

# Licensing Committee

4 December 2018

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

## Delegated Licensing Decisions

1 April to 31 October 2018

<b>Final Decision-Maker</b>	Licensing Committee
<b>Portfolio Holder(s)</b>	Councillor Dr Ronen Basu – Sustainability Portfolio Holder
<b>Lead Director</b>	Paul Taylor - Director of Change and Communities
<b>Head of Service</b>	Gary Stevenson - Head of Housing, Health and Environment
<b>Lead Officer/Author</b>	Sharon Bamborough – Head of Licensing Partnership
<b>Classification</b>	Public
<b>Wards affected</b>	All

### **This report makes the following recommendations to the final decision-maker:**

That the Committee notes the delegated licensing decisions set out in the report.

### **This report relates to the following Five Year Plan Key Objectives:**

- A Prosperous Borough
- A Green Borough
- A Confident Borough
- To ensure effective partnership working

### **Timetable**

<b><i>Meeting</i></b>	<b><i>Date</i></b>
Licensing Committee	4 December 2018

# Delegated Licensing Decisions

## 1 April to 31 October 2018

### 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report provides a summary of the licences granted under the Licensing Act 2003 by the Head of Housing, Health and Environment under delegated powers between 1 April 2018 and 31 October 2018, together with an update on any appeal activity. The report also provides details of any decisions taken under delegated powers to refuse an application made, or revoke a licence issued, under the Scrap Metal Dealers Act 2013 during the same timeframe as well as totals for licences granted for hackney carriages and Private hire vehicles and drivers
- 1.2 This report is for members' information and noting.

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### 2. INTRODUCTION AND BACKGROUND

- 2.1 This report advises Members of the Licensing Committee of the applications determined by officers in accordance with the approved scheme of delegation.
- 2.2 As Members are aware, the Head of Housing, Health and Environment has delegated powers to grant licences under the Licensing Act 2003 where there are no representations, or where representations are made and subsequently withdrawn. In such circumstances there is no discretion given to the licensing authority, and a licence must be issued
- 2.3 In accordance with the above, this report sets out the details of the licences and certificates granted by the Head of Housing, Health and Environment during the period 1 April 2018 and 31 October 2018, together with an update of any appeals made under the Licensing Act 2003 during the same time frame.
- 2.4 The report also provides details of any decisions taken under delegated powers by the Head of Housing, Health and Environment to refuse an application made, or revoke a licence issued, under the Scrap Metal Dealers Act 2013 during the period 1 April 2018 and 31 October 2018.
- 2.5 Finally, the report set out the numbers of licences granted under delegated powers for Hackney carriage / Private Hire vehicles and drivers
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### 3. Licensing Act 2003 - Premises Licences/Club Premises Certificates - Grant of a new licence or certificate

- 3.1 These are applications made in respect of premises seeking the new grant of a Premises Licence or a Club Premises Certificate. .
- 3.2 Such applications have to be advertised in accordance with the established procedure and it is open to all the Responsible Authorities and any Other Person to make representation to the application.
- 3.3 The Head of Housing, Health and Environment has delegated powers to grant applications where no representations are made, or where representations are made but subsequently withdrawn.
- 3.4 A list of Premises Licences and Club Premises Certificates granted under delegated powers between 1 April 2018 and 31 October 2018 is detailed in Table 1.

**Table 1**

<u>Applicant Name</u>	<u>PREMISES NAME</u>	<u>ADDRESS1</u>	<u>Premises type</u>	<u>Ward</u>	<u>DEC. DATE</u>
NEW GRANTS:					
Maw (UK) Ltd	Frame Farm	Frame Farm Iden Green Road Iden Green Benenden Kent TN17 4EZ	OTHER	Benenden And Cranbrook	05-Oct-18
Kilndown Village Hall Trust	Kilndown Village Hall	Kilndown Village Hall Church Road Kilndown Cranbrook Kent TN17 2RZ	HALL	Goudhurst And Lamberhurst	11-Oct-18
Best Health Food Shop Ltd	Best Health Food Shop	53 St Johns Road Royal Tunbridge Wells Kent TN4 9TP	OTHER	Culverden	12-Oct-18
Under The Clock (The Pantiles) Ltd	Under The Clock	26-28 The Pantiles Royal Tunbridge Wells Kent TN2 5TN	RESTAURANT	Pantiles And St. Marks	02-Oct-18
Bidborough Village Hall - CIO	Bidborough Village Hall - CIO	Bidborough Ridge Bidborough Royal Tunbridge Wells Kent TN3 0XD	HALL	Speldhurst And Bidborough	30-Aug-18
Shell Oil UK Products Limited	Shell Waitrose St Johns	37 St Johns Road Royal Tunbridge Wells Kent TN4 9TP	SHOP	Culverden	24-Jul-18
Hide Stationery Ltd	Bookblock	Unit A Paddock Wood Distribution Centre Transfesa Road Paddock Wood Tonbridge Kent TN12 6UU	OTHER	Paddock Wood East	08-Sep-18
Mr Richard Simm	The Stables	The George Public House 29 Mount Ephraim Royal Tunbridge Wells Kent TN4 8AA	OTHER	Culverden	18-Oct-18

