

**Notice of determination for application premises licence**

**To:** Mr Kanesanathan Kandasamy  
**of:** West Kingsdown Mini-Market, 1 Portobello Parade, Fawkham Road, West Kingsdown, Kent. TN15 6JP  
**Ref:** 15/01248/LAPRE

Sevenoaks District Council being the licensing authority, on the 15 June 2015 received an application for a premises licence in respect of premises known as West Kingsdown Mini-Market, 1 Portobello Parade, Fawkham Road, West Kingsdown, Kent. TN15 6JP .

On the 15 June 2015 there being valid representations which were received had not been withdrawn, a hearing was held to consider these representations, and having considered them the Licensing Sub-Committee determined as follows: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 J	To allow the sale of alcohol for consumption off the premises only Every day from 08:00 hours until 23:00 hours.
Section L	Hours premises are open to the public Every day from 08:00 hours until 23:00 hours.

**To add the conditions on the Licence as follows:**

**The applicant will take the following action in order to promote the four licensing objectives:**

**General**

These premises are a new acquisition and are to be operated as a dedicated Off Licence

**The Prevention of Crime and Disorder**

A CCTV system will be installed and maintained at the premises in accordance with the recommendations of the Kent Police in line with Home Office guidelines. Recordings will be kept for a minimum of 28 days and images made available on reasonable request to the Police or other authorised officer. Should the CCTV system fail for any reason Kent Police and the licensing authority are to be notified as soon as possible and the CCTV system will be made operational as soon as practical.

**Public Safety**

The sale of intoxicating liquor will not be made to persons where there are grounds to believe that the sale will result in crime or disorder. We will endeavour to ensure that the premises are safe both staff and the general public and a fire risk assessment will be undertaken.

## **The Prevention of Public Nuisance**

We contribute to alleviate public nuisance on/and in the vicinity of premises during the times when the premises are open to members of the public. All deliveries and the collection of refuse will take place during day hours.

## **The Protection of Children from Harm**

All staff will be trained in sale of age restricted products under the guidance issued by trading standards (or under any new guidance that will supersede it) Training records for all staff will be maintained at the premises for a period of not less than twelve months, these records will be made available for inspection by and authorised officer on request. Refresher training will be given to all staff on a 6 monthly basis, or when there is a change in legislation. Only PASS approved ID will be acceptable plus passport or photo driving licence. A refusal register will be maintained at the premises, records of this will be kept for no less than 12 month and made available for inspection by an authorised officer request. The register will be signed off by the DPS/Duty Manager at least once a week to ensure that all members of staff are using it. the premises will adopt a Challenge 25 Policy, appropriate signage to this effect will be prominently displayed at the premises. No person under age of 18 years will be responsible for the sale of alcohol.

**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**

3. (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 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.

#### **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.

### **Conditions consistent with the Operating Schedule**

Recordings will be kept for a minimum of 28 days and images made available on reasonable request to the Police or other authorised officer.

Should the CCTV system fail for any reason Kent Police and the licensing authority are to be notified as soon as possible and the CCTV system will be made operational as soon as practical.

All staff will be trained in sale of age restricted products under the guidance issued by trading standards (or under any new guidance that will supersede it) Training records for all staff will be maintained at the premises for a period of not less than twelve months, these records will be made available for inspection by and authorised officer on request. Refresher training will be given to all staff on a 6 monthly basis, or when there is a change in legislation.

Only PASS approved ID will be acceptable plus passport or photo driving licence.

A refusal register will be maintained at the premises, records of this will be kept for no less than 12 months and made available for inspection by an authorised officer on request.

The register will be signed off by the DPS/Duty Manager at least once a week to ensure that all members of staff are using it.

The premises will adopt a Challenge 25 Policy, appropriate signage to this effect will be prominently displayed at the premises. No person under age of 18 years will be responsible for the sale of alcohol.

Any deliveries to and the collections of waste from the premises must not occur between the hours of 22:00 and 08:00.

### **Conditions Imposed by the Licensing Authority**

A CCTV system will be installed and maintained at the premises as well as covering the alleyway and access to the rear entrance in accordance with the recommendations of the Kent Police in line with Home Office guidelines.

For the prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance as a deterrent and easier identification of potential issues.

This licence granted at the Hearing is effective from the 15 June 2015.

Dated: 15 June 2015

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.