

06 April 2018 at 10.30 am

Council Chamber, Argyle Road, Sevenoaks
Despatched: 20.03.2018



Licensing Hearing

Membership (Sub Group A):

Cllrs. Clack (Substitute), Clark and Esler

(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

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. Appointment of Chairman		
2. Declarations of interest		
3. Report to Licensing Sub-Committee following receipt of a representation in relation to an application made under the Licensing Act 2003 for St Martin of Tours Church in Eynsford - 17/04282/LAPRE. (Eynsford)	(Pages 1 - 22)	Jessica Foley Tel: 01732227480

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 A REPRESENTATION IN RELATION TO AN APPLICATION MADE UNDER THE LICENSING ACT 2003 FOR ST MARTIN OF TOURS CHURCH IN EYNSFORD - 17/04282/LAPRE.

Licensing Sub-Committee - 6 April 2018

Report of Chief Officer, Environmental and Operational Services -
Richard Wilson

Status For Decision

Executive Summary: the report provides information to advise members of an application for a new premises licence under The Licensing Act 2003 in respect of St Martin Of Tours Church, Station Road, Eynsford, Kent. DA4 0EH.

Contact Officer Jessica Foley, Ext. 7480

Recommendation to Licensing Sub-Committee:

Options available to members are:

- a) To grant the application in full on the terms and conditions contained in the operating schedule along with relevant mandatory conditions
- b) To grant the application, modified to such an extent as considered appropriate in order to satisfy any relevant representations so as to adequately promote the licensing objectives
- c) To exclude from the scope of the licence any of the licensable activities
- d) To refuse to specify a person in the licence as the premises supervisor
- e) 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. Members are asked to consider the options above in light of the individual circumstances of this application and representations and testimony received at hearing.

Introduction and Background

- 1 The procedure for Hearings of Sub-Committees of the Licensing Committee established in accordance with Section 9 of the Licensing Act 2003 is attached to the agenda.

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- 2 On 20 November 2017 an application was received from The Parochial Church Council Of St Martin Of Tours for a new premises licence for St Martin Of Tours Church, Station Road, Eynsford, Kent. DA4 0EH. This application was validated on 18 February 2018 and the consultation end date was the 18 March 2018.
- 3 During the notice period, 2 representations have been received from local residents that have not been withdrawn.
- 4 A representation has also been received from Eynsford Parish Council in support of the application.
- 5 Application is to allow the following licensable activities on the premises.

The application is to:

Section E	To allow live music indoors every day from 11:00 to 00:00 hours.
Section M	To allow the supply of alcohol for consumption on the premises every day from 11:00 to 00:00 hours.
Section O	To allow the premises to be open to the public every day from 07:00 to 00:00 hours.

The applicant intends to take the actions detailed in the operating schedule (Appendix B) in order to promote the four licensing objectives detailed below if the proposed application is granted.

- 6 The application includes an application for the mandatory alcohol condition under the Licensing Act 2003 requiring a Designated Premises Supervisor in respect of a premises licence to be dis-applied. (Appendix E).

Statutory Guidance

Revised Section 182 Guidance (April 2017)

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.

Consultation

The regulations to the Licensing Act 2003 outline the requirements for the advertising of applications. These require the applicant to advertise the application:

- a. For a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority to display a white notice prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises. It was noted that the notice was displayed upon the premises for the 28 day consultation period which ended 6 July 2017.
- b. By publishing a notice in a local newspaper on at least one occasion within 10 working days of submitting the application.

Regulations also require that the applicant give a copy of the application to each responsible authority on the same day as the day upon which it is given to the licensing authority. As the application was electronic, the requirement to serve the application was met by the licensing authority.

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 is posted on the Council website via the weekly premises tracker and the public and councillors have public access.

Representations received from statutory consultees:

Fire Safety	NO OBJECTIONS
Trading Standards	NO COMMENTS RECEIVED
Social Service	NO COMMENTS RECEIVED
Police	NO OBJECTIONS
Environmental Health and Safety	NO OBJECTIONS
Public Health Department	NO COMMENTS RECEIVED
Environmental Protection	NO OBJECTIONS

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Development Control	NO OBJECTIONS
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Representations received from interested parties:

2 received from Local residents (Appendix C).

1 received from Eynsford Parish Council (Appendix C).

Conclusions

Without prejudice, the Officer would like to draw to Members' attention to issues that they may wish to consider.

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

Mandatory conditions - the following conditions will be added to the premises licence when it is issued.

