

LICENSING HEARING

Minutes of the meeting held on 30 January 2017 commencing at 10.35 am

Present: Cllrs. Mrs. Bosley, Dr. Canet and Pett

Also present

|                      |   |   |
|----------------------|---|---|
| Jane Baier           | - | Applicant   |
| Lyn Singerton        | - | Applicant's representative                                  |
| Piers Warne          | - | Greene King's Legal Representative                          |
| John Masters         | - | Licensee  |
| Jo Masters           | - | Licensee  |
| Yvonne Fraser        | - | Greene King's Business Development Manager                  |
| Alice Backlog        | - | Resident  |
| Clive Marsden        | - | Resident  |
| Colin Stratton-Brown | - | Resident (representing Leigh Parish Council and Cllr. Lake) |
| Ian Davidson         | - | Resident  |
| Peter Kemp           | - | Resident  |
| Mary Stratton-Brown  | - | Observer  |
| Geoff Dalby          | - | Observer  |
| Roger Butler         | - | Observer  |
| Lionel Kevis         | - | Observer  |
| Julie Short          | - | Environmental Health Officer (SDC)                          |
| Darian Keady         | - | Environmental Health Officer (SDC)                          |
| David Lagzdins       | - | Legal Advisory (SDC)  |
| Nicola O'Shea        | - | Senior Licensing Officer (SDC)                              |
| Charlotte Sinclair   | - | Democratic Services Officer (SDC)                           |

1. Appointment of Chairman

Resolved: That Cllr. Pett be appointed Chairman of the meeting.

2. Declarations of interest

There were none.

3. Report to Licensing Sub-Committee following receipt of an application for the review of a premises licence under the Licensing Act 2003

The Hearing gave consideration to a report by the Chief Officer Environmental and Operational Services giving details under Section 52 of the Licensing Act 2003 for a review of the premises license for Fleur De Lis Public House, High Street, Leigh, Tonbridge, Kent, TN11 8RL on the grounds of the licensing objectives public safety and prevention of public nuisance. A map of Leigh was tabled for the Sub-Committee.

The Hearing heard from the representative on behalf of the applicant who highlighted the key issues that the applicant was having. She advised that she had

collected evidence from 2015 and 2016 which had been provided to Environmental Health in regards to the noise nuisance. The dividing wall was only brick and the noise from the pub travelled through. The pub garden was regularly used until 1am and this was preventing the applicant opening her windows and causing a lack of sleep. Photos had been provided in the Supplementary agenda pack 2 showing damage to the property and the wall and the close proximity of the pub garden. She advised that since the Noise abatement notice had been served there had been some improvement.

The Hearing heard from the legal representative for Greene King who advised that they were not dismissive of the concerns that the applicant had made. The pub was used by the community and in its majority the pub was not open until 1 a.m. He advised that the noise abatement notice had been served following an event that, in hindsight, was too loud. They had been working with the Environmental Health Officer who had made recommendations to help keep noise levels within a reasonable level. A noise recorder had been installed, and out of the 61 days it had been recorded there was only one nuisance on record.

The Legal representative for Greene King advised that they had amended slightly the recommendations put forward by Environmental Health as suggested conditions and would include a garden management policy and a dispersal management plan.

The Environmental Health Officer addressed the Hearing, informing that they had no evidence to show that the Fleur De Lis was not adhering to what had been requested. Their reviews were still ongoing and no complaints to the out of hours service over the Christmas period had been received.

The Local residents addressed the Sub-Committee raising their concerns to the noise that was created by the pub especially when it was unknown when the noise would stop. It appeared that the recommendations put forward by Environmental Health were of a benefit and the proposals for the policies seemed to be a positive way forward. Other local residents addressed the Sub-Committee in support of the Fleur De Lis, they had not experienced rowdy behaviour, and were in support of the conditions.

At 12.15 p.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 1.10 p.m. the Hearing Members, Council's Legal Advisor and the Clerk to the Hearing returned to the Council Chamber.

The Chairman advised the Hearing that the Sub-Committee had taken into account the concerns raised by the applicant and the need for a viable premises. The Sub-Committee believed that the limitation of the number of events, certainty of finishing times and notification of dates before hand by a letter drop were appropriate and proportionate for the licensing objective of prevention of public nuisance. The Hearing was reminded that the Environmental Health investigations were yet to be concluded and statutory guidance emphasised the need for dialogue between both parties. Additionally the Licensing Partnership was available to mediate should it be necessary.

