes | Democratic Services Officer (SDC) |

4. Appointment of Chairman

Resolved: That Cllr. Clack be appointed as Chairman of the Licensing Hearing.

(Cllr. Clack in the Chair)

5. Declarations of interest

There were none.

6. LICENSING ACT 2003 PREMISES VARIATION APPLICATION : The Shard, 23-25 High Street, Swanley, Kent BR8 8AE

The Chairman welcomed everyone to the hearing.

The Chairman advised that further correspondence had been received since the publication of the agenda papers and proposed an adjournment of the meeting which would allow Environmental Protection Team Leader to discuss the information with the applicant. An amended version of the Variation of Licence application was tabled as an appendix.

At 10:37am the hearing was adjourned, and Hearing Members withdrew, accompanied by the Legal Advisor.

At 10:47 the Hearing Members and the Council's Legal Advisor, returned to the Conference Room.

The Senior Licensing Officer stated that the Applicant and Environmental Protection Team Leader had discussed the application with regards to the recently received information. The Environmental Protection Team Leader and the Applicant had come

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to a mutual agreement that both the live and recorded music elements of the application could be removed from the application to vary and this was subsequently confirmed verbally by both parties to the Licensing Sub Committee.

The Chairman informed the Hearing that the Sub-Committee, noting that there were no further outstanding representations for the application to consider, were content to approve the variation to the licence as amended by the tabled document and the agreement between the parties.

A full decision notice would be issued within five working days to all interested parties.

It was therefore

Resolved: That the Variation Application in accordance with the Licensing Act 2003 (as amended), Sevenoaks District Council Statement of Licensing Policy, and the Home Office Guidance issued per Section 182 of the Licensing Act 2003, incorporating the agreed amendments, be granted.

Notice of Determination

THE MEETING WAS CONCLUDED AT 10.49 am

CHAIRMAN

LICENSING ACT 2003 – Sections 35 and 36

Notice of determination of application for variation of premises licence

To:

Of: The Shard, 23-25 High Street, Swanley, Kent BR8 8AE

Ref: 24/02732/LAPRE

Sevenoaks District Council being the licensing authority, on the 23 August 2024 received an application for a variation to a premises licence in respect of premises known as The Shard, 23-25 High Street, Swanley, Kent BR8 8AE.

On the 23 October 2024 there being a valid representation which was received and had not been withdrawn, a hearing was held to consider this representation, and having considered it the Licensing Sub-Committee determined as follows:

To grant the variation of the Premises Licence for the additional activities

Section I: Late Night Refreshment

Monday – Saturday 23:00 – 00:30

Sunday 23:00 – 00:00

Non standard timings – Not Applicable

Section J: Supply of Alcohol

Monday – Saturday 23:00 – 00:30 the following day

Sunday 23:00 – 00:00

Non standard timings – Not Applicable

Section L: Hours Premises are open to the public

Monday – Saturday 12:00 – 00:30 the following day

Sunday 12:00 – 00:00

Non Standard timings – Not Applicable

To add the conditions on the Licence as follows:

All staff will be provided with training in relation to the licensing objectives that are commensurate with their duties. This will include the individuals responsibilities, age verification and licensing offences, as appropriate. Details of the training will be recorded in a personnel file or log book and will be refreshed at regular intervals.

A CCTV system shall be maintained at the premises with cameras in the location indicated on the accompanying plan. Recordings shall be made of images from the camera whilst a licensable activity is taking place and shall be retained for a period of at least 31 days from the date of recording. A member of staff shall be trained on how to provide copies to police officers, where a request is received that complies with the requirements of the Data Protection legislation and any other legislation covering the disclosure of recorded material. An incident book will be maintained in a non-loose leaf format to record details of any incidents in the premises that relate to the licensing objectives, in particular any refusals of sales of alcohol.

All reasonable precautions will be made to keep the public safe on the premises. Fire risk assessments has been carried out by competent authorities, staff will be trained in fire safety procedures. Sufficient fire exits for the premises. Staff are trained in food safety procedures and food safety management documentation will kept.

Customers will be able to take home unfinished drinks but they must put the bottle away in a bag or carrier bag. Alcohol will be sold to accompany meals not for the sole purpose of taking away from the premises to drink.

The manager shall regularly conduct inspections outside to make sure there is no noise outbreak.

A Challenge 25 scheme will be adopted in compliance with the age verification conditions: Customers who appear under 25 years of age will be required to prove their age when purchasing alcohol. Suitable forms of identification will be a passport, Pass card or other identification recognised by the licensing authority in its statement of licensing policy.

Mandatory conditions – the following conditions will be added to the premises licence when it is issued.

1. 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.

2. Mandatory conditions in force from 28 May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1-
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) "permitted price" is the price found by applying the formula— $P = D + (D \times V)$
where -
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-

paragraph rounded up to the nearest penny.

4.

- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

3. Mandatory Conditions in force from 01 October 2014

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) 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 either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

4. Conditions Consistent with the Operating Schedule

General

Sufficient competent staff will be on duty at the premises when licensable activities are taking place.

All staff will be trained in their responsibilities in relation to the sale of alcohol and licence conditions particularly in regards to drunkenness and underage sales.

Training records will be kept and refresher training undertaken.

The prevention of crime and disorder

Any incidents of a criminal nature that occur on the premises will be reported to the Police.

CCTV will be fitted and will be operated and maintained at the premises.

All cameras will be situated in appropriate locations and provide recommended coverage.

Police and Local Authority Officers will be given access to images at any reasonable time.

CCTV signage will be displayed.

Anyone suspected of or taking drugs on the premises will be asked to leave immediately and will be excluded from further use of the premises.

Signage in relation to a zero tolerance for drugs will be displayed.

Public safety

Appropriate fire safety procedures are in place, including fire extinguishers and fire blankets.

Internal illuminated fire exit signs are displayed.

Smoke alarms are installed

All appliances are inspected annually.

Emergency Exits will be kept free from obstruction at all times.

The prevention of public nuisance

All customers will be asked to leave quietly.

Clear legible notices will be prominently displayed to remind customers to leave quietly and to respect the neighbours.

The protection of children from harm

A strict 'Challenge 25' Policy will be in place.

All staff will be required to ask anyone who looks under the age of 25 to provide photographic ID.

All staff will be trained for underage sale prevention.

A refusal register will be kept at the premises and will be provided to Police and Local Authority Officers on request.

This licence granted at the Hearing is effective from the 23 October 2024.

Dated:

23/10/24

Please address any communications to:

Licensing Partnership
Council Offices
Argyle Road
Sevenoaks
Kent TN13 1HG

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.