

LICENSING HEARING

Minutes of the meeting held on 2 September 2013 commencing at 10.30 am

Present: Cllrs. Abraham, Mrs. Morris and Raikes

Also present	P.C. Beresford	-	Kent Police Representative
	Mr. M. Trigg	-	Objector's Legal Representative
	Mr. A. Benedict	-	Objector
	Mrs. J. Benedict	-	Objector
	Mrs. L. Leeds	-	Licensing Officer
	Mr. L. Roberts	-	Legal Advisor
	Mr. D. Lagzdins	-	Democratic Services Officer

There were no apologies for absence.

1. Appointment of Chairman

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

2. Declarations of interest.

There were no declarations of interest.

3. Application for a review of the Premises Licence for the Edenbridge Cellar, 58 High Street, Edenbridge, Kent. TN8 5AJ

The Hearing gave consideration to a report by the Head of Environmental and Operational Services giving details of an application from Kent Police for the review of the Licence for Edenbridge Cellar, 58 High Street, Edenbridge, Kent TN8 5AJ under section 51 of the Licensing Act 2003.

The application form for the review and Part A of the Premises Licence were tabled for the hearing's consideration.

The Hearing heard from the Police Licensing Officer. He advised that every attempt had been made to resolve concerns that Kent Police had and that they emphasised building working relationships with licence holders within the District. However, following visits to the premises, there was a falling confidence in the premises supervision. There was concern at the level of training staff received and whether staff had the knowledge and support to refuse underage sales. Kent County Council Trading Standards had also visited the premises and held meetings with the Licence Holder.

There was a perceived lack of visibility from the Designated Premises Supervisor. On a visit in July 2013 staff were unable to provide a contact number for the DPS. Although the premises owner had remote CCTV feed to the Head Office this could be too remote. It was noted that the cultural background of the staff could understandably lead to a reluctance to deal with the police.

The Police Licensing Officer responded to questions from the Sub-Committee. The review was sought on all four licensing objectives as they were all at risk when the supervision was inadequate. There was no compulsion under the licence for the premises to have a

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refusals register but they were an accredited member of the Kent Community Alcohol Partnership which did require this. Levels of compliance had improved with the increase in visits to the premises.

The Hearing heard from the solicitor for the holder of the premises licence. The premises owner had a total of 5 licensed premises most of which were in London, and 15 years of licensing experience. There had been no previous review of any of those licenses or any prosecution.

On 16 August 2013 they had submitted an application to change the Designated Premises Supervisor. There was already a management team of 4 people, each of whom had a personal licence and each premises was visited at least twice per week by one of these people. If any problem was noticed through the remote CCTV then the premises would be contacted immediately. Although there was a perception of a lack of supervision there had been no evidence of any breach and the Police had accepted there was more supervision than was immediately apparent when they had visited. Home Office Guidance stated a DPS could supervise more than one premises. The licence holders had always cooperated with the Police.

The Police concern had originally been about supervision but there was an application submitted to change the DPS who would then be on site 4 days per week. Another licence holder would be present 6 days per week. A till prompt was being considered for age-related products. It was felt that the proposed changes to the licence would be disproportionate to the concern raised. They could lead to an inadvertent breach and it was contrary to guidance to require the DPS to cover only a single store.

In response to questions from the Sub-Committee the solicitor confirmed that Challenge 25 training had been brought back and posters put up. There was little passing trade and so the staff knew the customers and there was no need to update the refusals register. There was CCTV outside the premises and they could increase the recording period from 21 days to a month. No-one under the age of 18 was employed in the shop.

Each party summarised their case.

At 11:13 a.m. the Hearing Members and withdrew to consider the issues raised and the Council's Legal Advisor accompanied them for the purpose of providing legal advice only.

At 11:39 a.m. the Hearing Members and the Council's Legal Advisor returned to the Council Chamber.

The Chairman informed that hearing that a decision had been made. Additional conditions would be added to Part A of the licence that the Premises shall operate a Challenge 25 Policy in accordance with the Kent Community Alcohol Partnership guidelines and shall keep an active, auditable refusal register.

The reason for imposing the condition was the concern about the way the premises had been supervised in the past which would be addressed by the applicant's proposed change of Designated Premises Supervisor and the desirability of keeping an auditable record of refusals.

The Committee felt the conditions to be proportionate given the premises existing membership of the Kent Community Alcohol Partnership.

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It was therefore unanimously,

Resolved: That the Premises Licence for Edenbridge Cellar, 58 High Street, Edenbridge, Kent TN8 5AJ be amended as set out in the appendix to these minutes.

THE MEETING WAS CONCLUDED AT 11.41 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 Officer of Police for the Kent Police area
Of: Maidstone Police Station, Palace Avenue, Maidstone, Kent
Ref: 13/02178/REVIEW

Sevenoaks District Council being the licensing authority, on the 17 July 2013 received an application for a review of the premises licence in respect of premises known as Edenbridge Cellar, 58 High Street, Edenbridge, Kent TN8 5AJ.

On 2 September 2013 there having been a valid request for review under section 51 of the Licensing Act 2003, having considered the application and having held a hearing the Licensing Sub-Committee determined as follows:

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

To add conditions to the Licence as follows:

Annex 4 – Conditions attached after a hearing by the Licensing Authority:

That the Premises shall operate a Challenge 25 Policy in accordance with the Kent Community Alcohol Partnership guidelines and shall keep an active, auditable refusal register.

The reason for imposing the condition was the concern about the way the premises had been supervised in the past. The concerns would be addressed by the applicant’s proposed change of Designated Premises Supervisor and the desirability of keeping an auditable record of refusals.

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
Sevenoaks District Council
PO Box 182
Argyle Road
Sevenoaks

Minute Annex B

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.