

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Wednesday, 9th February, 2011**

**Present:** Cllr Miss J L Sergison (Chairman), Cllr J R H Clements and Cllr Mrs M F Heslop.

**PART 1 - PUBLIC**

**LA  
11/015**      **DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**DECISIONS TAKEN UNDER DELEGATED POWERS IN  
ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE  
CONSTITUTION**

**LA  
11/016**      **APPLICATION FOR REVIEW OF PREMISES LICENCE FOR KENT  
MART, LUNSFORD LANE, LARKFIELD**

The Panel gave consideration to an application made by Kent Trading Standards for a review of the premises licence in respect of Kent Mart, Lunsford Lane, Larkfield. The Panel was advised that the application for review had been made under the licensing objective of "The protection of children from harm" following a test purchase operation in which alcohol had been sold to an under 18 year old volunteer.

The Panel heard from Mr R Strawson and Ms S Goacher of Kent Trading Standards and from Mr D Dadds, Solicitor, acting for Mr S Arulparam, the owner of Kent Mart.

Having considered very carefully the application for the review made by Kent Trading Standards, the representations made by Mr Dadds on behalf of Kent Mart and the issues set out in the report, the Licensing and Appeals Committee, sitting as a Panel,

**RESOLVED:** That,

(1) in accordance with the objectives contained in the Licensing Act 2003 and the objectives contained in the Licensing Policy of Tonbridge and Malling Borough Council, the Premises Licence be modified by the addition of the following conditions:-

1. A Challenge 25 policy shall be operated at the premises and published in store with the use of sufficient notices for all potential purchasers to be aware of the policy. This policy must be adhered to in all circumstances. All notices referring to a Challenge 21 policy should

be taken down to avoid confusion;

2. Forms of Identification which are to be accepted as "proof of age" must be limited to a passport, driving licence (with photo) or "Pass approved" proof of age card;

3. A refusals register is to be completed every time a refusal is made to someone because they appear under 25 in a format agreed by Kent Trading Standards. This register is to be made available to any police officer, Local Authority Licensing Officer or Trading Standards Officer at any reasonable time;

4. The refusals register should be checked and reviewed weekly by the Designated Premises Supervisor and a signature applied to the book to verify this;

5. There should be a written training procedure proportionate to the size of the business and number of staff with signatures gained from each member of staff to confirm that they have been trained in relation to the sales of age restricted products. This training should include (but not be limited to):

- Making all staff fully aware of the Challenge 25 policy and that they must operate it on all occasions.
- Training all staff on the use of the refusals register;

6. The Premises Licence Holder and/or the DPS shall conduct quarterly reviews with all members of staff and anyone else authorised to sell alcohol in order to reinforce the training and to promote best practice. A written record shall be made of the content of such reviews;

7. CCTV must operate at all times and must cover all exits and entrances, the point of sale and any other public areas of the licensed premises;

8. All CCTV cameras and recording equipment, including video tapes or DVDs if used, are to be well maintained, kept in good working order and are to be subject to regular testing and inspection, which are to be auditable;

9. Any recording made via the use of the CCTV will be retained and stored for a minimum of 30 days and made available to any police officer, Local Authority Licensing Officer or any Trading Standards Officer on request or in any case within 48 hours of a request being made.

(2) it be recommended that, at all reasonable times, a Personal Licence Holder shall be present on the shop floor to minimise the risk of underage sales.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**LA**            **EXCLUSION OF PRESS AND PUBLIC**  
**11/017**

No items were considered in private.

The meeting ended at 2123 hours