1. The supply of alcohol (Under section 41D)

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

Every supply of alcohol under the Premises Licence must be made or authorised by the management committee.

2. 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
- (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.

3. Mandatory Conditions in force from 01 October 2014

- 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.

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- (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).
2. 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 or supply of alcohol.
 - (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;
- (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."

Operating Schedule conditions

- 7 Events with the sale of alcohol will be either on behalf of the PCC itself (e.g. fetes), or at events such as concerts which have been approved by the PCC in advance.
- 8 A member of the PCC will open and close the premises, even for outside hirers and satisfy themselves that the organisers are aware of limitations on use of the building.
- 9 All lettings have to be approved by the PCC and hirers will be advised of their responsibilities to ensure proper use of the church building. Approval will NOT be given where it is felt that the proposed usage is in any way inappropriate in a church building.

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

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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.

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.

Appendices

Appendix A - Plan of the Premises

Appendix B - Operating Schedule

Appendix C - Representations from local residents and Eynsford Parish Council

Appendix D - Locality maps

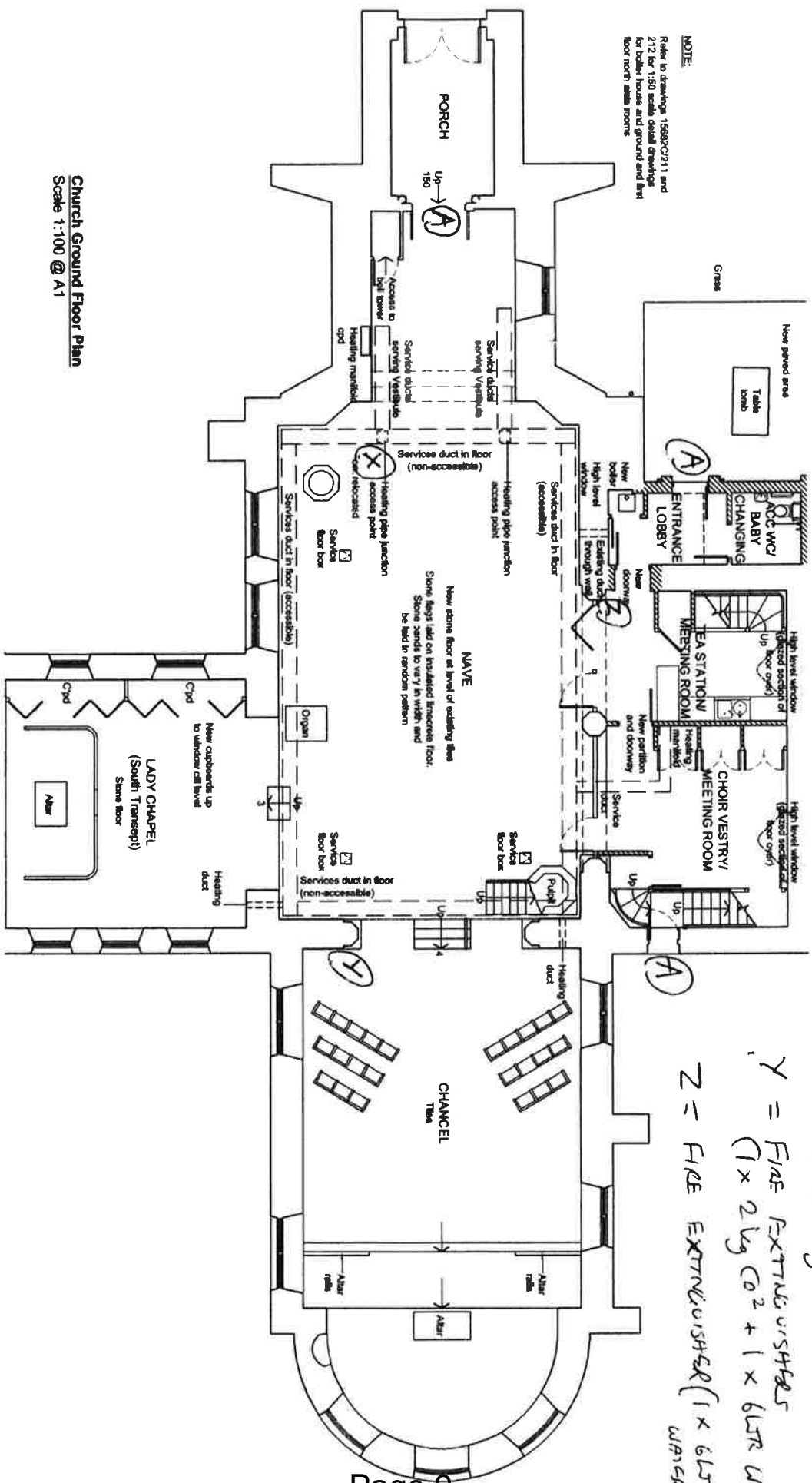
Appendix E - Application for the mandatory alcohol condition under the Licensing Act 2003 requiring a Designated Premises Supervisor in respect of a premises licence to be dis-applied

