

LICENSING HEARING

Minutes of the meeting of the Licensing Hearing held on 1 July 2013 commencing at 10.30 am

Present: Cllrs. Clark, Davison and Raikes

Also present	Mr. J. Payne	-	Applicant's Solicitor
	Mr. G. Churchill	-	Applicant's Rural Surveyor
	Mr. S. Walker	-	Applicant's Head Gardener
	Mr. S. Winn	-	Objector
	Miss. J. Bolton	-	Licensing Officer
	Mr. L. Roberts	-	Legal Advisor
	Mr. D. Lagzdins	-	Democratic Services Officer
	Miss. C. Shacklock	-	Democratic Services Assistant

1. Appointment of Chairman

Resolved: That Cllr. Raikes be appointed as the Chairman of the meeting.

2. Declarations of interest.

Councillors Clark and Raikes declared a Non Pecuniary Interest in both being Members of the National Trust.

3. Emmetts Gardens, Emmetts Lane, Ide Hill, kent. TN14 6BA

The Hearing gave consideration to a report by the Chief Executive giving details of an application from National Trust (Enterprises) Ltd for a new Premises License under the Licensing Act 2003 for Emmetts Gardens, Emmetts Lane, Ide Hill, Kent TN14 6BA. 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 Applicant's solicitor who provided to the Committee a leaflets detailing forthcoming events at Emmetts Garden, together with a covering letter, which had formed part of the application. The Chairman allowed the Sub-Committee time to consider these documents. The Applicant's solicitor advised that not all the events listed would include licensable activities.

The Applicant's solicitor gave a brief overview of the 249 National Trust sites that already had Premises Licenses. To date, none of these licences had been revoked, reviewed or had enforcement action taken against them.

Previously, Temporary Event Notices had been granted for low key events. However a permanent licence would make organising events more simple and straight forward. No alcohol would be sold at the site until there was a Designated Premises Supervisor. It would be likely that 12 events would take place that would require a license each year. These would be low-key.

Members asked questions of clarification of the Applicants. The Head Gardener of Emmetts Garden showed Members the likely location of events. There would be

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some sound protection from a yew fence. The number of visitors could vary from 1500 in Bluebell season to 100 to 300 out of season. A field was used for additional parking up to 28 days a year.

The Applicants explained there was a public footpath through the site and so the premises were formally open all day.

The Hearing heard from Mr. S. Winn, one of the objectors. He objected to the noise which might be caused by amplified sound, as he considered it a peaceful area. He also objected to the additional traffic created. There should be a limited number of events and sound levels could be limited to prevent a public nuisance.

In summary, the Applicants informed the Sub-Committee there had been no problems reported regarding sound nuisance with previous events. Neighbours close to Emmetts Garden had been contacted by the National Trust and provided with a direct telephone number to call the event operator in case they felt that the sound was causing a nuisance.

At 11:20 a.m. the Hearing Members withdrew to consider the issues raised and the Council's Legal Advisor accompanied them for the purpose of providing legal advice only.

At 11:35 a.m. the Hearing Members and the Council's Legal Advisor returned to the Council Chamber.

The Chairman informed the Hearing that the Sub-Committee had had regard to the representations made by the Applicant and interested parties, to the guidance issued under s.182 of the Licensing Act 2003 and the Council's statement of Licensing policy. Events falling within Sections A to G of the Operating Schedule would be limited to 12 a year. This would be subject to local residents and Sevenoaks District Council being informed. Local residents would be those who had raised objections to the licence application and any who complained about the nuisance in the future.

It was therefore unanimously,

Resolved: That a Premises License in respect of Emmetts Gardens, Emmetts Lane, Ide Hill, Kent TN14 6BA subject to the conditions contained in licence attached as an appendix to these minutes be granted.

THE MEETING WAS CONCLUDED AT 11.40 am

Chairman

Notice of determination for application premises licence

To: NATIONAL TRUST (ENTERPRISES) LTD
Of: HEELIS, KEMBLE DRIVE, SWINDON, WILTSHIRE
Ref: 13/01075/LAPRE

Sevenoaks District Council being the licensing authority, on 15 April 2013 received an application for a premises licence in respect of premises known as Emmetts Gardens, Emmetts Lane, Ide Hill, Kent TN14 6BA.

On 1 July 2013 there being valid representations which were received but 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:

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| Section A | To allow exhibition of plays both indoors and outdoors every day from 09:00 until 21:00 hours |
| Section B | To allow the exhibition of films both indoors and outdoors every day from 09:00 until 21:00 hours |
| Section E | To allow live music both indoors and outdoors every day from 09:00 until 21:00 hours |
| Section F | To allow recorded music both indoors and outdoors every day from 09:00 until 21:00 hours |
| Section G | To allow performances of dance both indoors and outdoors every day from 09:00 until 21:00 hours |
| Section M | To allow sale of alcohol for consumption both on and off the premises every day from 09:00 until 21:00 hours |
| Section O | Hours premises are open to the public from 00:00 until 00:00 hours |

To add the conditions on the Licence as follows:

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.

Minute Annex

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 6 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.

Exhibition of films

Where the film classification body is specified in the licence, unless subsection (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where -

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section -

"children" means person aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

To add an additional condition on the Licence as follows:

1. That the number of events held which fall within sections A to G of the operating schedule be limited to 12 per year.
2. Such events will be subject to:
 - (a) notifying such events to Sevenoaks District Council and to the local community; and
 - (b) providing a telephone number to the local community which will provide an immediate means to contact the person with effective control of the event in case of complaint regarding the licensed activities.

In this condition "local community" means such neighbours as have objected to the licence application and all those who complain about the licensed activities in the future.

Reason: For the prevention of public nuisance

This licence granted at the Hearing is effective from 1 July 2013.

Minute Annex

Dated:

Signed

Chair – Licensing Hearing

Signed

Designation – 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.