

LICENSING HEARING

Minutes of the meeting of the Licensing Hearing
held on 12 July 2011 commencing at 2.00 pm

Present: Cllr. L Abraham and Cllr. C Clark

Also present:

Mrs D Shirtcliff	- Applicant
Mr B Wiltshire	- Applicant
Mrs L Pitcairn-Knoles	- Applicant
Mrs T Pound	- Applicant
Mrs A King	- Applicant
Mr P Baignet	- Objector (resident)
Mr & Mrs Newman	- Objector (resident)
Mrs R Ware	- Objector (resident)
Mr A Russ	- Objector (resident)
Mrs M Fry	- Objector (resident)
Mr C Hathway	- Objector (resident)
Mrs M Holman	- Objector (resident)
Mrs C Perry	- Assistant Licensing Partnership Manager
Mr C Ormondroyd	- Legal Advisor
Mrs C Beaumont	- Democratic Services Office

10. APPOINTMENT OF CHAIRMAN

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

11. DECLARATIONS OF INTEREST.

There were no declarations of interest in respect of any matter discussed or voted on at the meeting.

12. APPLICATION FOR A PREMISES LICENCE FROM AMHERST SCHOOL PARENTS TEACHER ASSOCIATION, WITCHES LANE, SEVENOAKS, KENT TN13 2AX UNDER THE LICENSING ACT 2003

The Hearing gave consideration to a report by the Community and Planning Services Director giving details of an application under the Licensing Act 2003 from Amherst School Parents Teacher Association, Witches Lane, Sevenoaks, Kent TN13 2AX. It was noted that objections had been received and that accordingly the application had been referred to the Sub-Committee for determination.

The Hearing heard from the applicants who explained that the application had been motivated by wishing to employ a circus to replace the current summer party which took place annually. The Parents Teacher Association (PTA) intended to use the licence for a number of indoor events and no more than

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two outdoor events each year. They apologised for any upset that the application had caused to local residents and stated that there was no intention to increase the number of events carried out by the PTA.

The Hearing heard from the objectors who raised the concerns of residents, in particular the suitability of the school for social events and potential noise nuisance to neighbours. They were also concerned regarding the number of people using cars to attend the events and the potential noise nuisance this would cause. They questioned whether the PTA needed a permanent licence and suggested that they could apply for Temporary Event Notices as required. The objectors were concerned regarding the 'all encompassing' nature of the licence and asked that the Sub-Committee look at their concerns sympathetically.

At 3.20 p.m. the Hearing Members withdrew to consider the issues raised.

At 4.10 p.m. the Hearing Members returned to the Council Chamber.

It was unanimously

Resolved: That, subject to the conditions contained in the licence attached as an appendix to these minutes, a premises licence for Amherst School Parents Teacher Association, Witches Lane, Sevenoaks, Kent TN13 2AX be granted.

THE MEETING WAS CONCLUDED AT 4.15 pm

Chairman

LICENSING ACT 2003 – Sections 35 and 36

Notice of determination of application for variation of premises licence**To:** Amherst School Parents Teacher Association**Of:** Amherst School Parents Teacher Association, Witches Lane, Sevenoaks, Kent, TN13 2AX**Ref:** 11/01004/LAPRE

Sevenoaks District Council being the licensing authority, on the 10 May 2011 received an application for a premises licence from the Amherst School Parents Teacher Association, Witches Lane, Sevenoaks, Kent TN13 2AX.

On the 12 July 2011 there being valid representations which was received and had not been withdrawn, a hearing was held to consider these representation, and having considered them the Licensing Sub-Committee determined as follows:

To Grant the Premises Licence:

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 23:30 hours every day.
Section F	To allow recorded music both indoors and outdoors from 17:00 until 23:30 hours every day.
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 23:30 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 23:30 hours every day.

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Section J	To allow the provision of facilities for dancing e.g. dance floor both indoors and outdoors from 17:00 until 23:30 hours every day.
Section M	To allow sale of alcohol on the premises from 18:00 until 23:30 hours Monday to Friday and 12:00 until 23:30 hours Saturday and Sunday.
Section O	Hours premises are open to the public from 09:00 until 00:00 hours Monday to Thursday, 09:00 until 00:00 hours Friday and Saturday and 09:00 until 00:00 hours Sunday.

Mandatory 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 -
 - (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

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

Other Conditions

1) A maximum of two outdoor events involving licensable activities may be undertaken in any calendar year. Licensable activities at Event 1 shall cease by 17:00 hours and the outdoor part of the premises shall be closed to the public by 18:00 hours. Licensable activities at Event 2 shall cease by 23:30 hours and the outdoor part of the premises shall be closed to the public by 00:00 hours.

2) A maximum of 12 indoor events involving licensable activities may be undertaken in any calendar year.

3) Licensable activities indoors shall cease by 23:30 hours at the latest.

4) The indoor part of the premises shall be closed to the public by 00:00 hours.

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- 5) All external doors and windows shall be closed within the licensable area, other than for access and egress, after 22:00 hours during events involving licensable activities.
- 6) The licensing authority shall be notified in advance of each event involving licensable activities in writing ('writing' to include fax and email).
- 7) Only events directly organised by the PTA shall be authorised by this licence.

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.

The reason for the decision is that the Sub-Committee considered that the conditions imposed were necessary for the prevention of public nuisance.

The Sub-Committee did not consider that the premises were community premises within the definition set out in Section 193 of the Licensing Act 2003.

This licence granted at the Hearing is effective from 12 July 2011.

Dated: 12 July 2011

Signed

Chair – Licensing Hearing

Signed

Designation – Assistant Licensing
Manager

Please address any communications to:

Licensing Regime
Community and Planning Services
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.