Background Papers

The Licensing Act 2003

Richard Wilson

Chief Officer for Environmental & Operational Services



Church Ground Floor Plan
Scale 1:100 @ A1

- A = ENTRANCE / EXIT POINTS
- X = FIRE EXTINGUISHERS
(1 x 2kg CO₂ + 1 x 6ltr WAFER)
- Y = FIRE EXTINGUISHERS
(1 x 2kg CO₂ + 1 x 6ltr WAFER)
- Z = FIRE EXTINGUISHER (1 x 6ltr WAFER)

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P Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b,c,d,e) (please read guidance note 10)

Events with the sale of alcohol will be either on behalf of the PCC itself (e.g. fetes), or at events such as concerts which have been approved by the PCC in advance. A member of the PCC will open and close the premises, even for outside hirers, and satisfy themselves that the organisers are aware of limitations on use of the building.

In addition, events put on by local groups usually have at least one member of the PCC in attendance (as a member of the hiring group)

b) The prevention of crime and disorder

All lettings have to be approved by the PCC and hirers will be advised of their responsibilities to ensure proper use of the church building.

c) Public safety

Hirers are taken through fire and other safety procedures on first hire. There are three exits from the building, the main church entrance via the front porch of the church, a side entrance/exit at the side of the church (the point of entry/exit for wheelchair users) and an exit at the rear of the church. A fire alarm is fitted and there are both CO2 and water filled fire extinguishers at the front and rear of the church, as well as in the area of the teapoint.

d) The prevention of public nuisance

All lettings have to be approved by the PCC and hirers will be advised of their responsibilities to ensure proper use of the church building.

e) The protection of children from harm

As previously noted, inappropriate use of the church building would be refused. In addition, the Rector, Church Warden and other members of the PCC are in possession of up-to-date safeguarding certificates.

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Jessica Foley

From: publicaccess@sevenoaks.gov.uk
Sent: 09 March 2018 15:04
To: Jessica Foley
Subject: Comments for Licensing Application 17/04282/LAPRE

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

Comments were submitted at 3:03 PM on 09 Mar 2018 from Mrs Maria Conyers.

Application Summary

Address: Station Road Eynsford Kent DA4 0EH

Proposal: Premises Licence

Case Officer: Jessica Foley

[Click for further information](#)

Customer Details

Name: Mrs Maria Conyers
Email: [REDACTED]
Address: 4 Edwards Court, Pollyhaugh, Eynsford, Kent DA4 0HG

Comments Details

Commenter Type: Neighbour
Stance: Customer objects to the Licensing Application
Reasons for comment:

- Noise Disturbance
- Opening Hours
- Parking
- Prevention of Public Nuisance

Comments: 3:03 PM on 09 Mar 2018 I would like to oppose the

Appendix C

application as I this would become a nuisance, I sleep at the side opposite the graveyard, I am a shift worker and therefore need as much sleep as I can get. The licence times are way too long in duration and really I don't understand why a church needs to have a licence. This will be abused over time and people will become nuisances with alcohol. As it is I have to listen to loud adults in the evening cutting through the church yard, keeping me awake when I am up at 0530 for an early turn. We have 4 pubs in the village and that's enough alcohol being served. To grant the licence would also possibly take business away from the pubs that exist. I fully oppose the licence being granted.

Janet Lockie

From: publicaccess@sevenoaks.gov.uk
Sent: 02 March 2018 13:58
To: Licensing
Subject: Comments for Licensing Application 17/04282/LAPRE

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

Comments were submitted at 1:58 PM on 02 Mar 2018 from Mrs Suzanne Cooper.

