



LICENSING COMMITTEE - LICENSING HEARING

01 July 2013 at 10.30 am

Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Cllrs. Clark, Davison and Raikes

(Composition: Each 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 the Democratic Services Team on request (01732 227241). Alternatively you can make an appointment to view the information at the District Council Offices by contacting the Licensing Partnership Manager on 01732 227325.

1. **Appointment of Chairman**
2. **Declarations of interest.**
3. **Emmetts Gardens, Emmetts Lane, Ide Hill, Kent. TN14 6BA** (Pages 1 - 12)
(Brasted, Chevening And Sundridge)

- 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 five 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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APPLICATION FOR A PREMISES LICENCE FROM EMMETTS GARDENS, EMMETTS LANE, IDE HILL, KENT. TN14 6BA FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003

APPLICATION REFERENCE NO: 13/01075/LAPRE

LICENSING COMMITTEE (HEARING) – 1 JULY 2013

Report of the: Chief Executive

Status: For Decision

Portfolio Holder Cllr. Ms Lowe

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 National Trust (Enterprises) Ltd. Heelis, Kemble Drive, Swindon, Wiltshire. SN2 2NA

Application is to allow licensable activities at the premises.

The application is to allow:

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

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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

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

General:

Staff engaged in alcohol sales shall be trained in the law relating to the sale of alcohol. This training shall be refreshed on a regular basis. A period of no more than 60 minutes drinking up time shall be permitted from the last authorised time for alcohol sales. Where a temporary structure is erected a plan of this structure and its location shall be prepared in advance unless a similar plan has already been produced. The plan shall show features such as fire precaution measures, exits and entrances.

The Prevention of Crime and Disorder:

No specific conditions are considered to be necessary in view of the nature of operation of this premises

Public Safety:

All matters of public safety are adequately covered by virtue of the Health and Safety at work etc. Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.

The Prevention of Public Nuisance:

The licence holder shall control sound from licensable activities so that it does not cause a public nuisance at any nearby property in separate ownership and occupation.

The Protection of Children from Harm:

All issues are considered to be covered by the mandatory conditions.

Representations received from statutory consultees:

Fire Safety	NO OBJECTIONS
Trading Standards	NO COMMENTS RECEIVED
Social Service	NO COMMENTS RECEIVED

Police	NO OBJECTIONS
Commercial	NO OBJECTIONS
Environmental Protection	NO OBJECTIONS
Development Control	NO COMMENTS RECEIVED

Representations received from interested parties:

3 received from local residents

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.

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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 (3) (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).

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Sources of Information:

[http://www.culture.gov.uk/alcohol and entertainment](http://www.culture.gov.uk/alcohol%20and%20entertainment)

Contact Officer(s):

Miss. Jessica Bolton Ext.7480

**ROBIN HALES
CHIEF EXECUTIVE**

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 1 July 2013 subject to any appeal to a Magistrates Court or higher Court.

Janet Lockie

SEL

From: publicaccess@sevenoaks.gov.uk
Sent: 04 June 2013 11:54
To: Licensing
Subject: Comments for Licensing Application 13/01075/LAPRE

LICENSING PARTNERSHIP

04 JUN 2013

SEVENOAKS DISTRICT COUNCIL

Valid - JB.

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

Comments were submitted at 11:53 AM on 04 Jun 2013 from Mr Charles Cantlay.

Application Summary

Address: Emmetts Gardens Emmetts Lane Ide Hill Kent TN14 6BA

Proposal: Premises Licence

Case Officer: Jessica Bolton

[Click for further information](#)

Customer Details

Name: Mr Charles Cantlay

Email: charlie.cantlay@gmail.com

Address: Little Quornden Emmetts Lane, Ide Hill, Kent TN14 6BD

Comments Details

Commenter Type: Member of the Public

Stance: Customer objects to the Licensing Application

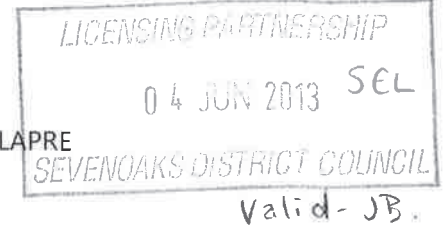
Reasons for comment: - Noise Disturbance

Comments: 11:53 AM on 04 Jun 2013 On the occasions when live music is played at Emmetts gardens it is clearly audible from our house Quornden. This and other disturbances that will ensue should this license be granted are clearly incompatible with an area of outstanding natural beauty which should be enjoyed by all in peace and quiet.

