

30 January 2017 at 10.30 am

Council Chamber, Argyle Road, Sevenoaks
Despatched: 13.01.17



Licensing Hearing

Membership (Sub Group B):

CLLrs. Mrs. Bosley, Dr. Canet (Substitute) and Pett

(Each Licensing Sub-Committee will contain three Members of the Licensing Committee. Any member of the Licensing Committee may act as a substitute on any of the Licensing Sub-Committees.)

IMPORTANT INFORMATION

If an interested party (e.g. a parish or town council) has not made a "relevant representation" (section 18(6) and (7) of the Licensing Act 2003), it will not receive a notice of the hearing (Reg. 6(1) Hearings Regulations). The interested party will not, therefore be "a party to the hearing" (Reg. 2 Hearings Regulations). There will therefore be no right to address the hearing (Reg. 16 Hearings Regulations).

The above also applies to a Member i.e. if s/he does not make a "relevant representation" s/he will not be a "party to the hearing" and has no right to address the hearing unless appointed by "a party to the hearing" to assist or represent that party.

Would you please note that all the reports/information listed on this agenda are available from Democratic Services on request (01732 227000). Alternatively you can make an appointment to view the information at the District Council Offices by contacting the Licensing Partnership Manager on 01732 227000.

Agenda

	Pages	Contact
Apologies for Absence		
1. Appointment of Chairman		
2. Declarations of interest		
3. Report to Licensing Sub-Committee following receipt of an application for the review of a premises licence under the Licensing Act 2003	(Pages 1 - 92)	Nicola O'Shea Tel: 01732227270
(Leigh and Chiddingstone Causeway)		

1. Procedure at Sub-Committees of the Licensing Committee (established in accordance with Section 9 of the Licensing Act 2003)
 - 1.1 In accordance with Section 9(1) of the Licensing Act 2003, the Licensing Committee has resolved to establish Sub-Committees, each consisting of three members of the Committee.
 - 1.2 The Sub-Committees have delegated authority to determine those functions that are reserved for decision by the Sub-Committees in accordance with Appendix B of the Council's Statement of Licensing Policy dated 7 January 2011.
 - 1.3 Hearings shall be conducted in accordance with this Procedure Note and The Licensing Act 2003 (Hearings) Regulations 2005 subject to the right of the Sub-Committee to vary that procedure at their absolute discretion if considered in the public interest.
 - 1.4 The quorum for a Sub-Committee shall be two members.
 - 1.5 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
 - 1.6 The order of business at hearings shall be:
 - (a) Election of Chairman.
 - (b) Declarations of interests.
 - (c) Chairman explains the procedure to be followed at the hearing, including the setting of equal time limits for all parties and the granting of adjournments.
 - (d) Chairman ascertains who is assisting or representing the parties.
 - (e) Applicant (or his/her representative) addresses the Sub-Committee.
 - (f) Applicant questioned by members. At the discretion of the Sub-Committee other parties may be permitted to question the applicant.
 - (g) Persons who have made representations in respect of the application (or their representative) address the Sub-Committee. No issues other than those relevant to their representations may be raised.
 - (h) Members question each party at the conclusion of their address. At the discretion of the Sub-Committee, the applicant may be permitted to question other parties.
 - (i) Sub-Committee may offer the parties a short adjournment to discuss in the absence of the Sub-Committee whether a solution acceptable to all the parties can be put to the Sub-Committee.
 - (j) Applicant (or his/her representative) makes closing address.

- (k) Sub-Committee may grant a short adjournment. The parties may not speak to members regarding the application during adjournments.
- (l) The Sub-Committee considers the application and motions put to accept or reject the application in the terms requested or to grant the application subject to specified conditions. Reasons are to be given for motions.
- (m) The parties will be informed of the decision at the hearing or thereafter in accordance with Regulation 26 of the 2005 Regulation.

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REPORT TO LICENSING SUB-COMMITTEE FOLLOWING RECEIPT OF AN APPLICATION FOR THE REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003

Licensing Sub-Committee - 30 January 2017

Report of Chief Officer, Environmental and Operational Services

Status: For Decision

Also considered by: NA

Key Decision: No

Executive Summary: This report provides information to advise Members of an application for a review of a premises licence and representations received under The Licensing Act 2003 in respect of Fleur De Lis Public House, High Street, Leigh, Tonbridge, Kent, TN11 8RL.

Contact Officer(s) Nicola O'Shea Ext. 7270

Recommendation to Licensing Sub-Committee:

Options available to members are:

- a) To uphold the review. If Members determine there is sufficient evidence to uphold the review, they may do one or more of the following so as to adequately promote the licensing objectives:
 - i) Modify the conditions of the licence and/or;
 - ii) Exclude a licensable activity from the scope of the licence and/or;
 - iii) Remove the designated premises supervisor and/or;
 - iv) Suspend the licence for a period not exceeding 3 months or;
 - v) Revoke the licence;
- b) To refuse the application in its entirety

Reason for recommendation:

Each application must be considered on its individual merits and in relation to the licensing objectives under the Licensing Act 2003, therefore recommendations cannot be made. However, having considered the individual circumstances of this application, representations and testimony received at hearing, the Council's Licensing Policy, Section 182 guidance (as amended) and the four licensing objectives the options available to Members are outlined above.

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Introduction and Background

- 1 On 17 November 2016 an application was received from a neighbouring resident Mrs Jane Lesley Baier of 1 Fleur De Lis Cottages, High Street, Leigh, Kent TN11 8RL. This application was validated on 2 December 2016. The consultation end date being the 30 December 2016. This application concerns two of the four Licensing Objectives.
- 2 Members are requested to determine the application having regard to the application, representations and testimony received, the Council's Statement of Licensing Policy, revised section 182 guidance and the four Licensing objectives.
- 3 An authorisation is required in respect of any premises where it is intended to conduct one or more of the four licensable activities, these being:
 - Sale of alcohol
 - Supply of alcohol (in respect of a club)
 - Regulated Entertainment
 - Provision of Late Night Refreshment

An appropriate authorisation is either, a premises licence, a club premises certificate or a Temporary Event Notice.

- 4 Licence holders are required, when offering any licensable activity, to ensure that they promote the licensing objectives at all times.
- 5 The four licensing objectives are:
 - Prevention of crime and disorder
 - Prevention of public nuisance
 - Public safety
 - Protection of children from harm

No objective carries any more weight than any other and these are the only factors in which Licensing can have regard in determining an application.

- 6 A review may be called at any time should one of more of the licensing objectives be compromised providing, the applicant has not submitted a review within the last twelve months.
- 7 Any representation must be able to demonstrate that on the balance of probability the premises, in its current form, will fail to adequately promote one or more of the licensing objectives specific to the premises.

With regard to both Live and Recorded Music, the Live Music Act 2012 (in the former case) and the Licensing Act 2003 (Descriptions of Entertainment) Amendment Order 2013 (in the latter case) have deregulated both Live and Recorded music to the extent that no authorisation is required between the hours of 8:00 and 23:00 hours. Subject to certain provisions contained within the statutory guidance in paragraph 13 of this report, it is deregulated in between these hours if the entertainment is taking place on a premises where there is a premises licence in force and in operation that authorises

the sale of alcohol for consumption on the premises and alcohol is offered on sale at that time.

- 8 Subsequently any conditions currently authorised by the premises licence in relation to live and/or recorded music would be exempt during these hours if alcohol was on sale at the time. Conditions may be imposed outside of these hours therefore after 23:00 hours. The provision of alcohol on the licence must be determined on its own merits and not in relation to consideration of the deregulation of such entertainment.
- 9 The committee may however consider whether the premises should continue to be exempted from the deregulation of live and/or recorded music between 8:00 and 23:00 hours during the hours in which the premises is licensed to sell alcohol. The committee may do so considering the testimony and evidence in line with the requirements of the Act, revised section 182 guidance and the Council's statement of Licensing Policy. Should the committee consider exemption from the Live Music act 2012 and Licensing Act 2003 amendment order (2013) then conditions may be imposed on the premises during these hours.
- 10 Should live or recorded music prove to be a nuisance and jeopardise one or more of the licensing objectives, it is possible to go through the process to exempt a premises from the deregulation and any such conditions imposed at this stage would be applied if successful. This must only be sought on an evidential basis, and not in relation to preventing a potential problem with nuisance.

Summary of Application Sought

- 11 The application received on 17 November 2016 from Mrs Baier seeks review of the licence following concerns that the licensing objectives public safety and prevention of public nuisance are compromised.
- 12 A copy of the application is attached as appendix A.
- 13 After concern from a local resident regarding the noise levels emanating from the Fleur De Lis, the application is requested to review the licence and licensed hours for the Fleur De Lis Public House, the garden area, music and late night alcohol hours.
- 14 The application was initially made by two applicants however the second applicant has withdrawn and their name has subsequently been redacted from the application. Members may wish to clarify with the applicant Mrs Baier if any aspects of the application should no longer be considered should they relate to events she was not present for and were the concerns of the withdrawn applicant and she can not subsequently give testimony for.

Summary of premises history

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- 15 The premises is currently licensed under the Licensing Act 2003. Premises licence number 08/00463/PRETRB, this is appended in appendix G. The current holder of the premises licence is Greene King Retailing Limited, Abbot House, Bury St. Edmunds, Suffolk, IP33 1QT. They have been the licence holders under the 2003 Act since 24 November 2005.
- 16 The current Designated Premises Supervisor (DPS), Mr John Edward Masters, has been in situ since 3 February 2015.
- 17 The licence permits the following activities and hours:

Plays (Indoors)

Friday and Saturday 07:30 - 01:00 hours

Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Good Friday, Easter Saturday, Sunday and Monday and all other bank holidays, plus the day preceding a bank holiday 07:30 - 01:00 hours.

Films (Indoors)

Sunday to Thursday 07:30 - 00:00 hours

Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Good Friday, Easter Saturday, Sunday and Monday and all other bank holidays, plus the day preceding a bank holiday 07:30 - 01:00 hours.

Indoor sporting events

Friday and Saturday 10:00 - 01:00 hours

Sunday to Thursday 10:00 - 00:00 hours

Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Good Friday, Easter Saturday, Sunday and Monday and all other bank holidays, plus the day preceding a bank holiday 10:00 - 01:00 hours.

Live music (Indoors)

Friday and Saturday 11:00 - 01:00 hours

Sunday to Thursday 11:00 - 00:00 hours

Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Good Friday, Easter Saturday, Sunday and Monday and all other bank holidays, plus the day preceding a bank holiday 10:00 - 01:00 hours.

Recorded music (Indoors)

Friday and Saturday 11:00 - 01:00 hours

Sunday to Thursday 11:00 - 00:00 hours

Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Good Friday, Easter Saturday, Sunday and Monday and all other bank holidays, plus the day preceding a bank holiday 10:00 - 01:00 hours.

Sale or Supply of Alcohol

Friday and Saturday 10:00 - 01:00 hours

Sunday to Thursday 10:00 - 00:00 hours

Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Sunday and Monday and all other bank holidays, plus the day preceding a bank holiday 10.00 - 01.00 hours. New Year's Eve from the beginning of normal licensable hours to the beginning of normal licensable hours on New Year's Day.

Late Night Refreshment (Both Indoors and Outdoors)

Friday and Saturday 23:00 - 01:30 hours

Sunday to Thursday 23:00 - 00:30 hours

Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Sunday and Monday and all other bank holidays, plus the day preceding a bank holiday 23:00 - 01:30 hours.

New Year's Eve from 23.00 hours to the beginning of normal licensable hours on New Year's Day.

- 18 The Fleur-de-Lis Public House has been licensed since 24 November 2005 for alcohol hours 11:00 until 00:00 hours Monday -Thursday and Sunday and until 01:00 hours on Friday and Saturday.
- 19 The licence was varied in 2008 to extend the alcohol licensing hours and to add late night refreshment and regulated entertainment. The variation was granted as applied for due to no valid representations having been received. As there were no representations, there was no requirement under the Act for a hearing. Subsequently the premises alcohol hours were extended to begin at 10:00 hours. The premises was also granted a licence at this time for late night refreshment Friday and Saturday 23:00 - 01:30 hours and Sunday to Thursday 23:00 - 00:30 hours.
- 20 Live and recorded music were also permitted on Friday and Saturdays 11:00 - 01:00 hours and Sunday to Thursday 11:00 - 00:00 hours. Following the introduction of the Live Music Act 2012 and the revised Section 182 guidance, live and recorded music are deregulated between 10:00 hours and 23:00 hours in a premises of this size.
- 21 Therefore, the premises are only subject to mandatory conditions and no additional conditions were proposed by any of the responsible authorities.
- 22 The application must be determined on its own merits.

