

## LICENSING HEARING

Minutes of the meeting held on 4 July 2018 commencing at 10.30 am

Present: Cllrs. Abraham, Clack and Raikes

Also present: George Goodson - Applicant's representative  
Jessica Foley - Licensing Officer  
David Lagzdins - Solicitor  
Vanessa Etheridge - Democratic Services Officer

1. Appointment of Chairman

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

(Councillor Clack in the Chair)

2. Declarations of interest

There were none.

3. Report to Licensing Sub-Committee Following Receipt of a Representation in Relation to an Application made under The Licensing Act 2003 for Emerson Grange in Hextable - 18/00376/LAPRE.

The Chairman commenced the meeting and immediately adjourned it to allow time for the Applicant's representative to arrive.

Meeting adjourned 10.33 am.

Meeting reconvened 10.35 am.

The Chairman welcomed everyone to the meeting.

The Hearing gave consideration to a report by the Chief Officer Environmental and Operational Services giving details of an application for a new premises licence under the Licensing Act 2003. It was noted that an objection had been received and that accordingly the application had been referred to the Sub-Committee for determination. No objector was present.

The Hearing heard from the Applicant's representative, he summarised the kind of events they hoped to hold and why they were applying for the licence and answered questions on timings and the operating schedule submitted. They wished to fully integrate with the local community and be a good neighbour, and had offered window washing and the services of a tree surgeon to local neighbours including the objector. Hearing Members queried the entrance policy and how alcohol would be served and paid for to get an idea of the operations.

## Licensing Hearing - 4 July 2018

At 11.07 a.m. the Hearing Members withdrew to consider the issues raised accompanied by the Council's Legal Advisor and Clerks to the Hearing for the purpose of providing advice only.

At 11.43 a.m. the Hearing Members, Council's Legal Advisor and Clerks to the Hearing returned to the Council Chamber.

The Chairman informed the Hearing that the Sub-Committee had had regard to the Licensing Objectives and 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.

Resolved: That a Premises License in respect of Emerson Grange, Cinnamon Care Collection, Rowhill Road, Hextable, Kent BR8 7RL, subject to mandatory conditions and amended operating schedule in the notice of determination attached as an appendix to these minutes, be granted.

THE MEETING WAS CONCLUDED AT 11.43 AM

CHAIRMAN

## LICENSING ACT 2003 - Section 23

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### Notice of determination for application premises licence

**To:** Hextable Care Limited

**of:** Emerson Grange, Cinnamon Care Collection, Rowhill Road, Hextable, Kent.  
BR8 7RL

**Ref:** 18/00376/LAPRE

Sevenoaks District Council being the licensing authority, on the 6 February 2018 received an application for a premises licence in respect of premises known as Emerson Grange, Cinnamon Care Collection, Rowhill Road, Hextable, Kent, BR8 7RL.

On the 4 July 2018 there being valid representation which was received but had not been withdrawn, a hearing was held to consider this representation, and having considered it the Licensing Sub-Committee determined as follows:

#### To grant the Premises Licence:

Section A	To allow the performance of plays both indoors and outdoors everyday from 10:00 to 23:00 hours. On New Year's Eve from 10:00 until 00:30 on New Year's Day.
Section E	To allow Live music both indoors and outdoors everyday from 10:00 to 23:00 hours. On New Year's Eve from 10:00 until 00:30 on New Year's Day.
Section F	To allow recorded music both indoors and outdoors everyday from 10:00 to 23:00 hours. On New Year's Eve from 10:00 until 00:30 on New Year's Day.
Section G	To allow performance of dance both indoors and outdoors everyday from 10:00 to 23:00 hours. On New Year's Eve from 10:00 until 00:30 on New Year's Day.
Section M	To allow the supply of alcohol for consumption on the premises everyday from 10:00 to 23:00 hours. On New Year's Eve from 10:00 until 00:30 on New Year's Day.
Section O	To allow the premises to be open to the public everyday from 00:00 to 00:00 hours.

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

### 1. 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.

### 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 01 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.
  - (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.
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."

### **Amended Operating Schedule conditions**

1. During the day (0800hrs to 1700hrs as a minimum) the Premises Reception will be staffed. All visitors will be required to sign in at all times. At other times when the reception is not staffed the main doors will be set to exit only.
2. Training will be given to all staff on the licensing objectives and how they apply to the premises. A register of training shall be kept updated at the premises and made available at any time for inspection by any responsible authority upon request.
3. Only residents and guests will be served alcohol.
4. A Challenge 25 scheme will be operated at all times to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card or a card bearing the PASS hologram. All staff will be fully trained in 'Challenge 25' and the training will be fully auditable and made available at any time for inspection by any responsible authority on request. The premises shall display prominent signage indicating that the Challenge 25 scheme is in operation
5. No live music outside in the gardens beyond 21:00 hours and no live music inside the building beyond 22:30 hours on any day of the year (except New Year's Eve). Doors and windows to be closed after 21:00 hours when music is being played inside to stop any noise traveling to disrupt the public.
6. Any one displaying signs of intoxication or disorderly or aggressive behaviour will be requested to leave and refused any further alcohol of any sort. Any person showing signs of being disorderly will be asked to leave, residents will be asked to return to their room or apartment.
7. After 2100hrs, alcohol will only be sold from the main bar situated on the ground floor.
8. No Children will be allowed in any area of the home selling alcohol after 21:00 hours.

The reasons for the additional and amended conditions are the prevention of crime

and disorder, the protection of children from harm and the prevention of public nuisance.

This licence granted at the Hearing is effective from the 4 July 2018.

Dated: 4 July 2018.

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.