Application Summary

Address: Station Road Eynsford Kent DA4 0EH
Proposal: Premises Licence
Case Officer: Jessica Foley
[Click for further information](#)

Customer Details

Name: Mrs Suzanne Cooper
Email: [REDACTED]
Address: 2 Edwards Court, Pollyhaugh, Eynsford, Kent DA4 0HG

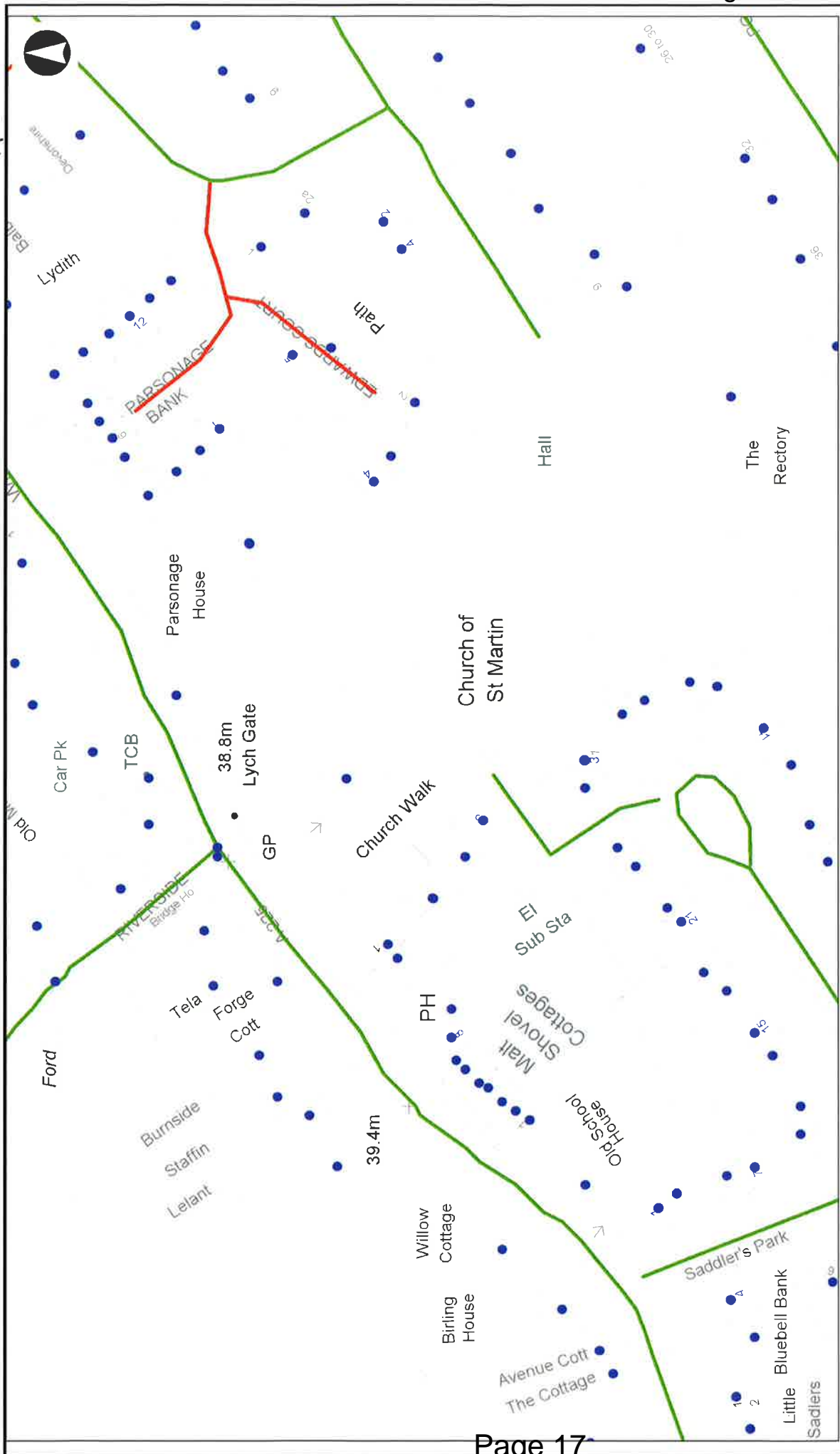
Comments Details

Commenter Type: Neighbour
Stance: Customer objects to the Licensing Application
Reasons for comment: - Noise Disturbance
 - Opening Hours
 - Parking
 - Prevention of Public Nuisance

Comments: 1:58 PM on 02 Mar 2018 I am a resident whose bedroom windows and garden backs directly onto the Church. I strongly object to the end hours 12 midnight of the application for the weekdays. As this will mean noise, nuisance and disturbance to residents when people leave the Church after midnight. No problem with that time on Fridays and Saturday evenings.