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History of Complaints

- 23 The premises does not have a history of persistent complaints. A complaint was received in April 2010 by Environmental Health in relation to noise. The premises was visited by Officers from Licensing following this complaint. This complaint was under the same licence holder but a different designated premises supervisor.
- 24 In February 2015 a variation for a new designated premises supervisor was made.
- 25 There were no further reported issues until January 2016 when Licensing received information of a noise complaint due to a New Year's Eve Party.
- 26 Until September 2016 in which the applicant and two other named individuals contacted Licensing with an email requesting a review, no further complaints had been received by Licensing regarding the premises. Mrs Baier was advised of the application for a review and discussed her concerns in November at an appointment with the Senior Licensing Officer. At this appointment, Mrs Baier was shown the conditions agreed with the Environmental Protection team and the premises for the purpose of the noise abatement review period. Mrs Baier submitted her review application at this appointment.
- 27 The email detailed a complaint concerned licensing hours for the public house on Sunday to Thursday until 00:00 hours and Friday and Saturday until 01:00 hours. The complaint also concerned live music hours and use of the garden until "12am or 1am". The full complaint is appended in Appendix E.
- 28 The last known complaint was received by Licensing on 14 December 2016 relating to an event on 10 December 2016. The complainant Mrs Baier, details that she was in bed and was woken up at 11pm by music being played in the Fleur De Lis. The complaint details that the noise could be heard through the walls of the property.
- 29 Environmental Health were made aware of this complaint via Licensing. They do not have any further complaints on file for the premises.
- 30 The Environmental Protection team were investigating Mrs Baier's complaints primarily relating to noise from the beer garden and reported loud music generally since June 2016. After an initial contact by phone with Mrs Baier, standard letters were sent on 24th June 2016 to the complainant (with a diary) and the Designated Premises Supervisor (DPS) of the Fleur de Lis Public House.
- 31 On 4th July 2016 an Environmental Health officer spoke with the DPS Mr Masters, about the complaint and provided some general advice about noise reduction. Subsequently a digital noise nuisance recorder was installed on 9th July 2016 at Mrs Baier's property and removed on 11th August 2016. The recordings failed to provide evidence of a Statutory Nuisance. Mrs Baier was

advised of these findings on 25th August 2016 and an offer to reinstall the noise recorder within the next two weeks if she wished was made.

- 32 Following further contact from Mrs Baier, a digital noise nuisance recorder was reinstalled on 15th September 2016 and removed on 29th September 2016. The recordings on this occasion did establish a Statutory Nuisance and consequently a Section 80 Abatement Notice, under The Environmental Protection Act 1990, was served on the 7th October 2016.
- 33 The case was placed on the Environmental Health's out-of-hours list should Mrs Baier need to complain about noise disturbance from the pub. On 27th August 2016, Ms Baier called the service, an Officer attended however the visiting officer determined that the levels were not causing a Statutory Nuisance on that occasion.
- 34 The investigating Environmental Health Officer met with Mr. Masters (DPS) and Greene King brewery (Premises Licence Holder/landlord) on the 24th October 2016. The following recommendations on methods to assist in reducing noise levels were produced and agreed by all parties:
- All complaints received at the pub should be recorded/logged in a book and any actions taken to deal with the matter.
 - The land line for the pub will be given to the Environmental Health duty officer who will contact the pub in the event of out of hours complaints.
 - Any events involving a DJ, live band or similar will be located on the far side of the pub away from the attached housing and close to the road (Lower Green).
 - The garden area at the rear of the pub will not be used after 23:00 hours.
 - Where events involving a DJ, live band or similar take place then the volume of music should be reduced at 23:00 hours and the event will finish at 00:00 hours.
 - Generally doors and windows for the pub will be kept closed when music is being played other than background music.
 - Where events involving a DJ, live band or similar take place then the nearest residents should be notified by letter drop no later than 7 days before.
 - Ideally 6 events per year will take place with up to a maximum of 10.
- 35 The case is due to be reviewed in the latter half of January by Environmental Health as the case is under a two month monitoring period.
- 36 They will work with the licence holder and DPS to assess if further measures are required to control the noise.

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- 37 Mrs Baier was advised of these recommendations and the two month monitoring period. She was also advised by the Environmental Health team to continue to use the out-of-hour's system to report any noise problems.
- 38 Environmental Health have noted that the public house and the beer garden is in such close proximity to Ms Baier's property, that a degree of noise and disturbance will unfortunately be inevitable. Environmental Health hope, that the continuing effect of the S80 Noise Abatement Notice together with the above measures will ensure that any such disturbance is not unreasonable.
- 39 Licensing met with the licence holder and DPS to discuss the possibility of a minor variation and the complaint received to discuss controls moving forward on 24 November 2016. The recommendations proposed and agreed between Environmental Health could be enforced by licensing should the licence holder be willing to submit a minor variation application for the licence. No application has been received however, the premises has moved their external seating area a few metres away from the nearest residential premises. They have ordered signs to display to ask patrons to leave quietly or words to a similar effect. The Licence holder and DPS will also be adopting an age verification policy in line with mandatory conditions, and the DPS will be checking the external boundary wall to ensure patrons are not using it.

Consultation

- 40 In accordance with section 51(3) (a) of the Licensing Act 2003 the applicant, Mrs Baier, served a copy of the application on the holder of the Premises Licence and on all responsible authorities. All parties received the notification on 2 December 2016. The consultation was therefore restarted as opposed to starting from the day after the application was received on 17 November 2016. The consultation was originally due to expire on 15 December 2016 however in order to fulfil the requirements of the Act, it was extended to midnight on 30 December 2016.
- 41 The regulations to the Licensing Act 2003 outline the requirements for the advertising of applications. Following receipt of the application, the Licensing Authority advertised it in accordance with the regulations thereby inviting representations to be made by interested parties and displaying a notice on the premises.
- 42 Any representation in respect of this application made by responsible authorities or interested parties had to be received in writing by the licensing authority by 30 December 2016, a period of no less than 28 consecutive days starting on the day after the day on which the application was served.
- 43 There are no other statutory requirements for advertising of any application, however, details of all applications received along with the time limit for receipt of representations was posted on the Council website via the weekly premises tracker and the public and councillors have Public Access.

List of Supporters/Objectors/Representations

44 Responsible Authorities:

Two (2) - Kent Police and Environmental Protection

Other Persons:

Twenty- five (25)

45 There were Five (5) further representations received, however these were considered invalid as they either omitted the required personal information, or did not relate to the licensing objectives. Each person whom made a representation was contacted to advise why their representation was invalid.

46 One representation accepted as valid, contained attachments totalling 92 signatures. These included two individuals who are the lead contact for the representation. This is being treated as representation as some individuals had either made a representation in their own right, or their names were inadmissible or had either their full name or address omitted thereby not meeting the requirements for a valid representation in their own right. Furthermore, there was a potential legal issue with the 'petition', as the signatories signed attached sheets appended to the representation and not the page detailing the representation itself.

Summary of Relevant Objections/ Representations

47 The representations are appended in full in appendix B and C. The only aspects that may be considered are those in relation to the licensing objectives based on the premises itself rather than opinion which is not evidenced nor based on the objectives. It has been necessary to redact parts of some of the representations as they relate to either an applicant, who has since withdrawn from the application, or relate to personal data or could be described as vexatious.

48 Responsible Authorities:

The representations received from responsible authorities are summarised below and are in full in appendix C of the report.

(Environmental Protection)

49 The representation received from Environmental Protection concerned the potential for noise pollution and subsequent public nuisance. Due to the current review period as a result of the service of the noise abatement notice, they can not currently support the licensing review on the grounds of noise as they are in the process of monitoring the situation. They would normally await the outcome of their review period to establish if the abatement notice had been breached.

50 The representation details the steps Environmental Health have taken with the licence holder and designated premises supervisor to mitigate noise and

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agree guidelines. The representation details that a monitoring period of about 2 months is being allowed to test the viability of the recommendations they agreed. A further meeting is to be arranged to determine whether additional action is necessary. Environmental Health are unable to comment on anti-social behaviour as this is beyond the scope of their investigation.

(Kent Police)

- 51 Kent Police have made representation and have no recommendation to make in relation to this review. The representation describes one crime report which was created on 20th October 2016. Details of this crime report are as follows:
- 52 Informant spoke to Kent Police on 26th September regarding damage having been caused to front garden wall and flowers behind it on 24th September. Damage was caused by a patron of the Fleur de Lis who was seen to jump over the wall, the male was part of a group of four people who had come from the premises. Within this report the informant stated that they had suffered damage over a two year period although no reports on police systems relating to this. Investigation into most recent damage carried out and established that the offender had been identified, had written a letter of apology and offered to pay for damage caused. Informant confirmed receipt of apology and declined any recompense for the damage caused and required no further police action.

Interested Parties:

- 53 Of the twenty-five (25) representations received, 21 objected to the review application and four were in support of the review of the Fleur De Lis premises licence.
- 54 The comments in support of the review generally concern the following:
- 55 Live music being heard through the walls of neighbouring properties;
The hours of which amplified music is acceptable in a residential area;
Amplified music carrying across to family homes;
Finishing at 01:00 hours and the subsequent noise of customers leaving the premises after this time.
- 56 Comments in objection to the review generally concern the following:
- The steps Mr and Mrs Masters have gone to in order to ask patrons to leave quietly;
The steps Mr and Mrs Masters have taken to avoid repetition of “two isolated incidents recently”;
Noise not being at a level the respondent feels is a public nuisance or excessive; with late nights being occasional for parties;
Not witnessing anti-social behaviour or disturbances as a local resident;
Day to day music in the public house being background music.

The summary above is by no means exhaustive and full representations may be found in appendix B.

57 Other comments received:

Kent Fire and Rescue Service responded to the consultation to acknowledge that they have reminded the premises of their fire safety obligations and have no comments to be made.

Health and Safety responded with no comments to make.

No other responses were received from responsible authorities.

These are appended in appendix D.

58 **Statutory Guidance**

Revised Section 182 Guidance (March 2015)

Licensing objectives and aims

Paragraph 1.2

The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

Paragraph 1.3

The licensing objectives are:

The prevention of crime and disorder;

Public safety;

The prevention of public nuisance; and

The protection of children from harm.

Paragraph 1.4

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

Ensuring safe departure of those using the premises

Paragraph 2.9

Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

Providing information on the premises of local taxi companies who can provide safe transportation home; and

Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Public nuisance

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Paragraph 2.14

The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

Paragraph 2.15

Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

Paragraph 2.16

Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

Paragraph 2.17

As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers

are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

Paragraph 2.18

Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

Paragraph 2.19

Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

Paragraph 2.20

Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

The review process

Paragraph 11.7

In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport

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routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

Paragraph 11.10

Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

Paragraph 11.11

If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Paragraph 11.17

The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

Paragraph 11.18

However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement - either orally or in writing - that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

Paragraph 11.19

Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times; exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);

- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

Paragraph 11.20

In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

Paragraph 11.21

For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

Paragraph 11.22

Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

Paragraph 11.23

Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial

Agenda Item 3

impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

59 Relevant section of the Council's Licensing Policy (2015-2020)

Paragraph 14.7

The Licensing Authority would expect grounds for a review to be evidence based but will consider each application on its merits and allow the benefit of doubt where appropriate.

Paragraph 14.8

Where a review application is accepted the Licensing Authority will encourage the parties to enter into mediation during the consultation period to help resolve issues arising. The Council would be happy to assist in these meetings being chaired by a member of their team but all parties may choose to have a different third party as a mediation chairperson.

Paragraph 14.9

All representations received in support of or against a review application will be considered by the licensing officers as to whether such representations are relevant to the application. Where appropriate the benefit of doubt will be given and representations accepted.

Paragraph 14.10

All reviews will lead to a hearing before a sub-committee. This may be a full hearing or a condensed hearing to consider the outcome of mediation. However other parties who have made representation but not been involved in mediation will be permitted to voice their representations at the hearing in accordance with the Hearings Regulations. The Policy applied to hearings can be found in section 16.

Paragraph 16.7

The Licensing Authority must give the appropriate amount of weight to representations made by the Police on crime and disorder matters. It will give appropriate weight to all representations made by all parties based on the content and relevance to the promotion of all licensing objectives.

Please see the full policy link in appendix G.

60 Other Options Considered and/or Rejected

Members are to make any decision outlined within the recommendations of this report should the deem it reasonable and proportionate given reference to the requirements of the Act, revised guidance, Council's Statement of Licensing Policy and representations and testimony at hearing.

Any decision taking into account matters outside of the Licensing Act 2003 may result in challenge or judicial review.

Key Implications

Financial

None directly arising from this report

Legal Implications and Risk Assessment Statement.

This Hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005.

The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy. Where the decision departs from the Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and such departure must be supported by clear and cogent reasons.

Section 52 of the Licensing Act 2003 requires the licensing authority to have regard to the application for Review and any other valid representations and to take such steps contained within the recommendation on page 1.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

The applicant must satisfy the sub-committee and demonstrate that they have sufficient evidence to demonstrate that the promotion of one or more of the licensing objectives has been compromised.

The application must be determined on its own merits and based on the operation of the premises itself and not others surrounding it.

Members of the sub-committee are asked using the application, representations, testimony at hearing, statutory guidance and the Council's licensing policy, to determine whether to uphold the review and impose

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controls as members feel proportionate and necessary or to refuse the review application in its entirety.

Appendices

A-Application

B- Representations from Interested Parties

C-Representations from Responsible Authorities

D- Other comments received

E- Complaints

F- Current premises licence dated 20 February 2015

G- Statement of Licensing Policy-Licensing Act 2003

Background Papers:

Relevant Legislation

[Council's Statement of Licensing Policy \(2015-2020\)](#)

[Revised Section 182 Guidance](#)

Contact Officer(s):

Nicola O'Shea Ext 7270

Richard Wilson

Chief Officer, Environmental and Operational Services

16/03/2014 Revised Agenda Item 3

**Application for the review of a premises licence or club
premises certificate under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Jane Baier

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description [REDACTED] High Street,	
Post town Leigh	Post code (if known) TN11 [REDACTED]

Name of premises licence holder or club holding club premises certificate (if known) Fleur De Lis Public House, High Street, Leigh, Kent
--

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

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- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

Baier

First names

Jane Lesley

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

 High Street

Post town

Leigh

Post Code

TN11 

Daytime contact telephone number



E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address



Telephone number (if any)

E-mail address (optional)



(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

There were 4 cottages 2 of which were converted to a pub a 100yrs or more ago for drinking and smoking indoors and since the war years closing at a reasonable hour. 50 years on and licensing laws, drinking and social habits have considerably changed. There is one skin of brick and plaster board between the pub and my home. Recently the pub had a huge make over and still there was no consideration to sound proof the venue.