Mr Tianyu Huang	Kiko Sushi And Yakitori	5 London Road Royal Tunbridge Wells Kent TN1 1DQ	RESTAURANT	Pantiles And St. Marks	21-Sep-18
Mr Sedat Zorba	Zorba Restaurant	2 - 4 Upper Grosvenor Road Royal Tunbridge Wells Kent TN1 2EN	RESTAURANT	Culverden	05-Sep-18
TJX UK	Homesense	Unit 5 The Fountains Retail Park Dowding Way Royal Tunbridge Wells Kent TN2 3FB	OTHER	Sherwood	01-Sep-18
Mr Hulkan Altinbas	Knights Wood Food & Wine	Unit E Cedar House The Avenue Royal Tunbridge Wells Kent TN2 3FY	SHOP	Sherwood	13-Jun-18
New Pages Ltd	Pages	151 Camden Road Royal Tunbridge Wells Kent TN1 2RF	SHOP	St James	21-Aug-18
Mrs Catherine Miles	Field Green Oast	Field Green Oast Sponden Lane Sandhurst	HOTEL	Hawkhurst And Sandhurst	22-May-18

3.5 All of the Premises Licences/Club Premises Certificates granted under delegated powers for the period 1 April 2018 and 31 October 2018 have been issued subject to any relevant mandatory conditions, together with those conditions offered by the applicant in their operating schedule or during the application process

#### **4. Licensing Act 2003 - Premises Licences and Club Premises Certificates - Variation (other than a minor variation or change of a designated premises supervisor) of an existing licence or certificate**

- 4.1 These are applications made in respect of premises seeking to vary the terms and conditions of an existing Premises Licence or a Club Premises Certificate. Not included in this category are applications made for a minor variation of an existing Premises Licence or a Club Premises Certificate or applications to vary a Premises Licence where the variation sought relates only to the change of name of the person designated on the Licence as the "Premises Supervisor".
- 4.2 Such applications have to be advertised in accordance with the established procedure and it is open to all the Responsible Authorities and any Other Person to make representation to the application. The Head of Housing, Health and Environment has delegated powers to grant applications where no representations are made, or where representations are made but subsequently withdrawn.
- 4.3 There have been 2 full variations determined (granted) under delegated authority in the period 1 April 2018 and 31 October 2018, shown in table 2 below:

**Table 2**

<u>Applicant Name</u>	<u>PREMISES NAME</u>	<u>ADDRESS1</u>	<u>Premises type</u>	<u>Ward</u>	<u>DEC. DATE</u>
FULL VARIATIONS:					
Tunbridge Well Borough Council - Leisure Services	Dunorlan Park	Dunorlan Park Cafe Pembury Road Royal Tunbridge Wells Kent TN2 3QN	OTHER	Park	20-Apr-18
TO ADD OFF SALES OF ALCOHOL					
BP Oil UK Limited	Church View SF Connect	41 - 43 St Johns Road Royal Tunbridge Wells Kent TN4 9TP	SHOP	Culverden	06-Apr-18
TO INCREASE HOURS FOR OFF-SALES OF ALCOHOL FROM 08:00-23:00 TO 24 HOURS EACH DAY					

### **Licensing Act 2003 - Premises Licences and Club Premises Certificates - Minor variation of an existing licence/certificate**

- 4.4 These are applications seeking minor changes to an existing Premises Licence or Club Premises Certificate which is not expected to impact adversely on the licensing objectives. There is no requirement to advertise such applications in a newspaper; however, a notice must be displayed at the premises
- 4.5 Upon receipt of an application for a minor variation it falls to the licensing authority to consult those Responsible Authorities it considers relevant to the variation sought. The Head of Housing, Health and Environment has delegated powers to grant and, where relevant representations are made, refuse an application.
- 4.6 Minor Variations- assessment and process
- (i) Upon receipt (and on occasion, an advance enquiry will be made before application) the Senior Licensing Officer (SLO) or Licensing Officer (LO), using their considerable knowledge and experience, will assess the proposed variation and decide whether or not it may affect the licensing objectives. If the officer decides that it is unlikely, then the minor variation is processed and the views of the relevant responsible authorities are sought. The applicant is also required to display a notice at the premises advertising the application to the public. If no objections are received, the application is likely to be granted under delegated authority.
  - (ii) If the SLO or LO decides that the licensing objectives may be affected, then the application is likely to be refused and the applicant advised to submit a full variation.

*This has been the approach since the Licensing Act 2003 was amended to allow minor variations in 2009*

- (iii) The usual types of changes permitted under minor variations can include:
- Minor changes to layout
  - An updating (but not weakening) of conditions on the licence
  - A change to/ removal of old conditions which are no longer relevant to the operation (especially if imposed against a former operator, or if it was a condition offered up originally by a licensee and would not have been sought by a responsible authority in the initial grant)
  - The addition of stronger conditions to promote the licensing objectives (especially after an enforcement or police intervention) as a solution to problems, as part of a stepped approach (where a review could be end result if problems persist)

A list of Premises Licences and Club Premises Certificates that have applied for a minor variation between 1 April 2018 and 31 October 2018, together with the decision made under delegated powers, is detailed in Table 3, below.