SEVENOAKS DISTRICT COUNCIL**PARISH /TOWN COUNCIL PLANNING APPLICATION
CONSULTATION RESPONSE**

Reference :	17/04282/LAPRE
Site :	St Martin's Church, Station Road, Eynsford
Proposal :	Premises Licence
<input checked="" type="checkbox"/> Support: ✓	That the council Supports the application on the grounds that it would be a benefit to the community and the church.
<input type="checkbox"/> Objection and Reasons :	
<input type="checkbox"/> No objection <input type="checkbox"/> No comment:	
Further Comments:	
FROM:	Eynsford Parish Council
DATE:	7 th December 2017



Scale: 1:1,117

Date: March-2018



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Ordnance Survey 100019428.

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Licensing
Partnership



**Application for the mandatory alcohol condition under the
Licensing Act 2003 requiring a Designated Premises Supervisor
in respect of a premises licence to be dis-applied**

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 in written black ink. Use additional sheets if necessary.

Once completed please give your application to **the Licensing Partnership, Council Offices, PO Box 182, Argyle Road, Sevenoaks, Kent TN13 1GP**. You may wish to keep a copy of the completed form for your records.

We being a board or committee of individuals with responsibility for the management of the community premises described in Part 1 below, and being the applicant for a premises licence / premises licence holder *[delete as applicable]* in respect of those premises apply for the condition referred to in section 19(4) of the Licensing Act 2003 to be included in the licence instead of the conditions referred to in section 19(2) and (3) of the said Act. (see guidance note 2).

Part 1 – Community premises details

Name of premises St Martin's Church, Eynsford	
Postal address of premises or, if none, ordnance survey map reference, or description [REDACTED]	
Correspondance: [REDACTED]	
Post town Dartford	Postcode [REDACTED]

Telephone number at premises (if any)

none

Premises licence number (if applicable)

application in process of being made

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Brief description of premises and the composition of the committee or board of individuals with responsibility for the management of the premises (Please see Guidance Note 3)

The premises is a church with meetings rooms.

The church is run by the Parochial Church Council of the Church, a charity exempt under the Charities Act. The PCC is composed of various ex-officio members (including the Rector) and members elected by the church membership. Legally these members are trustees of the 'charity'.

Please describe how you will ensure that alcohol sales are properly supervised and what arrangements you have in place (if any) for hiring out the premises (Please see Guidance Note 4)

For church events and events 'sponsored' by the church, a designated member of the Parochial Church Council will be present to supervise the sale of alcohol.

Hirers will be required to comply with the church hire terms and conditions and alcohol use policy.

Part 2 – Applicant details

We are the premises licence holder (Please tick ✓yes)

Contact phone number in working hours (if any)

E-mail address (optional)

Current address (if different from premises address)

Post Town

Postcode

Telephone (if any)

[Redacted telephone number]

Please tick ✓ yes as appropriate

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

This form accompanies a new premises licence application Yes

If you are varying an existing licence and have not ticked one of the first two boxes above, please explain why in the box below.

Reasons why you have failed to enclose the premises licence or relevant parts
We are currently in the process of applying for a licence for the first time.

Any further information to support your application

CHECKLIST:-

Please tick ✓ yes

If applying to remove the mandatory requirements from an existing premises licence that already authorises alcohol sales

- I have made or enclosed payment of the fee

- I have included documents (if available) which identify the premises and how it is managed

- I have included copies of any hiring agreements Yes

- I have sent a copy of this application to the chief officer of police

- I understand that if I do not comply with the above requirements my application will be rejected

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If applying alongside a new application or variation for a permission to allow alcohol sales

- this application accompanies a new premises licence application / this application accompanies an application to vary an existing premises licence *[delete as applicable]*
New premises licence

- I have enclosed the premises licence or relevant part of it or provided an explanation

- I understand that if I do not comply with the above requirements my application will be rejected Yes

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 see guidance note 5)

Signature of applicants. Please provide two signatories of members of the management committee stating in what capacity they represent the premises licence holder.

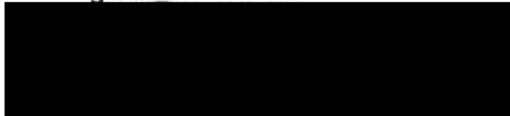
First Signature



Date 9/2/18

Capacity Chair of PCC

Second Signature



Date 9/2/18

Capacity Vice-Chair of PCC

Contact name (where not previously given) and address for correspondence associated with this application

Post town

Postcode

Telephone number (if any)

If you would prefer us to correspond with you by e mail your e mail address (optional)