The current licence allows drinking to 1am on Friday and Saturday evening, with a 12.00am licence on weekdays. We have had to endure many disturbances due the nature of living next door to the pub over the years and its level of late night noise is beyond reason. We have approached the current and previous Land Lords concerning invasive noise levels and unsociable behaviour from the Pub and surrounding areas. A previous Land Lord became abusive and threatening towards No 2 when they complained about the noise and drunken behaviour coming from the pub. There appears to be no respect given to us their neighbours and we are expected to accept this unreasonable situation.

Our property has continually been vanderlised over the years, there has been the lighting of fires, sleeping in the front garden, damage to walls and garden, vomit, broken glass, food and debris thrown over the back wall and most recently incapable young women lying in the road at 1.30am. We would like to point out that this is a small village with no street lights and there is a busy road running through it.

There has always been a problem with music events, which have often been unplanned and without warning. Considering there is no sound proofing throughout the pub or double glazed windows, they still proceed to utilise the music licence without any regard to its neighbours and community until 1am. It is impossible for No

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1 to listen to their radio and Television when they have an event. During the summer months having people to stay is not an option. We struggle to fall asleep, our children are often woken up causing them distress. It is impossible to escape from the noise inside as well as in the garden.

The Beer Garden is 6 to 7 metres from No 1 bedroom window. We are subject to drunken noise any time from 11am to 1am. Up to 40 people in your neighbours back garden is not normal day after day. The noise ,the stench of cigarettes, BBQ cooking, flood lighting to 1am just adds to the acute discomfort.

This is a serious problem for us which has been on going for some years not only with this current landlord. We believe the licence for the garden, music and late night drinking are relatively new and to our knowledge no one has asked the neighbours of the effect and impact of these licences. We would remind you of our Human Rights Part 2 Article 1" Every natural or legal persons is entitled to the peacefull enjoyment of his possessions".

We hope we have made our case clear that the garden, music and late night drinking licence is not a suitable venue at The Fleur De Lis .

Please provide as much information as possible to support the application
(please read guidance note 2)

Summer 2015 excessive noise from June-September - reported to the Environmental dept. no action taken.

I have included my diary entries from August and September 2016 to show the constant and excessive noise, these have all been logged with environmental department.

12.8.2016 7-11pm Excessive noise from the beer garden.

16.8.2016 9-10.30 Microphone noise from Quiz master heard from the Pub and from the garden as the door and window were open. 11pm furniture being dragged about.

26.8.2016 8-12.08 am Very noisy in the forecourt, shouting and cheering

27.8.2016 4-11.50pm BBQ and party in the beer garden singing and noise from the pub whose doors and windows were open.

6.9.2016 8-10.45pm Noise from the quiz master through the wall and outside as pub doors and windows were open.

9.9.2016 8-10pm Very noisy in beer garden.

10.9.2016 8pm Very noisy in the beer garden also in the front as the doors left open.

10 45pm 12midnight Music and noise heard through the wall.

17.9.2016 8.15 1am Party started with very loud music which vibrated through all walls of 1 and 2 Fleur de Lys cottages and beyond Very noisy in the beer garden with customers and music as the doors and windows were open. Music stopped at 1am but noise continued in the front with young girls wandering and lying in the road in a drunk behaviour. I found cake had been thrown over my rear garden wall. When I opened my bedroom window someone called out "I can be louder"

24.9.2016 about 11pm 18th birthday party 4 teenagers acting very drunk manner taking pictures of one of them jumping over the low wall in the front and landing on his back crushing my plants he did this a number of times.

Vandalism and the masturbating man seen last year have been reported to the police.

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Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day			Month			Year	

If you have made representations before relating to this premises please state what they were and when you made them

Th Environmental Dept Dartford and Sevenoaks
Summer 2015 to present day

Police A report of Criminal damage 25.9.2016
Spoken to the district Police about noise and behaviour eg
masturbating man outside in the front of the Pub at 3pm. (how to
deal with the problems)

Written to Tom Tugendhat M.P. 28.10.2016

2010 police called to remove drunks from the garden.


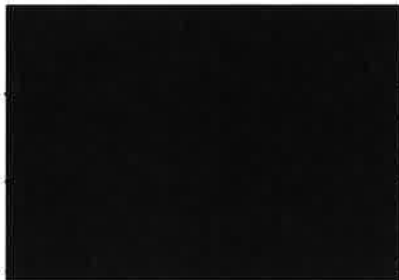
Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

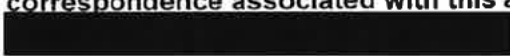
Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). If signing on behalf of the applicant please state in what capacity.




Signature  

Date 16.11.2016

Capacity Negotiator

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)



Post town	Post Code
	
Telephone number (if any) 	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

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Nicola O'Shea

From: James Tallent [REDACTED]
Sent: 20 November 2016 11:06
To: Licensing
Subject: Notice of review of premises licence

To whom it may concern

I am writing to you about the reported concerns of the Fleur De Lis Public House. I have lived in the Village of Leigh for over 4 years and love everything about the village, one of the main things about Leigh is its sense of community. At the heart of this is the places that people can meet, these places include the village school, the church and of course the Fleur De Lis and the British Legion

Myself and my family have used the pub on a regular bases including celebrating my 40th birthday. The owners John and jo have always made me and my wife and two children feel very welcome . They have respected the village and have helped in local causes including giving prizes to the local school for raffles. I have never heard or seen any damage or antisocial behaviour at the pub. The clientele age range is in its early 30's to late 70's and use the pub for mainly its food,drink and nice family atmosphere. When John and Jo moved in the house next door was up for sale so the owner knew when buying the property that they where moving next door to a pub.

I hope this statement helps in any decision you make about the licence and you can contact me anytime. Lets hope we don't loose this valuable asset to the Village

james tallent
[REDACTED]

From: publicaccess@sevenoaks.gov.uk
Sent: 22 November 2016 22:46
To: Licensing
Subject: Comments for Licensing Application 16/03704/REVIEW

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 10:46 PM on 22 Nov 2016 from Mrs Rachel Littlejohn.

Application Summary

Address: Fleur De Lis Public House High Street Leigh Tonbridge
Kent. TN11 8RL

Proposal: Review of licence

Case Officer: Nicola O'Shea

[Click for further information](#)

Customer Details

Name: Mrs Rachel Littlejohn

Email: [REDACTED]

Address: [REDACTED]

Comments Details

Commenter Type: Member of the Public

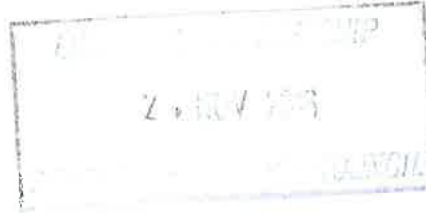
Stance: Customer objects to the Licensing Application

Reasons for comment: - Crime Objections
- Supporter of Licence Application/Holder

Comments: 10:46 PM on 22 Nov 2016 I object to a review of this license. I support the landlords being able to hold parties and functions and continue to open in accordance to the existing license for the following reasons:
a) Leigh has lost a pub in the past 10years and the pub had always added a great deal to the village community. There have been a number of landlords over the years that have struggled to make the pub viable so events are needed to make the pub viable.
b) having attended the quiz nights and one function mentioned (in the application)I dispute the facts documented as some are not true. The monthly quiz nights finish by 10pm and except in the height of summer the doors and windows are closed. The microphone is needed for the quizzers to hear the questions so it is unlikely this could be heard 'outside'the premises. Having attended the function on the 17/9 , attended by many residents of Leigh I do not recall witnessing any drunken behaviour or teenagers laying in the road. As it was a 50 birthday party all young people attended with their parents
c) The current landlords , in addition to music events (

which are ticketed so are advertised in advance)and private events ,have endeavoured to host events to attract all in the community. These include dinners for local organisations, women's and men's breakfasts for the local church , hog roasts and other fundraising events. There has also been New Year's Eve parties for a small cost that have been attended by different people in the community - bringing together both young and old. My husband and I have lived in Leigh for 20 years and support the local pub. I have witnessed the current landlords being considerate - asking patrons to leave quietly, keep noise to a minimum in the garden and asking people to come in from the garden late in the evening. The Pub has become a real community pub and this is reflected in its popularity both within the village and surrounding areas.

Our ref 303L/PW03/LC05/84742/2462
Your ref



Sevenoaks District Council
PO Box 182
SEVENOAKS
TN13 1GP
For the attention of: Licensing Section

By special delivery

Direct tel	+44 (0)333 006 0692	Date	21 November 2016
Direct fax	+44 (0)333 006 1492	Email	[REDACTED]

Dear Sirs

**Our client - Greene King Retailing Limited
Fleur De Lys High Street Leigh TN11 8RL
Application for review of premises licence**

We act on behalf of Greene King Retailing Limited, the premises licence holder for the above Premises.

We confirm that we are instructed in respect of this matter and would be grateful if copies of all future correspondence could be sent directly to us.

Please could you forward to us copies of any representations to the application as and when they are received.

Currently, our **inconvenient** dates for the review hearing are as follows and we would be grateful if these could be avoided:

- 23 December 2016 to 3 January 2017 inclusive.

We will let you know if there are any other dates as soon as possible.

Please treat this letter as a representation on behalf of the premises licence holder to the above application.

The premises licence holder will be attending the hearing and will be legally represented.

In due course we will provide details of who will be attending and we anticipate that the BDM and/or the designated premises supervisor/licensee will be in attendance.



We are not currently in a position to comment specifically about the application as at this stage we do not have sight of any additional representations that may be received whether from responsible authorities or interested parties.

However, we have now started a dialogue with the applicant for review and when we are in a position to comment further we shall copy that across.

For the short term we trust that is satisfactory.

Yours faithfully

A handwritten signature in blue ink, appearing to be "TLT", is positioned above the text "TLT LLP" which is printed in a bold, black, sans-serif font.

From: Glennys Dalby <[REDACTED]>
Sent: 25 November 2016 10:24
To: Licensing
Subject: Fleur de Lis, Leigh

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sirs,

We are very concerned to see that there is a complaint concerning the Fleur de Lis public house in our village of Leigh.

When the current landlords, John and Joanne, purchased this venue, it was very run-down. They have now invested a great deal of time and money making it much more attractive and welcoming. It is a great asset to our village. We would certainly not want to see it penalised in any way.

The two complainants both purchased their properties knowing that they were buying next door to a public house and therefore should have realised that there would be a certain amount of disturbance from such a position. This complaint can be compared to those people who buy houses next to a church and then complain about the church bells ringing, or those buying near a working farm and then complain about the animals making their natural sounds!

The landlords make every effort to minimise any nuisance and as local residents (aged 77!) we are not aware of any undue disturbances.

We certainly feel that this complaint should not be upheld.

Yours faithfully,

Geoff and Glennys Dalby

[REDACTED]
Leigh.
Kent TN11 [REDACTED]

From: Sinead Dean <[REDACTED]>
Sent: 27 November 2016 16:36
To: Licensing
Subject: Fleur De Lis Public House, High Street, Leigh, Tonbridge,Kent, TN11 8RL

Dear Sir or Madam,

I'm writing in regard to the application by Mrs Jane Baier [REDACTED] for a summary review of the premises licence for the Fleur De Lis Public House.

My husband and I live in Leigh and we wanted to respond to the applicants complaint about noise on the 26th and 27th August 2016 in particular. We were both very disappointed to read that the applicants had included these dates as the 26th August was our wedding day and the 27th August was the day after it.

We chose our local public house, the Fleur De Lis as a meeting point for approximately twenty of our guests on the morning of our wedding, 26th August. We believe that this was an appropriate choice of meeting point. My husband was in the forecourt of the Fleur De Lis from approximately 11am to approximately midday, when transport arrived to bring both him and our guests to our wedding venue. We feel that as a village pub, it was appropriate for the Fleur De Lis to act as a meeting point for both my husband and other residents of Leigh to then travel onwards to our wedding. We don't believe that there was excessive noise at this time and we also believe that if you choose to live next door to the only public house in a village location then you should expect that village residents may well want to use their local public house as a meeting point or otherwise for events such as weddings from time to time and feel as if this particular instance should be disregarded from the application.

With regard to the 27th August, which was the day after our wedding, we chose to host a BBQ for our guests as well as some friends that also live in the village. We had guests from as far a field as Australia and again, we believe it was appropriate for approximately 40 wedding guests and friends to join us to celebrate our marriage in our local public house. To clarify, the BBQ was over by approx. 5pm so any 'stench' would have been clear by then. I notice that the applicants have not been forthcoming in detail as to when the BBQ actually finished so felt I should clarify this. It is perfectly reasonable to hold a BBQ in a pub garden during daytime hours, regardless as to whether it was held to celebrate a marriage of two people who live in the village or not. Many, many residents hold BBQ's over the summer months in Leigh. I do wonder if [REDACTED] Mrs Baiers other neighbour, had chosen to hold a BBQ over the summer months in her garden would Mrs Baier have also complained to her? So again, we believe this particular instance should be disregarded from the application.

