

LICENSING HEARING

Minutes of the meeting held on 1 April 2022 commencing at 10.30 am

Present: Cllr. Edwards-Winser (Chairman)
Cllr. Abraham
Cllr. Bonin

Also Present:	Amy Foster	Applicant
	Jonathan Searle	Applicant's business partner
	Peter Fleming	Respondent
	David Lagzdins	Legal Advisor (SDC)
	Jessica Foley	Senior Licensing Officer (SDC)
	Elinor Jones	Democratic Services Officer (SDC)

4. Appointment of Chairman

Resolved: That Cllr Edwards-Winser be appointed Chairman of the meeting.

(Cllr Edwards-Winser in the Chair).

5. Declarations of interest

There were none.

6. LICENSING ACT 2003 NEW APPLICATION - The Suave, 14 South Park, Sevenoaks, Kent. TN13 1AN

The Chairman welcomed everyone to the meeting.

The Hearing gave consideration to the report by the Senior Licensing Officer giving details of the application which had been submitted by Miss Amy Foster for a Premises Licence for The Suave, 14 South Park, Sevenoaks, TN13 1AN. Her business partner, Mr Jonathan Searle, also attended the hearing.

The Sub-Committee heard from the Applicant who updated the Committee with her reasons for applying for the licence, explaining that she wanted to provide new job opportunities for the local area while showcasing a selection of wines and ales for her customers.

The Hearing then listened to the Respondent who explained his concerns regarding the size, the unusual lay out of the premises and the locality of the business premises, stating that the premises were very small and situated on a main route to a primary school. He also had concerns regarding the very narrow pavement which was not adequate for tables and chairs.

Licensing Hearing - 1 April 2022

The Sub-Committee then proceeded to ask questions to the Applicant in relation to the day to day running of the business and asked what procedures were in place for smoking clientele and refuse storage and collection. The Applicant's business partner advised that the refuse would be stored and collected from the side street and smokers would only be allowed to smoke in the court yard at the rear of the premises. He confirmed that customers would not be permitted to smoke at the front of the property and a sign would be displayed to say this. No application had been made for a pavement licence.

The applicant gave the Chairman a letter of support which had been received on her behalf from another business nearby which the Chairman read out to the meeting. The respondent asked the applicant what security measures they had installed and the applicant advised that CCTV cameras would be remotely operational internally and externally, a fire alarm system would be installed and the business would become a member of the local pubwatch scheme.

In response to a question, the respondent explained his concern at the layout of the premises as the property was split with an upper and lower level, that it may not provide sufficient space for customers to move around and access certain facilities.

At 10:57 the Hearing Members withdrew to consider the issues raised and were accompanied by the Council's Legal Advisor, the Licensing Officer and Clerk to the Hearing for the purposes of providing advice only.

At 11:15 the Hearing Members, Council's Legal Advisor and Clerk to the Hearing Returned to the Council Chamber.

The Chairman confirmed that the full detailed decision would be made and provided to the interested parties thereafter by the notice of determination. He advised the Hearing that the Sub-Committee had come to the conclusion that the premises licence be granted.

Resolved: That the Licence be granted subject to minor amendments in proposed conditions for the purpose of enforceability with the full decision to be published within 5 working days and provided to the parties thereafter. An informative to be included to explain that in the Sub-Committee's view it would be highly inappropriate for a pavement licence to be granted for the pavement at the front of the premises.

Licensing Hearing - 1 April 2022

THE MEETING WAS CONCLUDED AT 11.22AM

CHAIRMAN

LICENSING ACT 2003 - Section 23

Notice of determination for application premises licence

To: Amy Foster

of: 14 South Park, Sevenoaks, TN13 1AN

Ref: 22/00075/LAPRE

Sevenoaks District Council being the licensing authority, on the 11 January 2022 received an application for a premises licence in respect of premises known as 14 South Park, Sevenoaks, TN13 1AN

On the 1 April 2022 there being a valid representation which was received 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 M	To allow the supply of alcohol for consumption off the premises Monday to Saturday from 12:00 - 23:30 and Sunday from 12:00 to 22:30
-----------	--

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.

To add the conditions on the Licence as follows:

When the premises is operating and licensable activities are taking place, a Personal Licence Holder will be on the premises to ensure all policies are adhered to

- A CCTV system will be installed, recordings will be maintained for an appropriate period. Customers will not be permitted to take drinks vessels from the premise. The Sevenoaks Town Pubwatch Scheme will be subscribed to and signage in place at the premises indicating that it is a member of the scheme. Irresponsible drinks promotions will not be permitted. An anti-drugs policy will be in place, and any evidence of drugs misuse reported to Kent Police
- A No Smoking policy is operated at the premise with strict ruling that only two patrons can smoke in the designated smoking area in a walled yard to

The Suave, 14 South Park, Sevenoaks, TN13 1AN (Sevenoaks Town and St Johns)

the rear of the premise. These rules will be detailed by means of prominent, clear and legible notice at the entrance and throughout the premises. The venue maximum occupancy will be set at 48 persons. A suitable Fire Risk Assessment at the premises and implemented the necessary control measures. All exit doors are easily operable without the use of a key, and are regularly checked for operation. Emergency lighting is installed and regularly maintained.

- The premises have a current certificate of inspection for the fire detection alarm. The premises have current certificates for all portable fire fighting equipment.
- The premise is only to be operated within the agreed hours. Any amplification equipment will be fitted with noise level limiters to keep music within a level to not effect neighbouring premises. For the final hours of opening the music shall be reduced in volume and discernibly quieter, as will doors and windows be closed to limit unnecessary noise emission.
- Prominent, clear and legible notice will be displayed at the exit to request that customers are to respect local residents and leave the premise and area quietly.
- Movement of waste containers containing empty bottles from the premises will not take place between 1900 hrs and 0900 hrs to minimise disturbance to nearby occupiers.
- The premise is to be restricted of entry to over 21s, using the Challenge 25 policy. Prominent, clear and legible notice will be displayed at the entrance of the premise detailing the age restriction.

Informative

1. The Sub-Committee advises that in its view it would be highly inappropriate for the premises to be granted a Pavement Licence for outdoor seating.

This licence granted at the Hearing is effective from 1 April 2022

Dated: 1 April 2022

Please address any communications to:

Licensing Partnership

Sevenoaks District Council

Council Offices

PO Box 182

Argyle Road

The Suave, 14 South Park, Sevenoaks, TN13 1AN (Sevenoaks Town and St Johns)

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.