

LICENSING COMMITTEE (HEARING) – 12 JULY**APPLICATION FOR A PREMISES LICENCE FROM THE AMHERST SCHOOL PARENTS TEACHER ASSOCIATION, WITCHES LANE, SEVENOAKS, KENT TN13 2AX UNDER THE LICENSING ACT 2003****APPLICATION REFERENCE NO: 11/01004/LAPRE**

Report of the:	Community and Planning Services Director
Status:	For Decision
Portfolio Holder	Cllr. Mrs Bracken
Head of Service	Head of Environment & Operational Services – Mr. Richard Wilson

Recommendation: Members' instructions are requested**Background**

The procedure for Hearings of Sub-Committees of the Licensing Committee established in accordance with Section 9 of the Licensing Act 2003 is attached at Appendix A.

The application is made by Amherst School Parents, Teacher Association, Witches Lane, Sevenoaks, Kent TN13 2AX. The Primary School and surrounding play area, car park and field are to be used for functions to raise money for the school.

The application is to:

Section A	To allow exhibition of plays both indoors and outdoors from 09:00 until 23:00 hours every day.
Section B	To allow the exhibition of films indoors and outdoors from 09:00 until 23:00 hours every day.
Section E	To allow live music both indoors and outdoors from 17:00 until 00:00 hours every day.
Section F	To allow recorded music both indoors and outdoors from 17:00 until 00:00 hours every day.

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Section G	To allow performances of dance both indoors and outdoors from 09:00 until 23:00 hours every day.
Section H	To allow anything of a similar description to that falling within (e), (f) or (g) both indoors and outdoors from 17:00 until 00:00 hours every day.
Section I	To allow the provision of facilities for making music e.g. electricity supply both indoors and outdoors from 17:00 until 00:00 hours every day.
Section J	To allow the provision of facilities for dancing e.g. dance floor both indoors and outdoors from 17:00 until 00:00 hours every day.
Section M	To allow sale of alcohol on the premises from 18:00 until 00:00 hours Monday to Friday and 12:00 until 00:00 hours
Section O	Hours premises are open to the public from 09:00 until 00:00 hours Monday to Thursday, 09:00 until 01:00 hours Friday and Saturday and 09:00 until 00:30 hours.

There is also a request to dis-apply the Mandatory Condition:

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.

This condition would be replaced with –

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

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The applicant intends to take the following action in order to promote the four licensing objectives if the proposed application is granted:

General

Primary school premises, including surrounding play area, car park and field. The agreement for the regular letting of school facilities, the hire schedule and the Amherst Parent Teacher Constitution have been included to demonstrate the responsible attitude of the applicants.

The Prevention of Crime and Disorder

All persons selling alcohol will be made aware of alcohol drinking age limits. CCTV is on the premises.

Public Safety

We will clearly describe the nature of all events to participants. Fire exits are clearly marked.

The Prevention of Public Nuisance

We will notify our neighbours prior to any large event. CCTV is on the premises. At the end of the event, we will remind participants to leave quietly and to consider neighbours.

The Protection of Children from Harm

All volunteers serving alcohol will request ID if in any doubt of underage drinking.

Representations received from statutory consultees:

Fire Safety	All events require a suitable and sufficient fire risk assessment which is available on site for inspection should the need arise.
Trading Standards	NO ADVERSE COMMENTS
Social Service	NO ADVERSE COMMENTS
Police	NO OBJECTIONS
Commercial	NO ADVERSE COMMENTS

Environmental Protection	SEE COMMENTS ATTACHED (Appendix B)
Development Control	NO OBJECTIONS

Representations received from interested parties:

Representations from 12 local residents (Appendix C).

Conclusions

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

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

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

Irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

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(i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) Drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than

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

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

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

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

4. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

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

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.

Sources of Information: <http://www.culture.gov.uk/alcohol> and entertainment

Contact Officer(s): Mrs. Claire Perry Ext. 7325

**KRISTEN PATERSON
COMMUNITY AND PLANNING SERVICES DIRECTOR**

RISK ASSESSMENT STATEMENT

This Hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005 No. 44.

The decision of this Hearing will be encompassed within the issued premises licence, and the licence will take effect on the 12 July 2011, subject to any appeal to a Magistrates Court or higher Court.