

APPLICATION FOR A REVIEW OF THE PREMISES LICENCE FOR THE EDENBRIDGE CELLAR, 58 HIGH STREET, EDENBRIDGE, KENT. TN8 5AJ UNDER THE LICENSING ACT 2003

APPLICATION REFERENCE NO: 13/02178/REVIEW

Licensing Hearing – 2 September 2013

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

Status: For Decision

Key Decision: No

Portfolio Holder Cllr. Ms. Lowe (Portfolio Holder for 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 Kent Police, Council Offices, Argyle Road, Sevenoaks, Kent. TN13 1HG for a review of the premises licence for Edenbridge Cellar, 58 High Street, Edenbridge, Kent. TN8 5AJ on the grounds of the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The Grounds for Review are:

3. Kent Police do not have confidence in the effective day to day management and control of this premises by the current Designated Premises Supervisor.
4. The DPS rarely attends the premises, and the staff are unable to contact her, either by phone or in person.
5. There are strong indications that staff are being left to their own devices and not supervised, either directly or remotely for extended periods of time.
6. This is despite efforts by Kent Police and Trading Standards to address this.
7. The Licensing Act 2003 is very clear that the sale of alcohol must not take place if there is not a Designated Premises Supervisor. Without this effective supervision

all the licensing objectives are compromised. Of particular concern is the risk of alcohol being supplied to children, and the resultant risk of harm associated with this.

Representations received from statutory consultees:

Fire Safety	NO COMMENTS RECEIVED
Trading Standards	NO OBJECTIONS (Appendix A)
Social Service	NO COMMENTS RECEIVED
Police	SEE ABOVE STATEMENT
Commercial	NO COMMENTS RECEIVED
Environmental Protection	NO OBJECTIONS
Development Control	NO OBJECTIONS

Representations received from interested parties:

1 in support of the Review of the premises Licence from Edenbridge Town Council (Appendix A).

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 02nd September 2013 subject to any appeal to a Magistrates Court or higher Court.

The relevant section of the Guidance issued under section 182 of The Licensing Act 2003 is Chapter 11.

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?		

Conclusions

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

Mandatory conditions – the following conditions are already added to the premises licence.

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.

Operation Schedule

Identification will be asked for of any person ordering alcohol who looks under the age of 21.

The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy. Where the decision departs from the Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and such departure must be supported by clear and cogent reasons.

Appendices

Appendix A – Representations from Town Council and Responsible Authorities

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