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Janet Lockie

From: publicaccess@sevenoaks.gov.uk
Sent: 04 June 2013 10:21
To: Licensing
Subject: Comments for Licensing Application 13/01075/LAPRE



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

Comments were submitted at 10:21 AM on 04 Jun 2013 from Mr Paul Clarke.

Application Summary

Address: Emmetts Gardens Emmetts Lane Ide Hill Kent TN14 6BA

Proposal: Premises Licence

Case Officer: Jessica Bolton

[Click for further information](#)

Customer Details

Name: Mr Paul Clarke

Email: clarkes17@btinternet.com

Address: High Bank Ide Hill Road, Sundridge, Kent TN14 6AX

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:
- Noise Disturbance
- Traffic

Comments: 10:21 AM on 04 Jun 2013 Unfortunately the application is not very detailed in terms of whether music, for instance will be amplified or not. If not, then noise is unlikely to be an issue. If it is then my objection is based on experience of past music events at Emmetts which have been audible over a wide area. If events of this nature were to be increased potentially to monthly or more frequently during the summer they would represent a detriment to my enjoyment of my property. The application seems to indicate low key events but is not specific and does not rule out events of the scale and frequency that would become an issue. Has it been considered that with larger events there is potential for disruption in any of the roads giving access to the site as they all have areas where it is difficult for medium sized vehicles to pass one another when traveling in opposite directions? A lot of people leaving an event at once will exacerbate this problem.

The Plateau
Ide Hill
SEVENOAKS
Kent TN14 6AX
Tel/FAX: (01732) 750548

29th May 2013

Licensing Authority
Sevenoaks District Council
PO Box 182
SEVENOAKS TN13 1GP

Application Ref. 13/01075/LAPRE

Dear Sirs

National Trust – Emmetts Garden License Application

I wish to object to the applicant above being awarded a full license to hold events without limitation to the number per year and for the sale of alcohol.

Emmetts Garden is situated on the 200 metre contour of a small promontory in the woods on The Chart above Brasted in one of Kent's most treasured AONB's. Extensive views from the house and its gardens range from Brook Place and Penn Farm in the North-East, through almost 180° to Ide Hill in the South.

Complementarily, sites in these areas have full views of Emmetts, which means they can both see lighting effects, and hear the amplified sounds of the live and recorded music which is expected to play a significant role in future events.

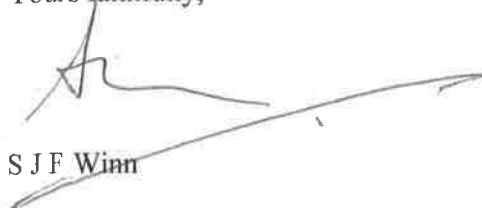
My family's house is 900 metres from Emmetts. We have heard, and can hear, the noise of occasional events at Emmetts, just as we can hear fêtes and fairs from the Ide Hill village green (1500 m away) once or twice a year. No reasonable member of village community will regard this as excessive or bordering on being a nuisance.

Contrastingly, the National Trust owners are now asking for a license to permit events (up to 12, its application advises at least for the moment) throughout the year, to an extent which my family believes will be creating a nuisance in this quiet and beautiful AONB designated part of Kent. Admittedly, the applicant claims noise will be controlled so as not to create a 'nuisance' but how will that be policed in the longer term?

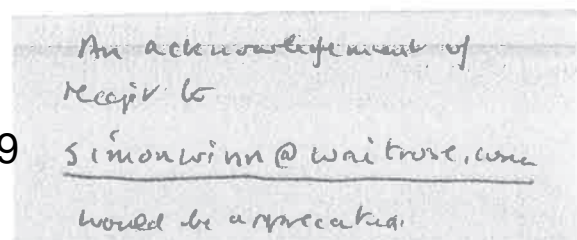
The Lubbock family who built the house and first created the magnificent gardens with its rare collection of shrubs and plants, I am sure treasured the tranquillity and peace of the surroundings just as we do now. Given a long-term license, the National Trust will turn this haven into nothing more than a theme park, with more pollution from traffic along 'C' county class roads which are already noted for narrowness and danger. There will also be excessive use of the field used as a supplementary car park, which I believe is subject to limitation of use as a result of the planning permitted when the new visitor/shop centre for the Garden was approved. I feel sure too that the views of the long-term lease-holders in Emmetts house itself and the disturbance and financial loss their property will suffer without compensation if this application is approved, will also be strongly negative.

On the grounds therefore that this development and the events it proposes are incompatible with the AONB status of the site of Emmetts, I would ask for the application to be refused.