In terms of the evening of the 27th August, there was singing and noise, however, singing did not actually start until the evening. It's incorrect to suggest that there was singing from 4pm on that particular day as there wasn't. When I asked the Landlord if we could continue celebrating he told me we couldn't, despite having a licence until 1am as he had to be considerate towards the pub's neighbours. Again, I feel particularly strongly about this as my husband and I were celebrating our wedding and I'd like to reiterate that if you choose to live next door to the only public house in a village location then you should expect that village residents may well want to use their local public house to celebrate events such as weddings from time to time and feel as if this particular instance should also be disregarded.

I'd also like to point out that Mrs Baier lived opposite my husband and I and we got on well with her. Infact, she and my husband and well the day before our wedding and we also invited her to join our BBQ the following day, 27th August at the Fleur De Lis. It is very disappointing that an ex neighbour who we believe to be a community minded person would choose to cite our wedding in particular to further her own agenda in the licence of the Fleur De Lis being reviewed. Many of our neighbours had conversations with her before she bought the cottage next door to the Fleur De Lis as to how she would cope living next door to the pubic house and the noise from it. We were all surprised and a little concerned that she was making the wrong decision as she had also complained to us all at various points about the noise from the resident who lives in the ground floor flat she lived above. [REDACTED]

It would seem noise is a particular problem for Mrs Baier wherever she lives, so my husband and I found her decision to move next door to the village public house somewhat strange and would question her motives for this application as surely she carried out appropriate surveys as to the structure and sound proofing of the wall between the cottage and the public house before she bought and moved into the cottage?

The current Landlord's of the Fleur De Lis have supported the community by creating a space whereby the village community can come together. From fundraising events for the local school, to coffee mornings in aid of charities, to WI events, to quiz nights and indeed our own wedding. It would be detrimental to the community for the current licensing terms to be withdrawn due to one persons decision to move next door to a public house which surely she knew the licence terms and structure of before she chose to move there?

Both my husband and I would ask that you take the above into consideration when deciding upon the licensing terms of the Fluer De Lis.

Yours Sincerely,

Mr and Mrs J Wilson

[REDACTED]
Leigh

TN11 [REDACTED]

From: ShotbytheSheriff <[REDACTED]>
Sent: 30 November 2016 15:12
To: Licensing
Subject: Re: Licence Review at: Fleur De Lis Public House, High Street, Leigh, TN11 8RL

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir or Madam

Re: Licence Review at: Fleur De Lis Public House, High Street, Leigh, TN11 8RL

I write to you now with reference to the Licence Review application made regarding the Fleur de Lis Public House by Mrs Jane Baier [REDACTED]

I would like to take this opportunity to comment about some of the complaints made in the aforementioned application.

Although not a direct neighbour, myself and my family have lived in Leigh for approximately 8 years and are frequent visitors to the village pub. I would firstly like to respond to the general objections made as well as the specific dates mentioned in the complaint.

In addition, I feel it's important to mention, that I was in fact present at some of the occasions cited in the complaint made by Mrs Baier [REDACTED] so feel well positioned to provide commentary on these events:

General Comments

A reference is made to Fleur de Lis being a public house for about 100 years, it is in fact closer to 150 years as the pub was bought by a brewery in 1870.

Mrs Baier suggests that the current Landlords made no attempt to sound proof the building when they undertook the renovations. I am curious to know why she did not undertake such work in her home when she too undertook renovation work upon moving in. She was advised by people on a number of occasions that it was ill-advised to purchase a property next door to *any* pub. Although the Fleur De Lis is by no means a raucous establishment, it is nevertheless, A PUB and there will, by default, be a moderate amount of noise, even from a small, quiet village pub such as this.

Surely Mrs Baier was sensible enough to check what the licensing hours at the pub were before purchasing the property. If this is the case, then I question whether she indeed has any recourse for complaint on this issue.

I find it unreasonable that she has even mentioned the "abusive" conduct of a previous landlord with reference to her complaining. This is not relevant to this case and does not reflect on the current landlords in any way.

With reference to the "music events" mentioned. Except for New Years Eve, there are probably 2 or maybe 3 private parties at the pub per annum where there is a DJ or a band. I do not regard this as excessive or worthy of comment. The comment made about the children being unable to sleep – I am presuming this is from No.2, as Mrs Baier lives at No.1 and has no children living in the house. I think this is not made clear on the complaint but is important to comment on.

The Beer Garden

It is ludicrous to suggest that they are subjected to "drunken noise" from 11am in the morning. Somehow I think the mother & baby group or the elderly ladies of the village, who meet their for coffee and croissant, may take offense to that.

There is a mention of the general noise from the beer garden, saying "up to 40 people in your neighbours back garden is not normal day after day". If this was a residential property, I would probably agree with this statement. However, I must refer to my earlier comment about her expectations when buying a property next to a pub. It is totally normal for people to be in the pub beer garden – that is its function. It is an integral part of the pub.

There are not many BBQs at the pub, so seems somewhat intolerant to mention this. Regardless, she has bought a property next door to a pub/restaurant – you will smell food.

There is a reference made the beer garden and "floodlighting to 1am". The suggestion is that it is like a football stadium. This is not the case.

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The phrasing of the complaint suggests that there is music played in the beer garden. This is not the case either. They do not have an outdoor sound system. The music played on a day-to-day basis is nothing more than background music inside the pub.

Late Night Drinking

There is reference made to the "late night drinking" at the pub and the infringement made upon their "human rights" with regards to the noise. Again, I do not believe the complaint offers a true and fair representation of the pub. It suggest that there is loud noise every night until 1am.

During the week, the pub is often quiet with not many customers and they even close early on occasion.

Although the current landlords have a licence and a right to stay open until 1am, they generally don't and are more likely to close at midnight. They are considerate and ask customers to not use the beer garden after a certain time in the evening.

I am a little alarmed that they have referenced Human Rights Part 2, Article 1 in their complaint. I am not convinced that this was written with the intention of being used as an arguing point for someone who moves in next door to a pub and then has the nerve to complain about the noise.

Specific Dates Mentioned – that I was present for

26th August – the wedding date of a couple that live in the village. The wedding guests were dropped off in a coach outside the pub upon their return to the village. If there was excessive noise, this is not the fault of the pub as the guests were not drinking in the pub, just an unfortunate disturbance.

27th August – a BBQ to celebrate the aforementioned wedding – it seems a little mean-spirited to complain about a wedding celebration quite frankly. With reference to the singing, the complaint suggests that there was singing outside from 4pm -11.50pm. This is just untrue. There was an advertised Karaoke evening at the pub that evening that was inside and didn't start until about 7.30pm-8pm. The karaoke was only on for a couple of hours.

I would also like to say that I used to live right next door to the village church and the Church bell ringers practice every Wednesday evening from 7.30pm-9pm and also ring the bells twice on Sunday morning. This noise always disturbed me. However, I chose to live there and felt it would be extremely inappropriate to complain, so NEVER did. Instead I chose to move to a house , still in Leigh, but further from the church. I should point out to you that Mrs Baier also owns a second property in Leigh that she rents out. I would be curious to know why she doesn't simply move to that property and rent out her house next to the pub instead.

I will finish by saying that The Fleur de Lis is a quiet, quaint, village pub that never has any trouble. It is also more than that – it is an essential community hub for a variety of people including, the WI, school Mums, school teachers (after work), cricket & rugby teams (and others), the PTA meetings (of which I understand Alice Backlog attends). Any change to the licence, that would result in reduced opening hours, would dramatically and negatively affect the business of the current landlords and potentially put them out of business. They have spent considerable time, money and effort on the pub and there is a fear it may cause it to close. The Fleur de Lis is an important part of our local community and isn't there simply there to provide libation to the masses. It is the last remaining public house in the village, where there was once about 5 !

Please could you acknowledge receipt of this email and keep me apprised of any developments.

Yours sincerely
Nicky Sheriff

Leigh
TN11

Nicky Sheriff
Shot By The Sheriff Photography

From: Keith Woodgate <[REDACTED]>
Sent: 30 November 2016 17:42
To: Licensing
Subject: Re : Review of Premises - Fleur de Lis, Leigh

Dear Sirs

I am a frequent customer of the Fleur de Lis, more frequent than my GP would like, and as such feel qualified to comment on the review that you are conducting.

I am 62 years of age and retired. Before retiring I worked for large services companies as a professional programme manager. I am of good character and sound mind.

I have lived in the village (and frequented the pub) for 28 years. The conduct of the patrons and the level/frequency of music as far as I can tell is no greater than it has ever been and it is not at a level that I would call a public nuisance.

Clearly the smoking ban has resulted in more people congregating outside, but their behaviour has always seemed appropriate and no worse than any other public house.

I would say two things about Mrs Jane Brier

1) She has lived/had family connections in the village for as long as we have lived here (if not longer). She would have been fully aware of the circumstances relating to the Fleur before she bought the house.

[REDACTED]

This complaint seems totally in keeping with her character.

I hope that sense prevails.

Yours faithfully

[REDACTED]

Leigh
Kent

From: David <[REDACTED]>
Sent: 01 December 2016 11:38
To: Licensing
Subject: FW: Fleur de Lis, Leigh

From: David [mailto:[REDACTED]]
Sent: 01 December 2016 09:57
To: 'licensing@sevenoak.gov.uk' <licensing@sevenoak.gov.uk>
Subject: Fleur de Lis, Leigh

I understand that a claim concerning excessive noise at this location has been made by two local residents. I believe this to be totally unreasonable. The landlord and his wife run a totally responsible, professional and considerate establishment. The noise is NOT excessive and one complainant now living next to the Fleur moved must have known, full well, that some noise would be inevitable as, indeed, it would be from any public house. Previous owners of the house adjacent to the Fleur had never complained. The Fleur is an essential part of the local community: the complaint is totally unreasonable and flies in the face of good community relations.

David Sellicks

[REDACTED]
TN11 [REDACTED]

From: Emily Stratten <[REDACTED]>
Sent: 02 December 2016 13:44
To: Licensing
Subject: Application for the review of a premises licence – Local resident response

Dear Sir/Madam,

Re: Application for the review of a premises licence – Local resident response

I write to you regarding the aforementioned application, submitted on 17 November 2016 by Mrs Jane Lesley Baier. I am a solicitor who has lived in the vicinity of the Fleur de Lis Public House, which is the subject of the application, for three years. Having read the application, I felt compelled to write to you because it is factually incorrect, in places irrelevant and generally unreasonable. I have set out below the factual inaccuracies/irrelevancies of the content of the application as they occur, as well as some secondary remarks which are relevant to this application and which serve to undermine it further.

Primary Content

- *Part C, Page 3: Citing 'public safety' as a licensing review objective.* There have been no incidents either to my knowledge, or stated in the evidence in the application, which demonstrate a threat to public safety. There have been no members of the public joining the application to state that their safety has, at any time, been threatened. This is therefore not valid grounds for the licencing review and so should not have been included.
- *Page 3, Ground(s) for review: "...50 years on and drinking habits....have considerably changed".* Drinking habits have not changed in the time between Mrs Baier buying her home and the date of the submission of her application to you, so this is irrelevant.
- *Page 3, Ground(s) for review: "A previous landlord became abusive and threatening.."* As above, this information is irrelevant to this application and has been included for the sole purpose of painting a picture, which it is neither accurate (as regards the pub or its Landlords today), or reasonable, to include.
- *Page 3, Ground(s) for review: "There has always been a problem with music events which have often been unplanned and without warning".* There are a handful of private events held at the pub each year, such as birthday parties, wedding celebrations and so on. These are a part of the ordinary running of any pub business and are neither excessive (I have attended some events) nor unplanned. As stated above, I live in the vicinity of the pub (you can see my house from the pub garden) and I have never found the noise from events or the pub's day to day running, to be worthy of comment. Further, "*they proceed to use the music licence...until 1am*", simply serves to demonstrate that the Landlords operate at all times within the terms of their current licence. This is not grounds for complaint.
- *Page 4, Ground(s) for review: "Up to 40 people in your neighbour's back garden is not normal day after day".* This is not a "neighbour's back garden" this is a pub garden. This is precisely its purpose and therefore this comment is irrelevant. Further, "*flood lighting to 1am*" is factually inaccurate; the Fleur de Lis pub garden has some lighting (of course) but this consists of fairy lights along the fences and some standard outdoor lights on the building. There is no 'flood lighting', nor is the effect one of a floodlit stadium. This is exaggerated, incorrect and therefore unreliable as evidence.
- *Page 5, Diary entries:* Of the ten entries provided, I note one reference to 'noise' finishing at 8pm (10.9.2016), three references to 'noise' finishing on or around 10pm (16.08.2016, 6.9.2016 and 9.9.2016) and just one reference to 'noise' finishing at 1am (17.9.2016), as per the current licensing terms. This demonstrates several facts: 1.) If these are the most 'excessive' examples of disturbance the applicant can give, query the need for the complaint; 2) the Landlords are clearly acutely aware of the time at which events finish and make every effort to be considerate and end events at a reasonable hour – half of the examples cited ended before 11pm; and 3) they have never breached their licensing terms.

