

LICENSING HEARING

Minutes of the meeting of the Licensing Hearing held on 3 September 2013 commencing at 2.00 pm

Present: Cllrs. Abraham, Davison and Raikes

There were no apologies of 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 Premises Licence - Martins, 19 - 21 The Row, New Ash Green, Kent. DA3 8JB

The Hearing gave consideration to a report by the Head of Environmental and Operational Services giving details of an application from Martin McColl Ltd for a new Premises Licence under the Licensing Act 2003 for Martins, 19-21 The Row, New Ash Green, Kent. DA3 8JB. It was noted that objections had been received and that accordingly the application had been referred to the Sub-Committee for determination.

The Hearing heard from the applicant's solicitor who explained that throughout the country there were more than 800 Martin stores with premises licenses. He explained that Martin McColl Ltd understood the concerns that had been expressed and procedures were in place to address these. A meeting had taken place between the Police and the Store Manager on the prevention of crime and recommendations made by the Police had been adopted. There would be CCTV in key locations which included oversight of areas where alcohol is kept on display. Recordings would be retained in store and at Head Office. A Challenge 25 policy on age restricted products would operate. The CCTV and the till were linked so that the timing of transactions linked to the timing of images. The videos would be kept for 31 days. The till would keep a record of all the successful and unsuccessful sales of age restricted products. If someone was denied a purchase for not having the correct identification this would be recorded indefinitely.

Other procedures would also be in place such as test purchases. These test purchases would be undertaken by an external company. Training would also be given to all staff on the sales of age restricted products and this would be updated every three months. It was also considered to be a serious disciplinary offence for employees to sell alcohol to those under the age of 18 years.

In response to questions from the Sub-Committee the applicant's solicitor replied that a paper refusal register would not be kept as records were stored electronically on the till at the point of sale. If any sale was rejected then the product, date and time would be recorded. CCTV would also record this. The Area Manager would visit every six weeks and

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would inspect the electronic record held. Evidence of these inspections would also be recorded on the system.

The applicant's solicitor confirmed that the Premises Licence would be from 6am to 11pm. The store currently closed at 8pm, however if in the future the store wished to extend its opening hours the Premises Licence would then be in place.

The Hearing heard from Mrs Boniface, one of the objectors, who stated that she objected to another premises selling alcohol which would effect the village life as there was already a Co-op and a pub which sold alcohol. She objected to the selling of age restricted products to those who were underage, especially cigarettes. Another premises selling alcohol would increase the under age drinking problem which already affected the village and could lead to an increase in littering.

The Chairman questioned when the selling of cigarettes to those under age had occurred and she confirmed that it had been more than 10 years ago.

In summary, the Applicants informed the Sub-Committee that they felt there was no evidence for refusal. The store would be well equipped with CCTV and there would be procedures in place to ensure that alcohol was not sold to anyone under age. The issue of the sale of tobacco he urged should not taken into consideration as this had occurred more than 10 years before the current Manager was in place and was therefore historical. The Police had not made any objections to the application and the Store Manager had met with them to discuss additional issues.

At 2:30 p.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 2:37 p.m. the Hearing Members and the Council's Legal Advisor returned to the Council Chamber.

The Chairman informed the Hearing that the Sub-Committee had had regard to the representations made by the Applicant and interested parties, to the guidance issued under s.182 of the Licensing Act 2003 and the Council's statement of Licensing policy. The Sub-Committee felt that the steps that had been described met the set criteria and therefore there was no valid reason the premises license should not be granted on the terms for which it had been applied.

It was therefore unanimously,

Resolved: That a Premises Licence in respect of Martin McColl, Martins, 19-21 The Row, New Ash Green, Kent. DA3 8JB. subject to the conditions contained in license attached as an appendix to these minutes be granted.

THE MEETING WAS CONCLUDED AT 2.39 pm

Chairman

Notice of determination for application premises licence

To: MARTIN MCCOLL LTD

Of: MARTIN MCCOLL HOUSE, ASHWELLS ROAD, BRENTWOOD, ESSEX, CM15 9ST

Ref: 13/02105/LAPRE

Sevenoaks District Council being the licensing authority, on 10 July 2013 received an application for a premises licence in respect of premises known as Martins, 19-21 The Row, New Ash Green, Kent. DA3 8JB.

On 3 September 2013 there being valid representations which were received but had not been withdrawn, a hearing was held to consider these representations and having considered them the Licensing Sub-Committee determined as follows:

To grant the Premises Licence:

Section M To allow the sale of alcohol for consumption off the premises every day from 06:00 until 23:00 hours

Section O Hours premises are open to the public from 06:00 until 23:00 hours

To add the conditions on the Licence as follows:

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 6 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.

This licence granted at the Hearing is effective from 3 September 2013.

Minute Annex

Dated:

Signed

Chair – Licensing Hearing

Signed

Designation – Licensing Officer

Please address any communications to:

Licensing Partnership
Sevenoaks District Council
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.