Yours faithfully,

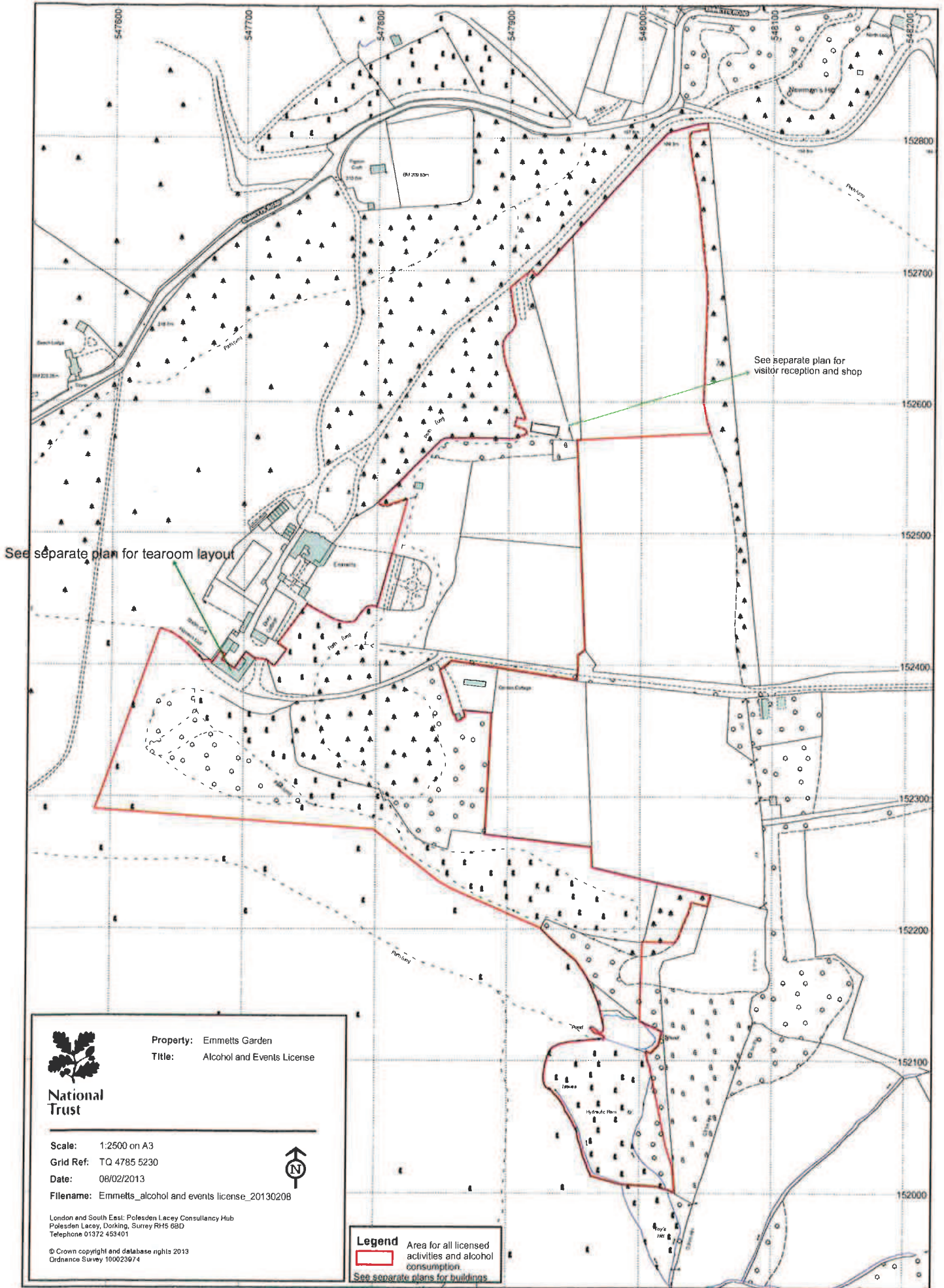


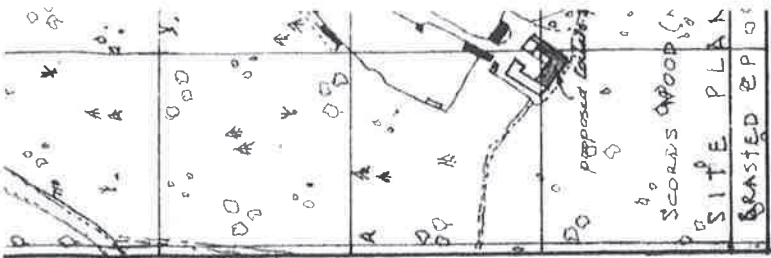
S J F Winn



An acknowledgement of receipt to
Simon Winn @ waitrose.com
would be appreciated.