- *Page 5, Diary entries:* The greatest failure of the diary entries in this application are their subjectivity: "Very noisy" can mean something entirely different to each person, as can other phrases used such as "excessive noise" it is impossible to tell what this means/how reasonable it is. I would note however, that no other neighbours, either on the other side of the pub or in the road behind the garden have complained about the noise or chosen to join this application.

Secondary Remarks

The following facts serve to further undermine the application:

- The applicant's house was bought with full knowledge and understanding that there was a pub next door. This invalidates statements regarding the 'unreasonable situation'.
- No other neighbours in the vicinity have joined the application. This undermines statements regarding the scale of any noise.
- The applicant owns a second home in the village of Leigh which is not next to the pub. This severely undermines any statement that the noise is simply too excessive to bear.

I would close by stating that the Fleur de Lis pub is, primarily, a business. The current Landlords have invested considerable time and money in this business and have turned it into a wonderful place for our village community to come together. Reducing their licensing hours would, ultimately, reduce their profits; a wholly unreasonable outcome in the circumstances. As someone who regularly visits the pub with their family I can state, as a fact, that the Landlords demonstrate enormous respect both to their patrons and to their neighbours; requesting that customers are quieter after 11pm.

I trust that you will consider the application in light of all of the evidence you receive. I appreciate you taking the time to consider my response. If you have any additional questions, please do not hesitate to contact me.

Thank you.

Yours sincerely,

Mrs Emily Stratten

Phil and Emily Stratten

Leigh,

Kent.

TN11

Tel:

Sent from my iPhone

From: Cllr Peter Lake <cllr.lake@sevenoaks.gov.uk>
Sent: 12 December 2016 14:54
To: Nicola O'Shea
Subject: Re: Fleur De Lis. Public House , Leigh. TN118RL

Follow Up Flag: Follow up
Flag Status: Completed

Nicola

Thanks for your email, and for a very useful meeting the other day at the Fleur De Lis.

My home address is [REDACTED]

Sorry to ask you this but who is the applicant and who are the responsible authorities? I should know but I am very new to all this.

Kind regards

Peter L

On Monday, 12 December 2016, Nicola O'Shea <nicola.oshea@sevenoaks.gov.uk> wrote:

Good Afternoon Councillor Lake

Please could you provide the address in which I should use for this representation. Once I have received this, I will send you a formal acknowledgement letter.

Please be advised that the consultation has been extended to 30 December as the applicant had not served all responsible authorities.

Kind Regards

Miss Nicola O'Shea

Senior Licensing Officer and Administration Team Leader

Sevenoaks District Council | Council Offices | Argyle Road | Sevenoaks | Kent | TN13 1HG

Tel: 01732 227270

Email: nicola.oshea@sevenoaks.gov.uk

Online: www.sevenoaks.gov.uk

From: Cllr Peter Lake [<mailto:cllr.lake@sevenoaks.gov.uk>]

Sent: 04 December 2016 19:02

To: Licensing

Subject: Fleur De Lis, Public House, Leigh. TN118RL

Agenda Item 3

As District Councillor for Leigh I want to record that I wish to speak at any hearing in relation to this review in support of the landlord who has adopted all the recommendations agreed by this authority.

Thank you

Peter Lake

From: publicaccess@sevenoaks.gov.uk
Sent: 06 December 2016 08:36
To: Licensing
Subject: Comments for Licensing Application 16/03704/REVIEW

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 8:36 AM on 06 Dec 2016 from Mrs Anne Brown.

Application Summary

Address: Fleur De Lis Public House High Street Leigh Tonbridge
Kent, TN11 8RL

Proposal: Review of licence

Case Officer: Nicola O'Shea

[Click for further information](#)

Customer Details

Name: Mrs Anne Brown

Email: [REDACTED]

Address: [REDACTED] Leigh, Kent TN11 [REDACTED]

Comments Details

Commenter Type: Member of the Public

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 8:36 AM on 06 Dec 2016 I am writing in response to the recent complaint and review of the premises licence for the Fleur De Lis in Leigh. I have lived in the village for 52 years and my house is situated a few hundred yards from the Fleur De Lis. I was very disappointed to read the recent complaint made by Jane Baier [REDACTED] [REDACTED] considering that they made the conscious decision to purchase a property next door to a public house and knew full well what to expect when they moved there.

Unfortunately Leigh has already lost one public house and the Fleur De Lis is the only venue which brings the villagers together, it is the main hub of the village. In my opinion the current landlord and land lady have enhanced the pub and are very respectful towards the neighbouring houses, they ensure that their patrons keep to a minimum noise level when they are in the garden or when they leave the premises.

Like the village, the pub is very quaint and it is not known as a rowdy establishment. The occasions that

have been remarked on were celebrations for a wedding
and a birthday party, these do not happen every
weekend. I hope that common sense prevails.

Agenda Item 3

From: Colin <[REDACTED]>
Sent: 06 December 2016 15:07
To: Licensing
Subject: 16/03704/REVIEW - Fleur de Lis, Leigh

I should like to comment for this review as follows.

I live in [REDACTED] Lower Green. The distance from our nearest window to the nearest part of Fleur de Lis is about 40 metres.

On New Year's Eve, 2015/16 we had a group of our friends in the party broke up around 0100 on the 1st January. I saw our friends into their cars. At the same time people were leaving the Fleur de Lis and I was aware that, by 0130, all was quiet. I considered this to be a good effort by the Fleur de Lis staff.

Further, last week we were advised by a letter drop that there was to be a party in the Fleur last Saturday, 3rd December. At 2300, I was standing by our first floor window nearest closed to the Fleur de Lis and I was unable to hear any noise.

I think that the recommendations in Mr. Butler's email of 31st October to Mr. Masters which were accepted by Mr. and Mrs. Masters should solve the problem.

I should add that I am Chairman of Leigh Parish Council and can add that Parish Councillors are keen for the Fleur de Lis to survive.

Yours sincerely,

Colin Stratton-Brown

[REDACTED]

From: MaryAnne Stratton-Brown <[REDACTED]>
Sent: 12 December 2016 11:51
To: Licensing
Subject: Review - Fleur de Lis, Leigh

Dear Sir,

Re: 16/03704. Review - Fleur de Lis, Leigh.

I live in [REDACTED] and my house is approximately 40 metres from the Fleur property. Obviously, noise carries and we are aware of noise from the pub especially in the summer when doors and windows are open and people are outside. However, we have not found the noise to be excessive or unreasonable. On two occasions in the summer when music was being played, it stopped by 11.30/45 p.m. There are occasions when we are not at home so we may have been absent on other days when music was played.

Recently we were advised of a forthcoming party on December 3rd but despite listening outside at 9 p.m and 10 p.m. I could not hear anything. Similarly at midnight.

I feel that Mr. and Mrs. Masters are doing their best to mitigate any nuisance to their neighbours. The village is keen that the pub should survive.

Yours faithfully,

MaryAnne Stratton-Brown

Sent from my iPad

From: Tamsin Anderson <[REDACTED]>
Sent: 13 December 2016 09:14
To: Licensing
Subject: Fleur de Lys, Leigh Consultation

Dear Sir/Madam

I would like please to respond to the review of the Fleur pub's licence.

I lived in no 1 Fleur de Lys Cottages until 2011. I had my first baby while living there, but when my second was due we sold. It is not a house to raise a family in.

I do not have experience of the current landlords, who seem very nice, but some basic facts are the same.

When music is played in the pub, it comes through the walls. The cottage is not big and there is nowhere you can hide from the noise. When there is live music, it is unbearable.

When people are outside the pub talking you can hear through the closed windows. The cigarette smoke and noise means you have to keep windows closed even in hot weather.

Basically, we concluded that when the pub was open, we couldn't sleep. Our health suffered from lack of sleep as often the noise would go on beyond 1am. We both have jobs needing high levels of focus and lack of sleep doesn't help. It was certainly not a place to try to get children to sleep in.

We value the pub enormously as a friendly community asset. However, the licence should take into account the basic fact that when the pub is open, the neighbours, including their kids, cannot sleep.

I am happy to discuss if that would be helpful.

Tamsin Anderson

[REDACTED] Leigh, Kent TN11 [REDACTED]

From: Nicola O'Shea
Sent: 13 December 2016 14:26
To: 'Mike Rice'
Subject: RE: Fleur De Lis, Public House.




Good Afternoon

Thank you for providing these details. I will send you an acknowledgement letter in the post.


Kind Regards
Miss Nicola O'Shea
Senior Licensing Officer and Administration Team Leader
Sevenoaks District Council | Council Offices | Argyle Road | Sevenoaks | Kent | TN13 1HG
Tel: 01732 227270
Email: nicola.oshea@sevenoaks.gov.uk
Online: www.sevenoaks.gov.uk

From: Mike Rice [<mailto:> 
Sent: 13 December 2016 14:13
To: Nicola O'Shea
Subject: Re: Fleur De Lis, Public House.

Miss Nicola O'Shea
My full address,


Leigh,
Tonbridge,
Kent TN11 


Kind regards, Michael Rice

From: Nicola O'Shea
Sent: Monday, December 12, 2016 12:52 PM
To: 
Subject: Fleur De Lis, Public House.

Good Afternoon

Thank you for your email. Should you wish for this representation to be considered by the Licensing sub-committee in making their decision, I would be grateful if you could provide your full address.

Kind Regards
Miss Nicola O'Shea
Senior Licensing Officer and Administration Team Leader
Sevenoaks District Council | Council Offices | Argyle Road | Sevenoaks | Kent | TN13 1HG
Tel: 01732 227270
Email: nicola.oshea@sevenoaks.gov.uk
Online: www.sevenoaks.gov.uk

From: Mike Rice [<mailto:> 
Sent: 05 December 2016 20:00

To: Licensing
Subject: Fw: Fleur De Lis, Public House.

Agenda Item 3

From: Mike Rice
Sent: Sunday, December 4, 2016 7:04 PM
To: licensing@sevenoaks.gov.uk
Subject: Fleur De Lis, Public House.

I refer to the application made by Mrs Jane Baier [REDACTED] in relation to the headed premises. I visit the public house on a very regular basis and can quite honestly say I have never come across patrons making a noise such as to upset the neighbours.

As for antisocial behaviour I have never come across any during my visits nor have I witnessed any vandalism.

I would mention that Mrs Baier was fully aware that she might encounter some noise living next to a public house as she was living in the village prior to her purchasing the house. [REDACTED]

We are very lucky in Leigh to still have a functioning public house and I would hope that the licensing authority will take this into account when reviewing the licence.

Michael Rice.



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From: publicaccess@sevenoaks.gov.uk
Sent: 13 December 2016 20:15
To: Nicola O'Shea
Subject: Comments for Licensing Application 16/03704/REVIEW

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 8:15 PM on 13 Dec 2016 from Mrs Melissa Mayes.

Application Summary

Address: Fleur De Lis Public House High Street Leigh Tonbridge
Kent. TN11 8RL

Proposal: Review of licence

Case Officer: Nicola O'Shea

[Click for further information](#)

Customer Details

Name: [REDACTED]

Email: [REDACTED]

Address: [REDACTED] Leigh, Kent TN11 [REDACTED]

Comments Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Licensing Application

Reasons for comment: - Supporter of Licence Application/Holder

Comments: 8:15 PM on 13 Dec 2016 Please keep my details private thank you.....

Our family of four, two adults and two children are residents of the village of Leigh and wish to write in support of the owners of the Fleur de Lis pub in relation to the application which has been made to review the premises licence. Our house is a few doors down from the Fleur de Lis and we have not experienced any problems with the pub.

There were, historically, four pubs in Leigh. All have closed down except for the Fleur de Lis which, together with the church, the primary school and the village shop, are an essential part of our community. The pub was taken over in February 2015 by John and Joanne Masters who have undertaken a full refurbishment of the establishment to a very high quality. We are regulars of the pub which we know to be well-managed and very orderly. We simply cannot recognise the picture of the Fleur de Lis portrayed in the recent application to review

the premises licence.

Agenda Item 3

Making a pub pay in a small community such as ours is very difficult. Any restriction on the licensing conditions currently applicable to the pub is bound to have a detrimental effect on the economic viability of the only pub left in our village. Whilst we obviously sympathise with any annoyance suffered by the applicant, we would point out that the property concerned was purchased in the full knowledge that it was next to a pub. As to any nuisance caused by the pub to the applicant, whilst we are clearly in no position to comment on the specifics laid out in the application, we would confidently say that it is difficult to imagine a more pleasant and well ordered pub than the Fleur de Lis. When we have been sitting outside in the pub garden the owners have been responsible and considerate and request that we come in and shut the doors when it is late evening.

In view of all the above, we firmly believe that the current licensing conditions should remain in place for the Fleur de Lis.

Thank you

Donna Thorne

From: Robert Wilson <[REDACTED]>
Sent: 14 December 2016, 03:14
To: Licensing
Subject: Fleur De Lis, Leigh

Dear Sir/Madam.

As a Leigh villager and frequent user of the "Fleur", (mainly for evening meals) I am somewhat appalled at the application by Jane Byers to have the pub closed.

One of the incidents cited by J Byers concerned my son's wedding reception which was held on the Saturday AFTERNOON on August 26th 2016. Being parents, my wife and I were obviously present and enjoyed an extremely friendly and we'll run bbq in the pub's rear garden. There certainly was not any excessive noise or stupid behaviour from anyone - and me, being a conservative old fellow, wouldn't have allowed it anyway. My family will testify to that!

The bbq only ran during the early part of the afternoon and certainly not all day.

