

LICENSING HEARING

Minutes of the meeting
held on 28 October 2013 commencing at 10.30 am

Present: Cllrs. Abraham, Mrs. Morris and Orridge

Also present	Ms Glynis Burton	-	Applicant
	Mr David Leeke	-	Applicant
	Ms Mary Pearman	-	Applicant
	Cllr. Mrs Purves	-	Local Member, Objector
	Mr Peter Ashwell	-	Objector
	Mr James Bampton	-	Objector
	Cllr Anthony Clayton	-	Town Councillor, Objector
	Mr Roger Fitzgerald	-	Objector
	Mr Geoff Howson	-	Objector
	Mr Jim Purves	-	Objector
	Mr David Warry	-	Objector
	Cllr. Mrs George	-	Observer
	Mrs Jessica Bolton	-	SDC, Licensing Officer
	Mrs Philippa Gibbs	-	SDC, Democratic Services Manager
	Mr David Lagzdins	-	SDC, Legal Advisor

1. Appointment of Chairman

Resolved: That Councillor Mrs Morris be appointed Chairman of the meeting.

2. Declarations of interest.

There were no additional declarations of interest.

3. Application for a Premises Licence - Sevenoaks Indoor Bowls Centre, Hollybush Close, TN13 3UX

The Hearing gave consideration to a report by the Chief Officer Environmental & Operational Services giving details of an application for a new Premises Licence under the Licensing Act 2003. The application was made by Sevenoaks IBC Ltd, Sevenoaks Indoor Bowls Centre, Hollybush Close, Sevenoaks, Kent TN13 3UX to allow licensable activities at the premises. 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 Mr Leeke (Finance Director), Ms Pearman (Chairman of the Indoor Bowls Club) and Ms Glynis Burton (Bowls Centre Manager) on behalf of the applicant, Sevenoaks Indoor Bowls Club, as well as from a number of local residents, a District Councillor and a Parish Councillor, who were the objectors to the application.

Mr Leeke advised the Hearing that the options had been discussed with the Licensing Authority over a number of months. The Club had also worked with Kent Police to review

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the hours and the application was now for the sale of alcohol up to 11pm. The licence would enable the Club to hold additional non-bowls functions throughout the year and the majority of attendees at these functions would be former members of the Club. Mr Leeke stressed that the Club had been holding functions for a number of years and these functions needed to continue for commercial reasons. The sound system within the Club was regularly tested and none of the tests that had been carried out by Environmental Health had raised any concerns. The majority of functions that were held at the Club were dinners that did not require the use of the dance floor.

In response to a question, Mr Leeke confirmed that the number of people that could be accommodated at the Club under Fire Regulations was 150. It was also confirmed that the Club had a Child Protection policy.

Responding to questions surrounding whether it would be possible for the Club to introduce different classes of membership such as Associate Member to allow individuals to take part in social events, Mr Leeke reported that he did not think the Club was able to offer different levels of membership.

Representing a number of local residents objecting to the application, Councillor Mrs Purves stressed that there were a number of residential roads in the vicinity that would be affected if the application were to be approved. The large numbers of people that could be leaving the club and the sale of alcohol in a residential area from 9am to 11pm could cause a public nuisance. Residents were also disappointed that the Club had not consulted with the local Hollybush Residents Association before submitting the application.

Town Councillor Tony Clayton stressed that local people did support the Bowls Club but were disappointed that there had been no consultation with the Residents Association, neighbouring households or parents that used the playground who would all be affected by the application. The increased volume of traffic to and from the Club could discourage parents from allowing their children to use the local park and there was concern that granting the application would set a precedent for any future users of the site.

Mr Ashwell suggested that the application that had been made did not meet Sevenoaks District Council's policy requirements as it did not appear that suitable safeguards were in place. There was also no indication of the number of additional users of the site or how many extra events would be held. Mr Ashwell expressed concerns that the building was not designed to contain high noise levels and that there would be a significant increase in public nuisance.

In response to a question surrounding the concerns that had been raised in relation to child protection issues, one of the objectors clarified that there were no concerns with the existing club licence, however residents had concerns surrounding what could happen in the future as the increase in traffic could endanger children.

At 11:55 a.m. the Hearing Members withdrew to consider the issues raised accompanied by the Council's Legal Advisor and the Clerk to the Hearing for the purpose of providing advice only.

