

APPLICATION FOR A VARIATION TO A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FROM JD WETHERSPOON PLC FOR THE SENNOCKIAN, 139-141 HIGH STREET, SEVENOAKS, KENT. TN13 1UX

APPLICATION REFERENCE: 14/00353/LAPRE

Licensing Sub Committee – 31 March 2014

Report of Chief Officer of Environmental & Operational Services – Mr Richard Wilson

Status: For Decision

Key Decision: No

Contact Officer(s) Jessica Bolton Ext: 7480

Recommendation to Licensing Sub Committee:

Members' instructions are requested

Introduction and Background

- 1 The procedure for Hearings of Sub-Committees of the Licensing Committee established in accordance with Section 9 of the Licensing Act 2003 is attached to the agenda.
- 2 The application is made by JD Wetherspoon Plc, Wetherspoon House, Central Park, Reeds Crescent, Watford. WD24 4QL
- 3 Application is to vary the licensable activities allowed at the premises.

The variation is to:

Section B	To allow the exhibition of films indoors everyday from 07:00 until 01:00 hours.
Section E	To allow live music indoors everyday from 07:00 until 01:00 hours.
Section F	To allow recorded music indoors everyday from 07:00 until 01:00 hours.
Section G	To allow performances of dance indoors everyday from 07:00 until 01:00 hours.
Section H	To allow anything of a similar description to that falling within (e), (f) or (g) indoors everyday from 07:00 until 01:00 hours.

Section L	To allow late night refreshment both indoors and outdoors everyday from 23:00 until 01:30 hours.
Non standard timings as existing.	
Section M	To allow sale of alcohol for consumption both on and off the premises everyday from 09:00 until 01:00 hours.
Non standard timings as existing.	
Section O	Hours premises are open to the public everyday from 07:00 until 01:30 hours.
Non standard timings as existing.	

The applicant intends to take the following action in order to promote the four licensing objectives if the proposed variation is granted:

General

No change to existing measures.

The Prevention of Crime and Disorder

No change to existing measures.

Public Safety

No change to existing measures.

The Prevention of Public Nuisance

No change to existing measures.

The Protection of Children from Harm

No change to existing measures.

Representations received from statutory consultees:

Fire Safety	NO COMMENTS RECIEVED
Trading Standards	NO OBJECTIONS
Social Service	NO COMMENTS RECIEVED

Police	NO OBJECTIONS
Commercial	NO COMMENTS RECIEVED
Environmental Protection	NO OBJECTIONS
Development Control	NO COMMENTS RECIEVED

Representations received from interested parties:

1 x on behalf of a Residents Association

1 x Resident

1 x Councillor/Resident

Conclusions

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

The decision is to be made 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 crime and disorder and prevention of public nuisance objectives and such departure must be supported by clear and cogent reasons

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

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);
 - (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: $\frac{1}{2}$ 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.

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.

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).

Door supervision

Any premises which includes a condition that door supervisors must be at the premises to carry out a security activity, shall ensure that each such person is licensed to conduct such activities by the Security Industry Authority.

Conditions consistent with the Operating Schedule

Unless otherwise agreed in writing with Kent Police, a minimum of two SIA registered staff members will be employed at the premises from 8 pm to close on Fridays and Saturdays when live music, to include DJ's, karaoke and live performers is being provided.

On other days the Designated Premises Supervisor, which will risk assess the requirement for door supervisors and employ door supervisors at such times and in such numbers as deemed necessary.

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

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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?		N/A

Appendices

Appendix A – Current Premises Licence

Appendix B – Plan of the Premises

Appendix C – Representations

Appendix D – Locality map

Background Papers:

The Licensing Act 2003

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Richard Wilson

Chief Officer for Environmental & Operational Services