I believe that Jane Byers was warned by many villagers about moving right next door to the pub, but the 'price was right' and she moved there from Gibbs Field.

As for other claims by her, I am unable to comment except that I know John, the licensee, runs a friendly and controlled business which the village is proud of.

Thank you for reading my thoughts on the matter.

Robert Wilson,

[REDACTED]
Leigh TN11 [REDACTED]

Sent from my iPad

Agenda Item

Licensing Partnership
 PO BOX 182
 Sevenoakes
 TN13 1QB

MRS SIV BUTLER
 [REDACTED]

Lough TN11 [REDACTED]
 December 11th 2016

Re: Notice of Review of
 Premises Licence

FOR Fleur D Lis Public House
 High Street Lough TN11 8RL

My family are Patrons of
 The said establishment and have
 been since 1970. The pub makes
 less noise now than it has in the
 past.

My husband and I live roughly
 100 meters from the Fleur and are
 not aware of any excessive noise from
 music or otherwise.

The applicant Mrs Jane
 Bauer asked my husband, as a
 friend, to view the cottage prior to

her purchasing it. He agreed it was a lovely cottage, but as it is immediately adjacent to the pub, she would most probably experience general pub noises. Her reply, I do not mind a bit of noise. I also pointed out to Mrs Bair about possible pup noise, and got the same reply.

It appears to me that the applicant's complaints are overstated and some mostly unfounded and unreasonable.

In my view a public house is for the public to enjoy a drink, meal and conversation with friends.

Finally as patrons of said establishment, I object to be called noisy, nuisance with antisocial behaviours.

 LICENSING PARTNERSHIP
14 DEC 2016
SEVENOAKS DISTRICT COUNCIL

NOS

From: Adam Massingham <[REDACTED]>
Sent: 14 December 2016 11:38
To: Licensing
Subject: RE: Fleur-de-lis Pub in Leigh

Good morning

My address is [REDACTED] Leigh TN11 [REDACTED]

The landlord has taken steps to ensure that there will be no repetition of public nuisance.

I trust this is sufficient

Adam Massingham

On 14 Dec 2016 11:33, "Licensing" <licensing@sevenoaks.gov.uk> wrote:

Good Morning

Thank you for your email.

In order for me to consider your email as a valid representation, please could you supply your address as it is a requirement of the Licensing Act 2003. Please be advised that any valid representation including the name and address of the person or organisation making the representation will be available to the licence holder and review applicant.

I would also ask before I determine the validity of this representation in relation to the licensing objectives if you could clarify what the landlords specifically have ensured there is no repetition of?

The sub-committee will only be able to consider points contained within your representation that pertain the licensing objectives namely,

Prevention of Crime and Disorder

Protection of Children from Harm

Public Safety

Prevention of Public Nuisance

Please do not hesitate to contact me should you wish to discuss this any further.

Kind Regards Agenda Item 3

Miss Nicola O'Shea

Senior Licensing Officer and Administration Team Leader

Sevenoaks District Council | Council Offices | Argyle Road | Sevenoaks | Kent | TN13 1HG

Tel: 01732 227270

Email: nicola.oshea@sevenoaks.gov.uk

Online: www.sevenoaks.gov.uk

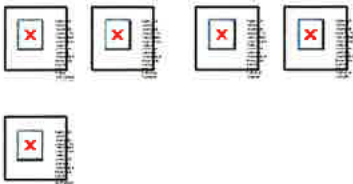
From: Adam Massingham [mailto:████████████████████]
Sent: 14 December 2016 09:30
To: Licensing
Subject: Fleur-de-lis Pub in Leigh

I wish to voice my support for the above pub. It is the only pub in the village as is a family orientated pub acting as a focal for village social life. I understand there has been one or two isolated incidents recently but that the manager and his family who live above the pub have taken steps to ensure that there is no repetition. The brewery are also being supportive of the landlord.

The pub should retain its licence. The residents who chose to buy or let premises adjacent to a pub must expect some noise and disruption.

Thank you for taking the time to read this email.

Adam Massingham



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From: Ian Davidson <[REDACTED]>
Sent: 14 December 2016 13:28
To: Licensing
Cc: Chrissie Davidson
Subject: Application to review license at Fleur De Lis, Leigh

Sir

We would like to make representation in support of the Fleur De Lis, following the application by two Leigh residents to withdraw the license. Their application refers to several specific instances over the summer months, but also refers to incidents over several years and previous landlords becoming aggressive and threatening. The current landlord, who has been at the pub for just two years, has renovated the pub and it has, in this time, become a major part of our village life. It supports various social clubs, church and school functions, and holds regular social events, quiz nights, etc including private parties, throughout the year. These are all well attended.

The Fleur is the only public house left in the village, following the loss of the Bat & Ball, and is a valued local amenity used by plenty of responsible people, who give no problems to the immediate residents.

We have attended many social events, with music provided and outdoor BBQs in the rear patio area (they do not have a garden as stated in the application) and have not found the noise or behaviour to be excessive. We were both at the party referred to on the 17 September. It was a private 50th birthday party of a village resident and was attended by many residents. In our opinion, it was a normal, happy birthday event enjoyed by many. We assume that the specific references made about that night were isolated incidents, and are not reflective of the general behaviour of customers.

Many village pubs around the country are closing on a regular basis, due to lack of trade, and as a result, the village community spirit with them. We should preserve and continue to support our thriving village pub. We understand that John, the licensee, has taken steps to avoid any repetition of the incidents mentioned in the application, and complied with the requests of the licensing authority.

Given this, the withdrawal of the pub's licence would be a punishment totally out of proportion, and only serve to unfairly punish the vast majority of customers and village residents.

We would appreciate if you would take our views into consideration when making your judgement.

Ian and Christine Davidson

[REDACTED] Leigh, TN11 [REDACTED]

Ian Davidson

Mobile: [REDACTED]

Home: [REDACTED]

Please consider the environment before printing this e-mail

From: publicaccess@sevenoaks.gov.uk
Sent: 14 December 2016 16:51
To: Licensing
Subject: Comments for Licensing Application 16/03704/REVIEW

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 4:51 PM on 14 Dec 2016 from Mr Jason Rutherford.

Application Summary

Address: Fleur De Lis Public House High Street Leigh Tonbridge
Kent. TN11 8RL

Proposal: Review of licence

Case Officer: Nicola O'Shea

[Click for further information](#)

Customer Details

Name: Mr Jason Rutherford

Email: [REDACTED]

Address: [REDACTED] Leigh, Kent TN11 [REDACTED]

Comments Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Licensing Application

Reasons for comment: - No Objection

Comments: 4:51 PM on 14 Dec 2016 Dear Sirs

I am writing in capacity as a patron of the fleur de lys Public House and also to confirm that I fully support the publicans continued late licence.

I have read the objectors comments with interest and have say my experience's of the Pub have been the complete opposite.

I have regularly attended social events and at no time I have witnessed any anti social behaviour vandalism in or outside the pub and disagree that the noise has been excessive, bands and discos have always been closed down early.

Further I attended the event from beginning to end on the 17/09/16 and I can categorically state that I did not witness the any of the events that were alleged to have happened. As a note this event was attended by 4 local school teachers including the head mistress our local

Vicar and also the local church youth minister, I have spoken to them and they have also confirmed that they did not witness anything untoward happening. Agenda Item 3

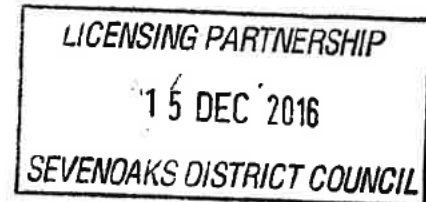
To close, I would like to bring to your attention that to reduce the licence will have dramatic detrimental affect to our community, the objector has tried to convey the impression that late parties are happening every weekend, this is not the case. The pub supports all the adhoc sports club events and PTA so that they can raise sufficient funds to carry on. It is also worth noting that the pub is generally empty Tuesday to Thursday and often closes early.

Regards

Jason Rutherford

10th December 2016

Nicola O'Shea
The Licencing Department
Sevenoaks District Council
Argyll Road
Sevenoaks
Kent.



Dear Sirs

Re: The Fleur, High Street, Leigh, Tonbridge.

For many years the neighbours, both attached and nearby, have lived in harmony with the Landlords occupying The Fleur de Lys public house in Leigh. They have cooperated with each other with each party respecting the lives of those close by with few problems causing concern and disruption to either side. It has been possible to discuss and resolve any issues in the past.

Many years ago I held a residential licence for a 30 bed hotel and when this was granted, it was made clear that I had responsibilities relating to my guests regarding the amount they drank and their behaviour towards their fellow guests and neighbouring occupants of the road. It was my responsibility to police this and act appropriately to deter such anti-social behaviour as my licence would be at risk if complaints were made.

It is sad for the village and for those living near to the Fleur that the current licencees appear to have little regard for their closest neighbours, especially during the times of the extended licence granted over the past year.

Attempts to discuss this have met with comments that as the licence has been granted, there is nothing those living close by can do about it. Normal pub hours apply a certain restraint but the extended hours to 1am on Fridays and Saturdays and to midnight from Sunday to Thursday is excessive in a small village and a close community.

Excessive noise at these extended times can be heard within the homes of the neighbouring properties until at least 1am on a regular basis, particularly from the beer garden at the back with the sound and amplified music carrying across to family homes where small children live.

Perhaps the current landlord should be made aware that he should police his customers' behaviour and take action to reduce the effect of their alcohol consumption on the pub's neighbours or else this licence extension would be at risk of termination.

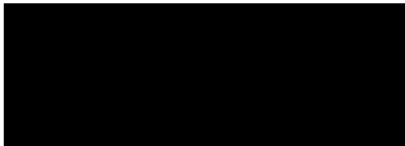
Some attempts should surely be made to reduce and eliminate the excessive noise and nuisance to the community of Leigh. Other residents who live a little further away also report that noise is a nuisance to them.

Landlords should not be permitted to build their businesses at the expense of the homes and lives of those who live close by and who, in the past, have not had unsolvable problems with previous occupants of The Fleur.

Leigh is a small village who values having a public house but residents should be entitled to a peaceful life and be able to enjoy their homes and gardens without such a nuisance being permitted.

I look forward to hearing from you regarding the above matters.

Yours faithfully,

A solid black rectangular box redacting the signature of Linda Boyd.

Linda Boyd

[REDACTED]
Leigh
Tonbridge
Kent TN11 [REDACTED]
Tel: [REDACTED]

25th November 2016

Nicola O'Shea
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks
Kent TN13 1HG

Dear Ms O'Shea

REF: 16/03704/REVIEW

We are all residents of the village of Leigh and wish to write in support of the owners of the Fleur de Lis pub in relation to the application which has been made to review the premises licence.

There were, historically, four pubs in Leigh. All have closed down except for the Fleur de Lis which, together with the church, the primary school and the village shop, is an essential part of our community. The pub was taken over in February 2015 by John and Joanne Masters who have undertaken a full refurbishment of the pub which is now of a very high quality indeed. We are all regulars of the pub which we know to be well-managed and very orderly. Indeed, we simply cannot recognise the picture of the Fleur de Lis portrayed in the recent application to review the premises licence.

Making a pub pay in a small community such as ours is very difficult. Any restriction on the licensing conditions currently applicable to the pub is bound to have a detrimental effect on the economic viability of the only pub left in our village. Whilst we obviously sympathise with any annoyance suffered by the applicant, we would point out that the property concerned was purchased in the full knowledge that it was next to a pub. As to any nuisance caused by the pub to the applicant, whilst we are clearly in no position to comment on the specifics laid out in the application, we would confidently say that it is difficult to imagine a more pleasant and well ordered pub than the Fleur de Lis.

In view of all the above, and in particular the orderly way in which the pub is managed, we firmly believe that the current licencing conditions applicable to the Fleur de Lis do not create any significant risk of crime or disorder in the area. We further believe that those conditions do not give rise to any material public nuisance, other than that which is inevitable in the ordinary course of the operation of a village pub such as the Fleur de Lis.

We would very much appreciate our views, and the importance of the Fleur de Lis to the Leigh village community, being taken into account by those considering this application.