It was therefore,

Resolved: That the ten conditions as set out in the Notice of Determination attached as an appendix to these minutes be added to the premises licence.

THE MEETING WAS CONCLUDED AT 1.20 pm

Appendix

Chairman

LICENSING ACT 2003 - Section 52 (10)

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## **Notice of determination of application for a review of premises licence**

**To:** Mr John Masters

**Of:** Fleur De Lis Public House, High Street, Leigh, Tonbridge, Kent TN11 8RL.

**Ref:** 16/03704/REVIEW

Sevenoaks District Council being the licensing authority, on the 17 November 2016 received an application for a review of the premises licence in respect of premises known as Fleur De Lis Public House, High Street, Leigh, Tonbridge Kent, TN11 8RL.

On the 30 January 2017 there being valid representations which were received had not been withdrawn, a hearing was held to consider these representations, and having considered them the Licensing Sub-Committee determined as follows:

To modify the conditions of the licence in the following respects, namely

**To add conditions to the Licence as follows:**

1. A complaints log (the 'log') will be kept at the premises and any complaints from residents or other parties made in relation to an allegation of breach of the licensing objectives will be recorded therein. As a minimum, the following information will be recorded:
  - Date and time of the complaint,
  - Person making the entry
  - Name of the complaint (if known)
  - Nature of the complaint
  - Any action taken to resolve the complaint

A copy of the log will be made available to an Officer of the responsible authorities on reasonable request.

2. A land line telephone number for the premises will be made available to the Environmental Health duty team. Any calls by the Environmental Health Duty Officer to the land line will be noted in the complaints log.
  3. DJs or live music will be located on the side of the premises furthest from the terraced properties (on the Lower Green Road side) at such times, when regulated entertainments takes place inside the premises, the windows on that side of the premises (known as the front bay windows) will be kept closed for the duration of the entertainment.
  4. Any regulated entertainment at the premises will finish at midnight, with only background music thereafter. After 23:00 hours the volume of any regulated entertainment will be reduced substantially
- LA 52 (10) - Notice of determination of application for a review of premises licence  
Fleur De Lis Public House, Leigh
- noted events
- where regulated entertainment is to be provided past 21:00 hours as part of the event) are permitted in any calendar year, where regulated entertainment is permitted until the terminal hour. Any such event will be notified to residents who are most likely to be affected, which must include those of the terrace, at least 7 days in advance in writing, setting out the nature of the event, the likely entertainment and giving details of the manager in overall charge on the night. A diary of promoted events will be kept and will be made available for inspection by the Environmental Health team or Licensing Officer on request.
6. The garden to the rear of the premises will be closed to customers after 23:00 hours. A sign will inform customers of this condition.
  7. A garden management policy (the 'policy') will be drawn up and implemented. The policy will ensure that when the garden is in use by customers there is to be regular supervision of the area by staff.
  8. A dispersal management plan (the 'plan') will be drawn up and implemented. The plan will set out how management will ensure, as far as practicable, the quick and quiet dispersal of customers, in particular following an event at the premises.
  9. Signs will be displayed at the exits to the premises reminding customers not to disturb nearby neighbours when leaving the premises.
  10. Customers will not be permitted to sit on the low wall to the front of the premises separating the premises from the garden of 1 Fleur De Lys Cottage. Any customers seen sitting on the wall will be informed that they are not permitted to sit there.

The reasons for the decision are: The Sub-Committee believed that the limitation of the number of events, certainty of finishing times and notification of dates before hand by a letter drop were appropriate and proportionate for the licensing

objective of prevention of public nuisance.

The determination will not have effect (a) until the end of the period given for appealing against the decision, or (b) if the decision is appealed against, until the appeal is disposed of. \*

Dated: 30 January 2017

Signed .....

Chair - Licensing Hearing

Signed .....

Designation - Licensing Officer

Please address any communications to:

Licensing Partnership

CC LA 52 (10) - Notice of determination of application for a review of premises licence

Fleur De Lis Public House, Leigh

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.