

Notice of determination for application premises licence

To: Parochial Church Council (PCC) of St. Martin of Tours Church

of: St. Martin Of Tours Church, Station Road, Eynsford, Kent DA4 0EH

Ref: 17/04282/LAPRE

Sevenoaks District Council being the licensing authority, on the 20 November 2018 received an application for a premises licence in respect of premises known as St Martin Of Tours Church, Station Road, Eynsford, Kent DA4 0EH.

On the 6 April 2018 there being valid representations which were received had not been withdrawn, a hearing was held to consider these representations, and having considered them the Licensing Sub-Committee determined as follows:

To grant the Premises Licence subject to the mandatory conditions, and following amendments to licensable activities and additional conditions:

Section M: To allow the supply of alcohol for consumption from Monday to Thursday 11:00 to 23:00 hours and Friday, Saturday, Sunday 11:00 to 00:00 hours

Non standard timings - To allow supply of alcohol for consumption on New Year's Eve from 11:00 to 00:00 hours.

Section O: To allow the premises to be open to the public from Monday to Thursday 11:00 to 23:00 hours and Friday, Saturday, Sunday 11:00 to 00:00 hours

Non standard timings - To allow the premises to be open on New Year's Eve from 11:00 to 00:00 hours.

To add the conditions on the Licence as follows:

The Management Committee to maintain a diary of licensable events ensuring that appropriate details are recorded and retained and to be available for inspection by a Licensing Officer upon request.

Reason: to improve enforceability and to meet the licensing objectives of the prevention of public nuisance and the protection of children from harm.

A maximum of 24 'events' (defined as events where the licensable sale of alcohol is to occur as part of the event) are permitted in any calendar year.

Reason: to meeting the licensing objective of the prevention of public nuisance.

Signs to be displayed at the exits to the premises reminding attendees of licensable activities to be considerate to neighbours and not disturb them when leaving the premises.

Reason: to meet the licensing objective of the prevention of public nuisance.

Where in these conditions reference is made to a Member of the PCC or a Member of the Management Committee such member must be 18 years of age or above.

Reason: for the protection of children from harm.

Mandatory Conditions -

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 1 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.
- (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 portable 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

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.

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.

This Licence granted at the Hearing is effective from the 6 April 2018.

Dated: 6 April 2018.

Signed

Chair - Licensing Hearing

Signed

Designation - Senior Licensing Officer

Please address any communications to:

Licensing Partnership
Sevenoaks District Council
Council Offices
PO Box 182
Argyle Road
Sevenoaks
Kent TN13 1GP

Note: Pursuant to Part 1 of Schedule 5 of the Licensing Act 2003 as amended, any party eligible to appeal must appeal to a magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.