Determination of a Application to Vary a Premises Licence – Sankeys

To: Licensing Sub-Committee

Date: 11 October 2012.

Main Portfolio Area: Sustainability

Author of report: Dave Packham, Licensing Officer

Classification: Non-Exempt

Ward: Culverden

SUMMARY

To determine an application to vary a premises licence made under Section 34 of The Licensing Act, 2003, for the premises known as;

Sankeys, 39 Mount Ephraim, Royal Tunbridge Wells, Kent TN4 8AA

LINK TO STRATEGIC COMPASS

Passionate about PEOPLE – Consistency of our approach in delivering the service. All parties involved are communicated and engaged with.

Passionate about CUSTOMERS – Customers will effectively know what to expect from the licensing process and a fair hearing is provided to all parties involved.

Passionate about VALUE – By being open and transparent in our approach to administrating the licensing regime the public can see the efficiency of the service.

Passionate about COMMUNITY – By holding a hearing, the public can be confident that the Council is ensuring the promotion of the licensing objectives in all its licensed premises

Report status
Members’ instructions are requested.

Route to Implementation/Timetable:
Decision is made at the Sub-Committee meeting.
Introduction/Background

1. On 23 August 2012, a revised application to vary the premises licence was received by Tunbridge Wells Borough Council. A copy of the application is attached at Appendix B.

2. An initial application to vary the premises licence was received on 7 August 2012 but had been invalidated by Sharon Degiorgio, Tunbridge Wells Senior Licensing Officer as the applicant had failed to display the Public Notice on the premises as required by the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005. On 23 August 2012 the applicant was advised by telephone of the reasons that application was invalid and also advised that the revised application should state the licensable activities and times for the proposed variation. A letter confirming this was sent the same day.

3. The application was deemed valid by Sharon Degiorgio on 23 August 2012.

4. A Public Notice was displayed at the premises for a period of 28 days and a notice placed in a local newspaper, both with a closing date for representations of 20 September 2012.

5. At any stage, during the 28 day public consultation period, a responsible authority, or an interested party, may make representations in connection with any of the four licensing objectives namely:
   - Prevention of crime and disorder
   - Prevention of public nuisance
   - Public safety
   - Protection of children from harm

6. Provided that the grounds for the request are relevant to the promotion of the licensing objectives and, in the case of requests by interested parties, are not vexatious, frivolous or repetitive, a hearing must be held to determine the application.

7. The current premises licence authorises the following licensable activities:
   **Live Music:** (Indoors)
   - Friday & Saturday 10:00 – 23:00
   - Sunday 10:00 – 23:00

   **Sale or supply of alcohol:**
   - Monday – Thursday 10:00 – 01:00
   - Friday & Saturday 10:00 – 03:00
   - Sunday 10:00 – 00:00

   **Non standard timings for licensable activities:**
   On all Bank Holidays (except Christmas) to include the preceding day (at Easter to also include the preceding Thursday): up to the terminal hour set for the sale of alcohol on Saturdays at the latest. (i.e. 03:00)

8. The opening hours of the premises are shown on the current premises licence as:
   - Monday – Thursday 10:00 – 01:30
   - Friday & Saturday 10:00 – 03:30
   - Sunday 10:00 – 00:30
The non-standard opening hours of the premises:
On all Bank Holidays (except Christmas) to include the preceding day (at Easter to also include the preceding Thursday) and for Christmas (to include Christmas Eve) up to the terminal hour set for Saturdays at the latest. (i.e. 03:30)

9. The areas of the premises which are authorised for licensable activities are shown on the plans included with the copy of the current premises licence issued on 22 September 2011 attached at Appendix C.

The application

10. The application to vary the premises licence seeks authorisation for the following licensable activities in the first floor function room and bar, shown on the plans attached at Appendix D, in addition to those shown on the current premises licence:

**Sale or supply of alcohol:**
- Every day 12:00 – 01:00

The application proposes that the opening hours of the first floor function room and bar will be:
- Every day 12:00 – 01:00

11. In addition to the requirements of the conditions on the current premises licence the applicant proposes that an additional SIA licensed Door Supervisor will be employed to deal with the increase in capacity.

Representations

12. A valid representation has been received from an Interested Party/Other Person based on the following licensing objective:

- PREVENTION OF PUBLIC NUISANCE

13. A copy of the representation is attached at Appendix E.

14. No other representations were received within the statutory period prescribed by the Act from the Responsible Authorities or other Interested Parties.

WHAT IS THE ISSUE THAT REQUIRES A DECISION AND WHAT DOES THIS MEAN FOR THE PEOPLE OF TUNBRIDGE WELLS?

15. In accordance with the provisions of the Licensing Act 2003, the Licensing Authority must have any application determined by the Licensing Sub-Committee when relevant representations are received. The Licensing Authority has received the representation attached at Appendix E. Members are reminded that representations are only relevant if they relate to one or more of the four licensing objectives.

WHO HAVE WE CONSULTED AND HOW? (OR WHO WILL WE CONSULT FOLLOWING THE DECISION?)

16. The application for a premises licence was advertised by the applicant as required in the form of Public Notices. The Applicant published a copy of the notice in a local newspaper. The applicant has also submitted copies of the application to the appropriate Responsible Authorities.
17. Tunbridge Wells Borough Council has invited the applicant and the interested party to attend the hearing.

**HOW WILL THE DECISION BE COMMUNICATED?**

18. The applicant and the interested party will be notified verbally and in writing of the decision made prior to the conclusion of the hearing. The Decision Notice is also placed on the Borough Council’s website.

**WHAT ALTERNATIVE ACTION COULD WE TAKE? (Where appropriate)**

19. In accordance with Section 18 (3)(a) of the Licensing Act – where relevant representations are made, the authority must hold a hearing, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary.

**CONCLUSIONS**

20. That members in view of the representation made, must determine the application, and may take such steps as the Sub-Committee consider necessary for the promotion of the licensing objectives.

**RECOMMENDATION:**

21. That members in view of the representation made, determine the application, and take such steps as the Sub-Committee consider necessary for the promotion of the licensing objectives.

**Options open to the Sub-Committee**

The steps an authority may take are –

1. Grant the licence subject to
   
   (i) such conditions as are consistent with the operating schedule accompanying the application modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
   
   (ii) any conditions which must under section 19, 20 or 21 of the Licensing Act 2003 be included in the licence (the mandatory conditions).
   
2. Modify the conditions attached to the licence. (A condition is modified if it is altered or omitted or any new condition is added)

3. Reject the application.

**Representations received from statutory consultees:**

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**REASONS FOR RECOMMENDATION:**

The Sub-Committee is required under Section 18 of the Licensing Act, 2003, to determine an application when relevant representations have been received.

**Contact Officer:** Dave Packham, Licensing Officer Ext 3450

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**Gary Stevenson**  
**Head of Environment and Street Scene**

**Background papers.**

Licensing Act 2003  
Guidance issued under Section 182 of the Licensing Act 2003 (as amended)

**APPENDICES TO REPORT:**

Appendix ‘A’ – Cross Cutting Issues  
Appendix ‘B’ - Copy of Application  
Appendix ‘C’ – Current premises licence  
Appendix ‘D’ – Plans for first floor function room and bar  
Appendix ‘E’ – Representations  
Appendix ‘F’ - Information provided to parties: Rights of Party; Consequences if a party does not attend hearing and Procedure to be followed at hearing.