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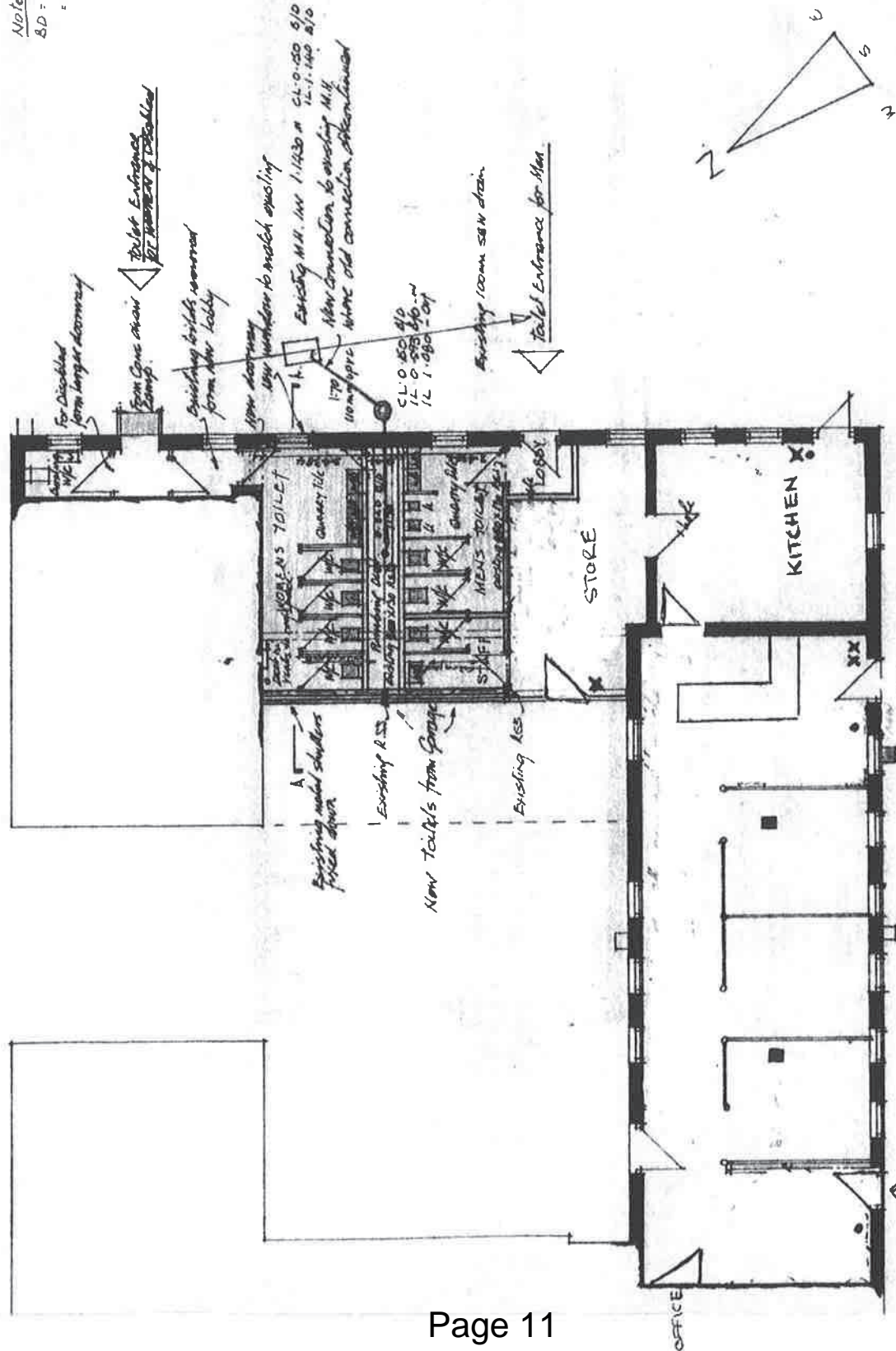


PROPOSED A
EXISTING S
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AND NEW PUB
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SCALE 1:100
DATE March E

THE NAT
KENT & EAST
OFFICE.
SCOTNEY C
LAMBERHUR

Note
BD = below datum
= D.P.C.



- FIRE CALL POINT
- X FIRE EXTINGUISHERS
- FIRE/SMOKE MANS

PUBLIC TEA ROOM ENTRANCE

EXIT

TEAROOM

D FLOOR PLAN

VISITOR RECEPTION

