

LICENSING HEARING

Minutes of the meeting of the Licensing Hearing
held on 6 August 2012 commencing at 10.30 am

Present: Cllrs. Abraham, Mrs. Ayres and Fittock

Also present	Mr. S. Panchal	-	Applicant's Representative
	Mr. J M. Puthuvlakan	-	Applicant
	Town Cllr. M. Robson	-	Objector (Edenbridge Town Council)
	Mrs. L. Leeds	-	Licensing Officer
	Mr. D. Graham	-	Legal Adviser
	Ms V. Etheridge	-	Democratic Services Officer

1. Appointment of Chairman

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

2. Declarations of Interest

Cllr. Abraham advised that he knew the Edenbridge Town Council representative in a personal capacity, but there were no additional disclosable pecuniary or non pecuniary interests declared.

3. D 'n' M News 'n' Toys, 4 High Street, Edenbridge

The Hearing gave consideration to a report by the Community and Planning Services Director giving details of an application under the Licensing Act 2003 for a premises licence at D 'N' M News 'N' Toys, 4 High Street, Edenbridge, Kent TN8 5AG. It was noted that objections had been received and that accordingly the application had been referred to the Sub-Committee for determination.

The Hearing heard from the applicant's representative who clarified that if the license was granted 'Toys' would be removed from the shop name. He tabled some suggested additional conditions his Applicant would be happy with, in response to issues raised in the written objections. He also stated that there would be an incident book and refusals book and a notice requesting that customers leave quietly and they were happy to cease trading at the same time as the supermarkets. Diversification was necessary for survival as a commercial enterprise.

In response to questions from the Sub committee the applicant's representative replied that not only would toys be removed from the name of the shop but that it would cease to sell toys.

The Hearing heard from a representative of Edenbridge Town Council who reported that it was a small town which had a problem with alcohol related incidents. There was already two Off Licences, two supermarkets and two garages that sold alcohol, this was the only toy shop. There was a concern that it was a shop that sold toys, sweets and comics and therefore encouraged a child based clientele and that children and alcohol did not mix.

It was pointed out that commercial/market issues were not a consideration for this hearing. In questioning the representative of Edenbridge Town Council agreed that the

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supermarkets did sell alcohol as well as sweets and there appeared to be no problems. It was noted that the Police had raised no objections and when asked whether the Town Council had raised their concerns with the Police, he did not know.

At 11.07 a.m. the Hearing Members and the Council's Legal Advisor withdrew to consider the issues raised.

At 11.38 a.m. the Hearing Members and the Council's Legal Advisor returned to the Council Chamber.

The Chairman informed the Hearing that the Sub-Committee had had regard to the representations made by the Applicant and interested parties as well as the guidance issued under s 183 of the Licensing Act 2003 and the Council's Statement of Licensing policy.

It was therefore unanimously,

Resolved: That a Premises Licence in respect of D 'N' M News 'N' Toys, 4 High Street, Edenbridge, Kent, subject to the conditions contained in the licence attached as an appendix to these minutes, be granted.

THE MEETING WAS CONCLUDED AT 11.41 am

Chairman

Notice of determination for application premises licence

To: MAHATHNASEELAN PUTHUVLAKAN

Of: D 'N' M NEWS 'N' TOYS, 04 HIGH STREET, EDENBRIDGE

Ref: 12/02017/LAPRE

Sevenoaks District Council being the licensing authority, on the 14 June 2012 received an application for a premises licence in respect of premises currently known as D 'N' M NEWS 'N' TOYS, 4 High Street, Edenbridge.

On Monday 6 August 2012 there being valid representations which were received and 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 M: To allow sale of alcohol for consumption off the premises, from 06:00 hours until 23:00 hours from Monday to Saturday, and from 08:00 until 22:30 hours on Sundays.

Section O: Hours premises are open to the public are: Monday to Thursday from 06:00 until 23:00 hours, Friday and Saturday from 06:00 hours until 23:00 hours, and on Sunday from 08:00 until 22.30 hours.

To add the conditions on the Licence as follows:

Mandatory Conditions:

The supply of alcohol

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.

The premises licence 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.

