

LICENSING HEARING

Minutes of the meeting held on 18 April 2018 commencing at 10.30 am

Present Cllrs. Dr. Canet, Clack and Lake

Also present Applicant
 Applicant
 Applicant
 Applicant

Senior Licensing Officer
Legal Advisor
Democratic Services Officer
Trainee Solicitor

1. Appointment of Chairman

Resolved: That Cllr. Clack be appointed Chairman of the meeting.

(Cllr. Clack in the Chair)

2. Declarations of interest

There were no additional declarations of interest.

3. Report to Licensing Sub-Committee following receipt of a representation in relation to an application made under the Licensing Act 2003 for the Cotton Mill in Swanley - 18/00126/LAPRE

The Hearing gave consideration to a report by the Chief Officer Environmental and Operational Services giving details of an application under Section 17 of the Licensing Act 2003 for a premises licence for The Cotton Mill, 10 Station Road, Swanley, Kent BR8 8ET. It was noted that objections had been received and not withdrawn and accordingly the application had been referred to the Sub-Committee for determination.

[Photographs](#) to show the site were tabled by Officers at the request of Members to aid consideration. The Hearing heard from the applicants who advised that it was their intention that the sale of alcohol in general would not take place until 4pm, however there could be occasions on weekends or due to small events where they would wish to sell alcohol from 12pm. The opening hours applied for would provide the opportunity to sell soft beverages and light snacks to commuters from 7am. Signage would be provided to explain that alcohol would not be on sale at these times. The applicants addressed the concerns from the representations made in regards to noise, anti-social behaviour and litter and advised that the owner and intended Designated Premises Supervisor were both personal licence holders and

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had experience with dealing with potentially difficult situations. CCTV would also be in use.

The Hearing was advised that the two parking bays belonged to the property and Kent Police had advised that the whole area should be licenced so that alcohol was not then carried across an unlicensed space. No music would be played outside and signage would be displayed requesting that patrons leave quietly.

In response to Members' questions the applicants advised that there would be a drinking up time and anybody still outside at 10pm would be requested to finish their drinks inside the building. The applicants would be content with additional conditions for the garden to be cleared of patrons by 10.20pm and for the tables and chairs to be removed and stored securely.

In response to further questions, Members were informed that the pub building could only fit 40 people in and therefore it would not be used for large functions and food would be prepared offsite. To allow neighbours to raise or discuss concerns directly, the applicants had previously circulated their contact details and these would also be available online.

At 11:05 a.m. the Hearing Members withdrew to consider the issues raised, accompanied by the Council's Legal Advisor and Clerk to the Hearing for the purpose of providing advice only.

At 11.42 a.m. the Hearing Members, Council's Legal Advisor and Clerk to the Hearing returned to the Chamber.

The Chairman informed the Hearing that the Sub-Committee had had regard to the representations made by the Applicant and interested parties, the Licensing objectives, the Statutory Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy and was therefore granting the application subject to additional conditions where appropriate to address potential undermining of the licensing objective of prevention of public nuisance.

Resolved: That a Premises Licence in respect of The Cotton Mill, 10 Station Road, Swanley, Kent BR8 8ET, subject to mandatory conditions and additional conditions contained in the notice of determination attached as an appendix to these minutes, be granted.

THE MEETING WAS CONCLUDED AT 11.47 AM

CHAIRMAN

LICENSING ACT 2003 - Section 23

Notice of determination for application premises licence

To: Mr David Graham Miller

of: The Cotton Mill, 10 Station Road, Swanley, Kent BR8 8ET

Ref: 18/00126/LAPRE

Sevenoaks District Council being the licensing authority, on the 12 January 2018 received an application for a premises licence in respect of premises known as The Cotton Mill, 10 Station Road, Swanley, Kent BR8 8ET.

On the 18 April 2018 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 subject to the mandatory conditions, and additional conditions:

Section F: To allow recorded music indoors on Christmas Eve until the hours of 00:00 and on New Year's Eve until the hours of 01:00.

Section M: To allow the supply of alcohol for consumption on the premises every day from 12:00 to 22:00 hours.

On Christmas Eve until the hours of 00:00 and on New Year's Eve until the hours of 01:00

Section O: To allow the premises to be open to the public Monday to Friday from 07:00 to 22:00 hours and Saturday and Sunday from 12:00 to 22:00 hours.

On Christmas Eve until the hours of 00:00 and on New Year's Eve until the hours of 01:00.

To add the conditions on the Licence as follows:

Customers to be cleared from the outside area (except for the use of the parking spaces for vehicular access) by 22:30 each day, except for 00:30 on Christmas Day and 01:30 on New Years' Day.

Reason: for the prevention of public nuisance.

All tables and chairs shall be removed from the outside area by 22:30 each day except for 00:30 on Christmas day and 01:30 on New Years' Day.

Reason: for the prevention of public nuisance and the prevention of crime and disorder.

Mandatory Conditions -

1. The supply of alcohol

1. 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.

2. **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.

3. Mandatory conditions in force from 1 October 2014

1.

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an 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—
 - (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 in a manner which carries a significant risk of undermining a licensing objective;

(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 in a manner which carries a significant risk of undermining a licensing objective;

(d) 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;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

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 or supply of alcohol.

(3) 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.

(4) 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.

4. The responsible person must 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: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

Conditions consistent with the operating schedule

1. All licensing objectives are to be visible in the back of house areas to all staff.
2. The interior and exterior of the premises shall be covered by CCTV to monitor public behaviour and safety. The CCTV images shall be stored for thirty one (31) days and be of evidential standard that shall be acceptable to the Police Service. The footage shall be made available upon request to the police or other responsible authority.
3. All matters relating to drugs shall be in accordance with the "Metropolitan Police Best Practice Guide" on the handling of drugs in pubs and clubs.
4. Any individuals carrying out security activities at the premises must be licensed by the Security Industry Authority.
5. All incidents shall be recorded in a log and reported to the appropriate authorities. These records will remain on site.
6. Management will ensure regular checks are being carried out during the hours of operation to ensure all areas remain rubbish and clutter free regardless of the source.
7. An accident book should be kept to record all accidents and/or incidents and made available for inspection.
8. Display prominent notices close to the exit doors, requesting patrons to leave the premises quickly and quietly.
9. A twenty (20)-minute "drinking-up time" shall allow an orderly and calm departure from the premises and shall be incorporated within the licensed hours.
10. The premises shall operate a "Challenge 25" Policy, whereby customers purchasing alcohol who look or appear to be under 25 years of age shall be asked for an approved form of proof-of-age to verify their age - those being:
(i) Photo driving licence (ii) Passport, or (iii) 'PASS' card.
11. A refusals log shall be kept on the premises and ensure that it is filled out whenever a sale is refused to a person who cannot prove they are over the age of 18.

12. The Premises Licence Holder or Nominated person shall control the levels of noise in the outside area and advise customers of the need to respect local residents where appropriate. Any patrons continuing to cause disturbance or disorder will be asked to leave the premises.
13. The removal of empty kegs to external areas after 21:00 hours will not be permitted nor the emptying of bottle skis until the following day after 08:00 hours.

This licence granted at the Hearing is effective from the 18 April 2018.

Dated: 18 April 2018

Signed

Chair - Licensing Hearing

Signed

Designation - Senior 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.