Yours faithfully

The Residents of Leigh Village listed below

NAME	ADDRESS	SIGNATURE
PETER KEMP	[REDACTED] Leigh, TN11	[REDACTED]
SALLY KEMP	"	[REDACTED]
NEALE TYLER	[REDACTED] LEIGH	[REDACTED]
EMMA WOOD	[REDACTED] LEIGH	[REDACTED]
Julie Mander	[REDACTED] TN11	[REDACTED]
FLO YEDMAN	[REDACTED] TONBRIDGE	[REDACTED]
BRYONY TYLER	[REDACTED] LEIGH	[REDACTED]
Fiona Ashmore	[REDACTED] Leigh	[REDACTED]
Dave Ashmore	[REDACTED]	[REDACTED]
Vicky Hard	TN4 [REDACTED]	[REDACTED]
David Eaton	[REDACTED] Westman	[REDACTED]
SIV BUDDEL	[REDACTED]	[REDACTED]
TOM S	[REDACTED]	[REDACTED]
STEPHANIE TOMLIN	[REDACTED] TONBRIDGE TN10	[REDACTED]
Fiona Lake	[REDACTED] Leigh	[REDACTED]
Al Newman	[REDACTED] Leigh.	[REDACTED]
Fiona Kirby	[REDACTED] Leigh TN11	[REDACTED]

Agenda Item 3

K. Phillips	[REDACTED] leigh	[REDACTED]
D. Everest	[REDACTED] Tonbridge	[REDACTED]
L. Edmonds	[REDACTED] leigh	[REDACTED]
J WOOD	[REDACTED] leigh	[REDACTED]
C Baker	[REDACTED] Leigh	[REDACTED]
A Newman	[REDACTED] LEIGH	[REDACTED]
M. Poulter	[REDACTED] leigh	[REDACTED]
D. Poulter	[REDACTED] LEIGH	[REDACTED]
M. Doggett	[REDACTED]	[REDACTED]
K. McCUTCHEON	Penhurst, Tonbridge	[REDACTED]
J OPEN	[REDACTED] LEIGH	[REDACTED]
S. BELL	[REDACTED]	[REDACTED]
R Thompson	[REDACTED] LEIGH	[REDACTED]
A Houghton	[REDACTED] LEIGH	[REDACTED]
S. RUTHERFORD	[REDACTED] LEIGH	[REDACTED]
J. RUTHERFORD	[REDACTED] LEIGH TAIL	[REDACTED]
J. RUTHERFORD	LEIGH	[REDACTED]

DAVID MALLON	[REDACTED] TICEHURST	[REDACTED]
JIM OPPEN	LEIGH	[REDACTED]
Melissa Mays	[REDACTED] Leigh.	[REDACTED]
ANDREW MAYES		[REDACTED]
RACHEL LITTLEWOOD	[REDACTED] RD, LEIGH	[REDACTED]
NEIL LITTLEWOOD		[REDACTED]
Philippa Enals	[REDACTED]	[REDACTED]
Jill AREDS	[REDACTED] LEIGH	[REDACTED]
Sarah Buttle	[REDACTED] TWILL	[REDACTED]
Lovel Keris	[REDACTED] Leigh	[REDACTED]
Samantha Carter	[REDACTED] Leigh, TWO	[REDACTED]
Tim Carter		[REDACTED]
KEITH WOODGATE	[REDACTED] LEIGH	[REDACTED]
DAVID HUTCHINS	[REDACTED]	[REDACTED]
SIMON MAYNARD	[REDACTED] LEIGH	[REDACTED]
Jemma Maynard	[REDACTED] LEIGH	[REDACTED]
PETE CROFT	[REDACTED] LEIGH	[REDACTED]

Agenda Item 3

J. VINCENT	[REDACTED] LEIGH	[REDACTED]
M. SILK	[REDACTED]	[REDACTED]
S. WOOD	[REDACTED]	[REDACTED]
G. Harland	[REDACTED]	[REDACTED]
I. STEVENS	[REDACTED]	[REDACTED]
AE Davies	[REDACTED]	[REDACTED]
S. Ottaway	[REDACTED]	[REDACTED]
R Parsons	[REDACTED] T. Wells	[REDACTED]
J. Freeman	[REDACTED] Penshurst	[REDACTED]
VIA FREEMAN	[REDACTED] u	[REDACTED]
D. PARSONS	[REDACTED] T. WELLS	[REDACTED]
C EMPETT	[REDACTED] Leigh	[REDACTED]
Tamsin Empett	[REDACTED] Leigh	[REDACTED]
A Kirby	[REDACTED] Leigh	[REDACTED]
M. DOHERTY	[REDACTED] Leigh	[REDACTED]
C Tabrett	[REDACTED] Leigh	[REDACTED]
JOHN TUICE	[REDACTED] LEIGH	[REDACTED]

G KIRBY.	LEIGH, TN11	[REDACTED]
K. SHERIFF	LEIGH TN11	[REDACTED]
J. WILSON	LEIGH TN11	[REDACTED]
S. DEAN	LEIGH TN11	[REDACTED]
A.N. BODLE FRSA, FCIPD, FCMI, FURSM Treasurer Colman	[REDACTED] TN11	[REDACTED]
A. Naudé	LEIGH TN11	[REDACTED]
I BISHOP	LEIGH TN11	[REDACTED]
Goshea	Leigh.	[REDACTED]
David Hinchliffe	[REDACTED]	[REDACTED]
MARK HINCHLIFFE	[REDACTED]	[REDACTED]
ANAN TAYLOR	Leigh	[REDACTED]
Nicky Sheriff	Leigh TN11	[REDACTED]
JACKIE SPAINING	LEIGH TN11	[REDACTED]
TONY AMEN	- 11 - 11 - - 11 -	[REDACTED]
PAUL SPAINING	[REDACTED]	[REDACTED] PD
JOREN SPAINING	- 11 - 11 - - 11 -	[REDACTED] PD

Agenda Item 3

Maddie Waygood	[REDACTED] Leigh. TN 11 [REDACTED]	[REDACTED]
Jane BROWN	[REDACTED] TN 11 [REDACTED]	[REDACTED] was resident of moved to be involved community - [REDACTED]
Mike Baker	[REDACTED]	[REDACTED]
Rosier	[REDACTED] Leigh Leigh	[REDACTED]
Ruth Brown	[REDACTED] Leigh	[REDACTED]
Duncan Andrus	[REDACTED] Leigh	[REDACTED]
Steve Debus	[REDACTED]	[REDACTED]

From: publicaccess@sevenoaks.gov.uk
Sent: 29 December 2016 20:21
To: Nicola O'Shea
Subject: Comments for Licensing Application 16/03704/REVIEW

Follow Up Flag: Follow up
Flag Status: Flagged

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 8:20 PM on 29 Dec 2016 from Mrs Alice Backlog.

Application Summary

Address: Fleur De Lis Public House High Street Leigh Tonbridge
Kent. TN11 8RL

Proposal: Review of licence

Case Officer: Nicola O'Shea

[Click for further information](#)

Customer Details

Name: Mrs Alice Backlog

Email: [REDACTED]

Address: [REDACTED] Leigh, Kent TN11

Comments Details

Committer Type: Neighbour

Stance: Customer made comments in support of the Licensing Application

Reasons for comment:

- Noise Disturbance
- Opening Hours
- Prevention of Public Nuisance

Comments: 8:20 PM on 29 Dec 2016 We currently live at the opposite end of the terrace from the Fleur de Lis pub house and have lived here for eight years. When we originally purchased our home we aware there would be a level of disruption and noise from the adjoining pub which we understood, accepted and welcomed.

The Fleur pub is firmly a part of village life. It is an important social focal point, plays a vital role and contributes towards the local community. However in recent years there has been a steady increase in late night amplified events and subsequently an increase in disruption and noise. We feel the balance of acceptable noise levels has been breached on a number of occasions especially with events finishing at 1.00am and the

subsequent noise of customers leaving the premises
which can carry on well beyond 1.00am.

Agenda Item 3

We understand in these challenging times for public houses that it is increasingly difficult to sustain a viable business but there needs to be a re-alignment and re-balance with regards to respecting the immediate local residents, especially concerning noise and general disturbance.

A 1.00am licence for amplified sound within a public house directly adjoining residential properties without any sound proofing, is in my view totally inappropriate, especially within a small residential village setting.

Immediate residents including ourselves do have a fundamental right to live in peace and safety within our home without late night invasive noise which on a number of occasions has brought distress to our children.

What we would like to see is a small change within the license conditions to bring the 1.00am licence for amplified sound reduced to a more sensible time and for better policing by the publicans of noise made by customers using the front and rear beer gardens in the evening and leaving the premises.

We do hope a balance can be re-established which will both benefit the current publicans and immediate residents.

From: alice mansbridge <[REDACTED]>
Sent: 29 December 2016 20:13
To: Licensing
Cc: Nicola O'Shea
Subject: Recommendation for the review of the Fleur De Lis Pub license. 29th Dec 2016

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Nicola,

Please find our recommendation for the license review of the Fleur De Lis public house.

Many Thanks
Mr and Mrs Backlog

[REDACTED] Leigh

My family and I currently live at the opposite end of the terrace from the Fleur de Lis public house and we have lived here for over eight years.

When we originally purchased our home we were well aware there would be a level of disruption and noise from the adjoining pub which we understood, accepted and welcomed.

The Fleur de Lis pub is firmly part of village life. It is an important social focal point, plays a vital role and contributes towards the local community. However in recent years there has been a steady increase in late night amplified events and subsequently an increase in disruption and noise. We feel the balance of acceptable noise levels has been breached on a number of occasions especially with events finishing at 1.00am and the subsequent noise of customers leaving the premises which can carry on well beyond 1.00am.

We understand in these challenging times for public houses that it is increasingly difficult to sustain a viable business but there needs to be a re-alignment and balance with regards to respecting the immediate local residents, especially concerning noise and general disturbance.

A 1.00am licence for amplified sound within a public house directly adjoining residential properties without any sound proofing, is in my view totally inappropriate, especially within a small residential village setting.

Immediate residents including ourselves do have a fundamental right to live in peace and safety within our home without late night invasive noise which on a number of occasions has brought distress to our children.

What we would like to see is a small change within the license conditions to bring the 1.00am licence for amplified sound reduced to a more sensible time and for better policing by the publicans of noise made by customers using the front and rear beer gardens in the evening and leaving the premises.

Also it would be welcomed gesture for local residents to be informed in advance of any late night functions so alternative arrangements can be made. This was something previous landlords of the Fleur De Lis had done with great success and had helped build mutual respect within the immediate community.

We do find it most irregular that a 1.00am live/amplified music licence has been granted to a public house directly adjoining residential properties without any provision for sound proofing, bearing in mind that the Fleur de Lis was converted from a residential dwelling and is not purpose built.

Was there any consultation with the immediate local residents at the time of granting the 1.00am licence?

We do hope a balance can be re-established which will both benefit the current publicans and immediate residents.

--

Best Wishes,

Alice Mansbridge

Freelance Photo Editor



Licensing Partnership
P.O. Box 182
Sevenoaks
Kent
TN13 1GP

Leigh
Kent
TN11

23.12.16.

Dear Sir/Madam

LICENCING REVIEW FLEUR DE LIS LEIGH

I am writing in response to the above licence review for the Fleur de Lis, High street, Leigh.

We have been resident in the village for over 36 years and have never had cause to make a formal complaint about noise and drunken behaviour emanating from the Fleur de Lis to the environment officer until September this year. On many occasions over the past two years we have had to suffer loud amplified music via live band or Disco with DJ with the associated unruly drunken behaviour until the early hours of the morning. There were times in the summer when we were unable to sit and enjoy our garden even during the day time.

This all came to a head when in September we arrived home at approx. 11:30 p.m. after a night out. As we approached our drive which is right next to the Fleur car park we could hear extremely loud amplified music coming from the pub garden which was full of young people that were obviously drunk and having a good time. Singing and shouting loudly. It was like being in the centre of a large town at closing time.

We only have one small window facing the pub garden but because the doors and windows were open at the back and front of the premises the noise could be heard in our house above the television and we were unable to go to bed. We then had to suffer the unruly drunken behaviour of the pub customers leaving after 1 o'clock in the morning.

I understand that there was another party the following weekend, which was worse, but we were away fortunately.

There have been two more parties since. No issue with the first one as the doors and windows of the pub were kept closed. However, the second one we had the same issue with drunken customers leaving the doors open and causing a nuisance.

We were then woken at 12:30 p.m. on Tuesday 6th December by a loud trundling noise right outside our bedroom window. After the fourth trip up down, my husband got up to investigate and it was the landlord returning the chairs that he had borrowed from the village hall. The village hall door only yards from our bedroom windows. He did apologise when my husband asked him to stop and he did come round the next morning to apologise again, but this is just an example of their total lack of consideration for their neighbours.

At approximately 1.00 a.m. the following Sunday morning we were woken by drunken men shouting outside of our house. I find this extremely intimidating and frightening. We should all be able to feel safe in our own homes.

Agenda Item 3

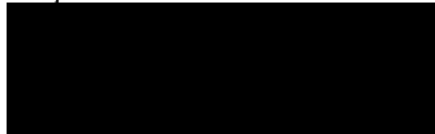
I really do not think that loud amplified music and drunken behaviour in the early hours of the morning is conducive to a quiet country village when the premises are not only very close to, but actually attached to residential properties.

The publicans just do not seem to be able to control the behaviour of their customers and whether this is just due to lack of experience or that they simply do not care I can't say.

Unfortunately, I have not felt able to discuss any of the issues above with the licensees due to an incident that occurred when I, my husband, two friends and my son and his partner attended a quiz evening at the Fleur early this year. After which I felt intimidated and upset. Towards the end of the evening my son queried the price of a small glass of soda water after which we were subjected to what can only be described as a rant from the landlady. During which, she accused my son of not wanting to pay for his drinks which wasn't true. We were shocked and speechless at how rude she was, but as it was near the end of the quiz decided to dismiss it as we thought that she had just had a bad day. However, when she came to clear away the glasses, she started again, which culminated in her telling us that if we did not like their prices, to drink elsewhere. I have never ever been spoken to like that before and needless to say we have taken her advice. But because of this I have felt unable to discuss any of the issues above with either of the licensees as frightened of what the reaction might be. I would also like to add that this was my son's local for 15 years before he moved away from the village, so it's a shame that he feels no longer able to go in there for a drink with his mates who still live locally. They all meet elsewhere.