Other Conditions

Interpretation and effect of the conditions

- (1) No sale or supply of alcohol shall be authorised to take place on the premises

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unless each of the following conditions in this licence is being fully complied with at the time of sale or supply.

For the purpose of this licence, references in conditions to 'staff' or 'members of staff' include all persons serving customers on the premises, including in particular the owner of the establishment, the manager, and any family members of those owning or working in the business whether or not they be employees.

Protection of Children

- (2) No toys, games, puzzles, figurines or other playthings shall be sold or displayed for sale at the premises, and nor shall such playthings be advertised as being for sale at the premises.
- (3) In particular, no reference to toys, games, puzzles, figurines or other playthings shall be made in:
 - (i) the advertised name of the shop;
 - (ii) internal or external signs and displays;
 - (iii) canopies; or
 - (iv) shop-window displays.

Reason: In order to promote the Licensing Objective of protecting children from harm.

Age Verification

- (4) Staff selling alcohol shall operate the following age verification policy ("the Proof of Age Policy"):

All customers appearing to a member of staff to be aged 25 or younger shall, when attempting to buy alcohol-containing products, be required to provide proof of age before they are sold the products. The member of staff shall not sell the products to that individual unless he or she is satisfied that the individual has attained 18 years of age.

The following shall be the only acceptable forms of proof of age:

 - (i) valid passport;
 - (ii) photo-card driving licence issued by an EU member state; or
 - (iii) such card as is accredited by the Home Office National Proof of Age Standards Scheme (PASS).
- (5) The Proof of Age Policy shall be prominently and legibly announced on notices of at least A4 size, which shall be placed:
 - (i) at or within 2 metres of the entrance;
 - (ii) at or within 2 metres of the shelves or cabinets in which the alcohol is displayed for sale; and
 - (iii) at the point of sale.
- (6) The licence holder shall maintain a Refusals Book, in which all refusals of sale of alcohol shall be recorded at least on a daily basis. In particular, every refusal of sale on account of a person appearing to be aged 25 or younger and unable to prove that they were aged 18 years or above shall be entered in the Refusals Book. Each day's entries shall be stored for a period of at least six months. Entries in the

Refusals Book shall state:

- (i) The date and time of the refusal of sale;
 - (ii) The members of staff present when the sale was refused;
 - (iii) The identity (or if this is not known, the description) of the person or persons to whom the sale was refused;
 - (iv) The reason for refusing the sale.
- (7) All members of staff who sell alcohol shall be trained in order to ensure that they understand:
- (i) the requirements of the Licensing Act 2003 and of this licence insofar as they relate to the sale by them of alcohol for consumption off the premises;
 - (ii) how to record incidents in the Refusals Book; and
 - (iii) how to apply the Proof of Age Policy.

The licence holder shall retain all training materials on the premises. The licence holder shall certificate in writing the satisfactory completion of this training for each member of staff. Each member of staff who sells alcohol shall undergo this training annually and undergo annual recertification.

Reason: In order to promote the Licensing Objectives of protecting children from harm and preventing crime and disorder.

Staffing

- (8) Alcohol may only be sold or supplied at times when at least one person holding a personal licence is present on the premises.
- (9) Sales of alcohol may only be transacted by staff who have attained the age of 18 years.
- (10) There shall be two members of staff on the premises who shall have attained the age of 18 years between 19.00 hours and the close of business on each day.

Reasons: In order to promote the Licensing Objectives of preventing crime and disorder and protecting children from harm, as well as to clarify conditions proposed by the Applicant.

Storage of alcohol and cash

- (11) All products containing alcohol shall be displayed for sale in a separate section or sections of the store to other products.
- (12) All products containing alcohol shall be stored in the direct line of sight of staff acting as cashiers, and this line of sight shall not be obstructed by other displays or shelving.
- (13) Products containing more than 35% alcohol by volume shall be stored behind the counter.
- (14) The counter shall be a minimum height of one metre from the floor and at least 60 centimetres wide. Access to the area behind the counter shall be via a door bolted from the inside. The floor behind the counter shall be raised 10 centimetres above the level of the surrounding flooring.
- (15) The cash till shall be placed either behind the counter or, if placed on the counter,

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it shall be fixed into position such that it cannot easily be removed.

