

LICENSING COMMITTEE (HEARING) – 29 MAY 2012

**APPLICATION FOR A REVIEW OF THE PREMISES LICENCE FOR THE NEW INN,
75 ST. JOHNS HILL, SEVENOAKS, KENT. TN13 3NY UNDER THE LICENSING
ACT 2003**

APPLICATION REFERENCE NO: 12/00930/REVIEW

Report of the: Community and Planning Services Director

Status: For Decision

Head of Service Head of Environment & Operational Services – Mr. Richard Wilson

Recommendation: Members' instructions are requested

Background

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 front sheet.

The application is made by The application is made by Kent Police, Council Offices, Argyle Road, Sevenoaks, Kent. TN13 1HG for a review of the premises licence for The New Inn, 75 St. Johns Hill, Sevenoaks, Kent TN13 3NY, on the grounds of the licensing objective of Prevention of Crime and Disorder.

THE GROUNDS FOR REVIEW ARE:

Following the suspected purchase of a substantial amount of what is believed to be unlawful drugs at the premises on two separate occasions.

Representations received from statutory consultees:

Fire Safety	NO OBJECTIONS
Trading Standards	NO COMMENTS RECEIVED
Social Service	NO COMMENTS RECEIVED
Police	SEE ABOVE STATEMENT

Commercial	NO OBJECTIONS
Environmental Protection	NO OBJECTIONS
Development Control	NO OBJECTIONS

Representations received from interested parties:

1 from local resident on behalf of themselves and the residents

Conclusions

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

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: ½ 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.

Hearing conditions - currently on the licence.

All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.

For the final hour of opening the music is reduced in volume and is discernibly quieter.

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.

The relevant section of the Guidance issued under section 182 of The Licensing Act 2003 is Chapter 11, which is attached to this report at Appendix B.

Human Rights

In considering this Notice it is necessary to consider the rights of the premises user. The hearing procedure has been formulated to ensure a fair hearing for all parties.

Legal

Under the Licensing Act 2003 the **Licensing Authority** has a duty to exercise licensing control in respect of premises licences.

Risk Assessment Statement

This Hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005 No. 44.

The decision of this Hearing will be encompassed within the issued premises licence, and the licence will take effect on the 29th May 2012 subject to any appeal to a Magistrates Court or higher Court.

Sources of Information:

[http://www.culture.gov.uk/alcohol and
entertainment](http://www.culture.gov.uk/alcohol%20and%20entertainment)

Contact Officer(s):

Mrs. Claire Perry Ext. 7325

Mrs. Leeann Leeds Ext. 7270

**KRISTEN PATERSON
COMMUNITY AND PLANNING SERVICES DIRECTOR**