In no way do I wish this business to fail. I think that the pub is a great asset to the village and feel that this can all be easily resolved by reducing the Alcohol and Entertainment licence to 11p.m. on Friday and Saturday with an extension just for New Year's Eve and by keeping all doors and windows closed when music is being played. Perhaps Greene King could also help by providing some extra guidance to the current landlord and landlady.

Yours Sincerely



MRS L. R. MARSJEN

Nicola O'Shea

From: Licensing
Sent: 24 November 2016 17:17
To: Nicola O'Shea
Subject: FW: Consultee Comments for Licensing Application 16/03704/REVIEW

Follow Up Flag: Follow up
Flag Status: Completed

Please confirm if this is a valid rep
Thanks Sylv

From: publicaccess@sevenoaks.gov.uk [mailto:publicaccess@sevenoaks.gov.uk]
Sent: 24 November 2016 17:12
To: Licensing
Subject: Consultee Comments for Licensing Application 16/03704/REVIEW

A consultee has commented on a Licensing Application. A summary of the comments is provided below.

Comments were submitted at 5:12 PM on 24 Nov 2016 from christopher.butler@dartford.gov.uk.

Application Summary

Reference: 16/03704/REVIEW
Address: Fleur De Lis Public House High Street Leigh Tonbridge
Kent. TN11 8RL
Proposal: Review of licence
Case Officer: Nicola O'Shea
[Click for further information](#)

Comments Details

Following noise complaints in June 2016 relating to the Fleur de Lis Public House, High Street, Leigh, Environmental Health were asked to investigate by local residents. A noise recorder was installed initially on 29th July 2016 and removed on 11th August 2016 but did not provide evidence of a nuisance. It was further installed on 15th September 2016 for 2 weeks in relation to a specific event involving a birthday party. These recordings indicated late night noise from amplified music and voices. An Abatement Notice was served on the Designated Premises Supervisor, Mr Masters, on 7th October 2016. A meeting was subsequently arranged with Mr & Mrs Masters as well as Greene King for 24th October 2016. Recommendations to mitigate noise were submitted and agreed consisting of the following:

- All complaints received at the pub should be recorded/logged in a book and any actions taken to deal with the matter.
- The land line for the pub will be given to the Environmental Health duty officer who will contact the pub in the event of out of hours complaints.

Agenda Item 3

- Any events involving a DJ, live band or similar will be located on the far side of the pub away from the attached housing and close to the road (Lower Green).
- The garden area at the rear of the pub will not be used after 23:00.
- Where events involving a DJ, live band or similar take place then the volume of music should be reduced at 23:00 and the event will finish at 00:00.
- Generally doors and windows for the pub will be kept closed when music is being played other than background music.
- Where events involving a DJ, live band or similar take place then the nearest residents should be notified by letter drop no later than 7 days before.
- Ideally 6 events per year will take place with up to a maximum of 10.

A monitoring period of about 2 months is being allowed for, to test the viability of these recommendations. A further meeting will be arranged in the New Year to determine whether further action is necessary.

Environmental Health's involvement relates to noise disturbance only. I understand that there have been reports of anti-social behaviour which are beyond my investigation.



**Kent
Police**

Agenda Item 3
Protecting and serving the people of Kent

**Ellen Shaw
Licensing Coordinator
West Division**

Licensing Partnership
Sevenoaks District Council
Argyle Road
Sevenoaks
TN13 1GP

Direct Line: 01732 379255
E-mail: ellen.shaw@kent.pnn.police.uk

Date: 16th December 2016
Ref: 16/03704/REVIEW

Dear Sir/Madam,

**Licensing Act 2003 – Premises Licence - Review
Fleur de Lis, High Street, Leigh TN11 8RL**

Kent Police have been served a copy of the review application made by residents in relation to the Fleur de Lis, High Street, Leigh TN11 8RL.

Police incident and crime systems have been checked and show one crime report, YY/23355/16, which can be directly attributed to this premises which was created on 20th October 2016. Details of this crime report are as follows:

Informant spoke to Kent Police on 26th September regarding damage having been caused to front garden wall and flowers behind it on 24th September. Damage was caused by a patron of the Fleur de Lis who was seen to jump over the wall, the male was part of a group of four people who had come from the premises. Within this report informant stated that they had suffered damage over a two year period although no reports on police systems relating to this. Investigation into most recent damage carried out and established that the offender had been identified, had written letter of apology and offered to pay for damage caused. Informant confirmed receipt of apology and declined any recompense for the damage caused and required no further police action.

Kent Police do not have any recommendations to make in relation to this review application.

Yours sincerely

Ellen Shaw
Divisional Licensing Coordinator

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From: Oliver, Julie <julie.oliver@kent.fire-uk.org>
Sent: 20 December 2016 11:34
To: Licensing
Subject: FW: Licensing Review of Fleur De Lis Pub. Leigh, Kent
Attachments: LA 51 - 87 Review application form.pdf

Dear Licensing,

We are in receipt of the enclosed licensing review.

A separate letter has been sent to the premises to remind them of their fire safety obligations.

No other comments.

Regards,

Julie

From: jane baier [mailto: [REDACTED]]
Sent: 02 December 2016 14:36
To: TFS Mid Kent Group Fire Safety Office <TFS.MidGroup@kent.fire-uk.org>;
west.division.licensing@kent.pnn.police.uk; trading.standards@kent.gov.uk; kscb@kent.gov.uk;
gillian.montgomery@kent.gov.uk; DCSouth@sevenoaks.gov.uk; eh.support@dartford.gov.uk; Nicola O'Shea
<nicola.oshea@sevenoaks.gov.uk>
Subject: Licensing Review of Fleur De Lis Pub. Leigh, Kent

Please find copy of the submitted licensing review.

Kind Regards
Jane Baier

This e-mail has been scanned for malicious content.

For more information about Kent Fire & Rescue Service visit: <http://www.kent.fire-uk.org>

Kent Fire & Rescue Service logs, records and reserves the right to analyse and act upon activity and communication on its Information Systems (including external systems such as external e-mail, emergency telephony etc), to meet our statutory responsibilities, protect systems from abuse, secure the effective operation of systems and any other lawful purpose.

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From: jane baier [mailto: [REDACTED]]
Sent: 28 September 2016 14:13
To: Licensing
Subject: Licensing Review of Fleur De Lis Pub, Leigh Kent

[REDACTED]
High Street

Leigh TN11 [REDACTED]

28.09.2016

Dear Team,

Mr. Chris Butler has advised us to contact you about the licensing and licensing time of the Fleur De Lis Pub High Street Leigh TN11 8 RL. Licensee John and Joanna Masters.

They have a license Sunday to Thursday until 12am and Friday and Saturday until 1am.

A live music license and a garden license which they use until 12am or 1am.

The buildings in question were built about 1855 the walls are thin and some windows are not double glazed as the building is Grade 2 listed.

We have an issue with the noise sometimes during the day but at night there is no consideration given to any of the neighbours. Their garden is parallel to ours so we have to put up with constant noise of people drinking, talking loudly and shouting. There are 6 tables placed all but 7 yards from my bedroom window which interrupts our sleeping. We are subjected to the stench of cooking, BBQ's and cigarette smoke as well as being flood lit into the early hours of the morning. It would appear little or no attempt is made to control what goes on in the garden or on the forecourt.

No 1 Fleur de Lys cottage has had the low listed wall damaged by customers using it for seating to eat and drink beer and parking their bikes. Last year I witness someone masturbating at 3pm on the forecourt. When music played it is always very loud- until the early hours of the morning.

On 17.09 young girls were lying in the road at 1.30am. I have also had items thrown into my garden on numerous occasions over the past two years one recently being pieces of birthday cake. On 24.09 an 18th birthday party was held at the Pub to which four teenagers appeared intoxicated and one young boy jumped over my low wall a joining the forecourt and bombed

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my plants flattening two hydrangeas only stopping once I had knocked on the window. This damage I reported to John Masters on Sunday and to the Police on Monday morning.

We feel we have the right for ourselves and our children to sleep and that we can enjoy sitting and playing in our gardens without having to listen to large numbers of drunks on the other side of the wall.


This is a village Pub set in a residential area. We wonder why such extensive license was issued and we request a review.

At present I cannot have anyone to stay or for an evening meal with the level of noise from the pub.

We are aware and understand that living near a Pub will be noisy but The Human Rights Act Part 2, The First Protocol Article 1 Protection of Property states: "Every natural or legal person is entitled to the peaceful enjoyment of his possessions." I am sure you are well aware of this clause.

Yours Sincerely,

Jane Baier, Tom and Alice Backlog

From: jane baier [mailto:

Sent: 14 December 2016 09:51

To: Nicola O'Shea

Subject: Re: Review Fleur De Lis

For the attention Nicola O' Shea

I wish to report a disturbance 10.12.2016 11pm to 11.30pm

After gardening most of the day I went tot bed and was woken up at 11pm by music being played in the Fleur de lys Pub. The noise could be heard through my closed bedroom door.

Jane Baier

PREMISES LICENCE



The Licensing Act 2003
Schedule 12, Part A

Premises Licence Number	08/00463/PRETRB
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Part 1 – Premises Details

Postal address of premises , or if none, ordnance survey map reference or description, including Post Town & Post Code	
Fleur De Lis Public House High Street Leigh Tonbridge Kent. TN11 8RL	
Telephone number	01732 832235

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Plays Films Indoor sporting events Live music Recorded music Facilities for making music Facilities for dancing Sale or Supply of Alcohol Late Night Refreshment

Times the licence authorises the carrying out of licensable activities
Plays (Indoors)
Friday and Saturday 07:30 - 01:00 <i>Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Good Friday, Easter Saturday, Sunday and Monday and all other bank holidays, plus the day preceding a bank holiday</i> 07:30 - 01:00 hours.
Films (Indoors)
Sunday to Thursday 07:30 - 00:00 <i>Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Good Friday, Easter Saturday, Sunday and Monday and all other bank holidays, plus the day preceding a bank holiday</i> 07:30 - 01:00 hours.
Indoor sporting events (Indoors)
Friday and Saturday 10:00 - 01:00 Sunday to Thursday 10:00 - 00:00

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Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Good Friday, Easter Saturday, Sunday and Monday and all other bank holidays, plus the day preceding a bank holiday
10:00 - 01:00 hours.

Live music (Indoors)

Friday and Saturday 11:00 - 01:00
Sunday to Thursday 11:00 - 00:00

Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Good Friday, Easter Saturday, Sunday and Monday and all other bank holidays, plus the day preceding a bank holiday
10:00 - 01:00 hours.

Recorded music (Indoors)

Friday and Saturday 11:00 - 01:00
Sunday to Thursday 11:00 - 00:00

Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Good Friday, Easter Saturday, Sunday and Monday and all other bank holidays, plus the day preceding a bank holiday
10:00 - 01:00 hours.

Facilities for making music (Indoors)

Friday and Saturday 11:00 - 01:00
Sunday to Thursday 11:00 - 00:00

Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Good Friday, Easter Saturday, Sunday and Monday and all other bank holidays, plus the day preceding a bank holiday
10:00 - 01:00 hours.

Facilities for dancing (Indoors)

Friday and Saturday 11:00 - 01:00
Sunday to Thursday 11:00 - 00:00

Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Good Friday, Easter Saturday, Sunday and Monday and all other bank holidays, plus the day preceding a bank holiday
10:00 - 01:00 hours.

Sale or Supply of Alcohol

Friday and Saturday 10:00 - 01:00
Sunday to Thursday 10:00 - 00:00

Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Sunday and Monday and all other bank holidays, plus the day preceding a bank holiday 10.00 - 01.00 hours. New Year's Eve from the beginning of normal licensable hours to the beginning of normal licensable hours on New Year's Day.

Late Night Refreshment (Both Indoors and Outdoors)

Friday and Saturday 23:00 - 01:30
Sunday to Thursday 23:00 - 00:30

Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Sunday and Monday and all other bank holidays, plus the day preceding a bank holiday 23:00 - 01:30 hours. New Year's Eve from 23.00 hours to the beginning of normal licensable hours on New Year's Day.

The opening hours of the premises

Friday and Saturday 07:30 - 01:30
Sunday to Thursday 07:30 - 00:30

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The non-standard opening hours of the premises

Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Sunday and Monday and all other Bank Holidays, plus the day preceding a Bank Holiday 07:30 until 01:30 hours. New Year's Eve from the beginning of normal licensable hours to the beginning of normal licensable hours on New Year's Day.

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the premises.

Part 2

Name, (registered) address, telephone number and email address (where relevant) of holder of premises licence

Greene King Retailing Limited
Abbot House
Bury St. Edmunds
Suffolk. IP33 1QT

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 5265451

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr John Edward Masters
Fleur De Lis
High Street
Leigh
Kent. TN11 8RL

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number: WEA/LN/000013091
Licence Authority: Wealden District Council



Richard Wilson
Chief Officer - Environmental & Operational Services
Sevenoaks District Council

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Annex 1 – Mandatory conditions

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 06 April 2010

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an 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 -

(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 in a manner which carries a significant risk of undermining a licensing objective;

(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 in a manner which carries a significant risk of undermining a licensing objective;

(d) 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;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale of alcohol.

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(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either -

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4. The responsible person must 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) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Mandatory conditions in force from 28 May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) "permitted price" is the price found by applying the formula— $P = D + (D \times V)$

where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Embedded conditions

Not applicable

Annex 3 – Conditions consistent with the Operating Schedule

Not applicable

Annex 4 – Conditions attached after a hearing by the licensing authority

Not applicable

Annex 5 – Plans

Please see attached

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