**Table 3**

<u>Applicant Name</u>	<u>PREMISES NAME</u>	<u>ADDRESS1</u>	<u>Premises type</u>	<u>Ward</u>	<u>DEC. DATE</u>
MINOR VARIATIONS:					
Spirit Pub Company (Services) Limited	Hop House	Hop House Knights Way Royal Tunbridge Wells Kent TN2 3UW	PUB	Sherwood	12-Apr-18
CHANGE OF LAYOUT - GRANTED					
Mr Mehmet Ali Akpunar	Royal Express	25 Mount Pleasant Road Royal Tunbridge Wells Kent TN1 1NT	TAKEAWAY	Culverden	03-May-18
TO ADD CONDITIONS RE CTTV AND SECURITY STAFF (FOLLOWING ADVICE FROM POLICE) – GRNATED					
Greene King Brewing & Retailing Ltd	Robin Hood	Robin Hood Public House Sandhurst Road Royal Tunbridge Wells Kent TN2 3TD	PUB	Sherwood	26-Sep-18
CHANGE OF LAYOUT - GRANTED					

## **5. Licensing Act 2003 - Premises Licences - Variation to change the name of a designated premises supervisor on an existing licence**

5.1 These are applications seeking to change the name of the person designated as the premises supervisor on an existing Premises Licence. There is no requirement to advertise such applications and it is only open to the Police to make representations to the application. The Head of Housing, Health and Environment has delegated powers to grant applications where no representations are made, or where representations are made but subsequently withdrawn.

- 5.2 These are applications seeking to change the name of the person designated as the premises supervisor on an existing Premises Licence. There is no requirement to advertise such applications and it is only open to the Police to make representations to the application. The Head of Housing, Health and Environment has delegated powers to grant applications where no representations are made, or where representations are made but subsequently withdrawn
- 5.3 Fifteen (15) applications have been granted under delegated powers within this category between 1 April 2018 and 31 October 2018

## **6 Licensing Act 2003 - Premises Licences - Transfer**

- 6.1 These are applications seeking to transfer an existing Premises Licence from one person or body to another. There is no requirement to advertise such applications and it is only open to the Police to make representations to the application. The Head of Housing, Health and Environment has delegated powers to grant applications where no representations are made, or where representations are made but subsequently withdrawn.
- 6.2 Between 1 April 2018 and 31 October 2018, ten (10) applications to transfer a licence have been granted under delegated powers.

## **7. Licensing Act 2003 - Appeals**

- 7.1 No Licensing Act 2003 appeals have been heard by Tunbridge Wells Magistrates during the period 1 April 2018 and 31 October 2018.
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## **8. Scrap Metal Dealers Act 2013 - Scrap Metal Dealers/Site Licence - Refusal of an Application/ Revocation of an existing Licence**

- 8.1 The Head of Housing, Health and Environment has not revoked any Licences issued, or refused any applications made, under the Scrap Metal Dealers Act 2013 between 1 April 2018 and 31 October 2018.
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## **9. Hackney Carriage and private Hire vehicles and drivers licences**

- 9.1 There have been 58 applications granted for taxi driver licences
- 9.2 There have been 15 applications granted for operators licences
- 9.3 There have been 30 applications granted for Vehicle licences
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## 10 CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Legal including Human Rights Act</b>	This is a report to update on the delegated decisions of the licensing partnership – no new legal issues arise from its contents	Robin Harris Senior Lawyer – Contentious, Mid-Kent 26.11.2018
<b>Finance and other resources</b>	There are no financial implications	Sharon Bamborough, Head of Licensing partnership 23.11.2018
<b>Staffing establishment</b>	No impact on Tunbridge Wells Borough Council	Sharon Bamborough, Head of Licensing partnership 23.11.2018
<b>Risk management</b>	A risk assessment is undertaken on an annual basis regarding the service objectives and reviewed regularly	Sharon Bamborough, Head of Licensing partnership 23.11.2018
<b>Data Protection</b>	No impact. This is a report to update on the delegated decisions of the licensing partnership	Sharon Bamborough, Head of Licensing partnership 23.11.2018
<b>Environment and sustainability</b>	No impact. This is a report to update on the delegated decisions of the licensing partnership	Sharon Bamborough, Head of Licensing partnership 23.11.2018
<b>Community safety</b>	No impact. This is a report to update on the delegated decisions of the licensing partnership	Sharon Bamborough, Head of Licensing partnership



		23.11.2018
<b>Health and Safety</b>	No impact. This is a report to update on the delegated decisions of the licensing	Sharon Bamborough, Head of Licensing partnership 23.11.2018
<b>Health and wellbeing</b>	No impact. This is a report to update on the delegated decisions of the licensing	Sharon Bamborough, Head of Licensing partnership 23.11.2018
<b>Equalities</b>	No impact. This is a report to update on the delegated decisions of the licensing	Sharon Bamborough, Head of Licensing partnership 23.11.2018

## 11 REPORT APPENDICES

None

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## 12 BACKGROUND PAPERS

None

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