Reasons: In order to promote the Licensing Objectives of preventing crime and disorder and protecting children from harm as well as to further clarify the operating schedule and conditions proposed by the Applicant.

Closed-Circuit Television

- (16) The licence holder shall ensure that before alcohol is first displayed or offered for sale and at all times thereafter:
- (i) the shelves or cabinets in which alcohol containing products are displayed for sale are within the field of view of a Closed-Circuit Television (CCTV) camera;
 - (ii) all entrances and exits to the store which are open to the public shall be within the field of view of a CCTV camera which clearly resolves the faces of all persons entering the store;
 - (iii) there shall be one or more CCTV cameras positioned so as to clearly record video footage of all alcohol sale transactions.
 - (iv) there shall be a CCTV camera immediately outside the entrance to the premises positioned so as to record images of persons leaving the store.
 - (v) There shall be at least one visual display monitor on which staff in the till area can view live footage from each of the cameras, and play back footage.
- (17) The cameras shall be securely and effectively linked to apparatus which faithfully and clearly records and safely stores the video footage. The video recording system comprising the cameras, recording and storage apparatus including any removable storage media, loaded software, display monitor and the links between these shall constitute 'the CCTV system' for the purpose of this licence.
- (18) The CCTV system shall be operated at all times when the premises are open for business, and shall be maintained in full working order.
- (19) The CCTV system must conform to the following requirements:
- (i) The system shall accurately and legibly record the date and time at which the video footage is recorded. The system clock shall be set correctly and maintained to take account of changes between Greenwich Mean Time and British Summer Time.
 - (ii) The recorded footage shall be of sufficiently high quality to be able to identify individuals clearly by their facial features, gait, and attire.
 - (iii) All video recordings shall be stored in a digital format and a backup copy of each day's recordings shall be made not later than the end of each day on which the footage is recorded.
 - (iv) All recordings, both original and backup copies, shall be stored securely and shall be appropriately archived to enable identification of the date and time of capture. The backup copy shall be stored separately from the original recordings to ensure that both sets of recordings are not lost.
 - (v) The recordings shall not be stored in such manner as to reduce the quality of the recordings below that required by paragraph (ii) of this condition.
 - (vi) Both original and backup copies of each day's recordings shall be retained

for at least 31 days from the date of capture.

- (vii) The system shall be operated, and all recordings retained, in a secure environment. Access to the CCTV system including the recordings shall be controlled to prevent tampering with either the recording process or the recorded data.
- (viii) A daily record shall be kept of who has accessed the CCTV system, when and for what purpose. This record shall be stored securely in a separate location to the stored recordings and retained for 31 days after the date on which each entry is made.
- (ix) Members of staff in charge of the CCTV system must be adequately trained to operate the system and must be provided with a simple set of instructions.
- (x) The system must have a method of exporting video and still image recordings to a removable storage medium, along with the time and date integral to the recordings. The pictures shall be exported in the native file format at the same quality that they were stored on the system. It must be possible to replay the files from the removable media.
- (xi) The playback software shall have variable speed control, including frame-by-frame, forward and reverse viewing. It must be able to maintain the aspect ratio of the video footage, display a single camera feed at full resolution, permit the recordings from each camera to be searched by time and date, and allow the printing of pictures with their date and time marked on the printout.

(20) The licence holder shall ensure that at all times when the premises are open there are sufficient staff to monitor the CCTV live footage relating to the alcohol-containing products.

Reasons: In order to promote the Licensing Objectives of preventing crime and disorder and protecting children from harm as well as to further clarify the operating schedule, as proposed by the Applicant.

Notice

(21) A notice of at least A4 size shall be displayed within 1 metre of the exit which asks customers to have consideration for neighbours when leaving the store.

Reason: in order to prevent public nuisances being caused by customers leaving the premises.

This licence granted at the Hearing is effective from the 6 August 2012.

Dated: 6 August 2012

Signed

Chair – Licensing Hearing

Signed

Designation –

Please address any communications to:

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Licensing Regime
Community and Planning Services
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.