At 12:45 p.m. the Hearing Members, Council's Legal Advisor and the Clerk to the Hearing returned to the Council Chamber.

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The Chairman informed the Hearing that the Sub-Committee had had regard to the Licensing Objectives, to the guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. They agreed to grant the licence subject to the inclusion of three additional conditions:

- (a) A sign will be placed in a visible location reminding any patrons leaving the premises that they need to respect neighbours and leave quietly.
- (b) A telephone number will be made available for local residents to contact the premises during opening hours.
- (c) The premises will maintain a child protection policy that will be publically displayed.

The following informatives were added to the Licence as follows:

- (a) The Environmental Health Team should be sensitive to any concerns raised by local residents.
- (b) It is recommended that the Premises Supervisor have regular liaison meetings with the Residents' Association.

The conditions were imposed with particular regard to the licensing objective of the prevention of public nuisance.

It was therefore unanimously,

Resolved: That a Premises Licence in respect of Sevenoaks Indoor Bowls Centre, Hollybush Close, Sevenoaks, Kent TN13 3UX subject to the conditions contained in the licence attached as an appendix to these minutes and with the informatives so stated be granted

THE MEETING WAS CONCLUDED AT 12.46 pm

Chairman

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LICENSING ACT 2003 – Section 23

Notice of determination for application premises licence

To: SEVENOAKS IBC LTD.

of: HOLLYBUSH CLOSE, SEVENOAKS, KENT. TN13 3UX

Ref: 13/02319/LAPRE

Sevenoaks District Council being the licensing authority, on 30th July 2013 received an application for a premises licence in respect of premises known as Sevenoaks Indoor Bowls Centre, Hollybush Close, Sevenoaks, Kent. TN13 3UX.

On the 28th October 2013 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 A: To allow exhibition of plays indoors every day from 09:00 until 23:00 hours.

Christmas Eve, New Year's Eve until 01:00 hours the following day.

Section B: To allow the exhibition of films indoors every day from 09:00 until 23:00 hours.

Christmas Eve, New Year's Eve until 01:00 hours the following day.

Section C To allow indoor sporting events every day from 09:00 until 23:00 hours.

Christmas Eve, New Year's Eve until 01:00 hours the following day.

Section E To allow live music indoors every day from 09:00 until 23:00 hours.

Christmas Eve, New Year's Eve until 01:00 hours the following day.

Section F To allow recorded music indoors every day from 09:00 until 23:00 hours.

Christmas Eve, New Year's Eve until 01:00 hours the following day.

Section G To allow performances of dance indoors every day from 09:00 until 23:00 hours.

Christmas Eve, New Year's Eve until 01:00 hours the following day.

Section H To allow anything similar to E, F or G indoors every day from 09:00 until 23:00 hours.

Christmas Eve, New Year's Eve until 01:00 hours the following day.

Section L To allow late night refreshment indoors on Christmas Eve, New Year's Eve until 01:00 hours the following day.

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Section M To allow sale of alcohol for consumption on the premises every day from 09:00 until 23:00 hours.

Christmas Eve, New Year's Eve until 01:00 hours the following day.

Section O Hours premises are open to the public from 09:00 until 23:30 hours

Christmas Eve, New Year's Eve until 01:00 hours the following day.

To add the conditions on the Licence as follows:

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.

Mandatory Conditions in force from 6 April 2010

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (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;

- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) 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.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4. The premises licence holder or club premises certificate 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.

5. The responsible person shall 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; and

(b) customers are made aware of the availability of these measures.

Exhibition of films

Where the film classification body is specified in the licence, unless subsection (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where -

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section -

"children" means person aged under 18; and

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"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

To add conditions to the Licence as follows:

- (a) A sign will be placed in a visible location reminding any patrons leaving the premises that they need to respect neighbours and leave quietly.
- (b) A telephone number will be made available for local residents to contact the premises during opening hours.
- (c) The premises will maintain a child protection policy that will be publically displayed.

To add the following informative to the Licence as follows:

- (a) The Environmental Health Team should be sensitive to any concerns raised by local residents.
- (b) It is recommended that the Premises Supervisor have regular liaison meetings with the Residents' Association.

The reason for the additional conditions is the prevention of public nuisance.

This licence granted at the Hearing is effective from the 28th October 2013.

Dated: 28 October 2013.

Signed

Chair – Licensing Hearing

Signed

Licensing Officer

Please address any communications to:

Licensing Partnership

Sevenoaks District Council

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.