

LICENSING HEARING

Minutes of the meeting
held on 13 September 2013 commencing at 10.30 am

Present: Cllrs. Abraham, Mrs. Morris and Orridge

Also present: Mr. I. Fenn - Applicant
Ms.. H. Jerrard - Applicant
Mrs. J. Short - Objector (SDC Environmental Health)
Mr. D. Keady - Objector (SDC Environmental Health)
Mrs. L. Leeds - Licensing Officer
Mr. D. Lagzdins - Legal Advisor
Ms. V. Etheridge - Democratic Services Officer

1. Appointment of Chairman

Resolved: That Councillor Orridge be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Application for a Temporary Event Notice (TEN) - White Horse, Sundridge - 20 September 2013

(In order to expedite proceedings the Sub Committee conducted the hearing of the two applications under Section 100 (1) of the Licensing Act 2003 for Temporary Event Notices (TEN) on 20 September 2013 and 18 October 2013 for The White Horse Inn, 105 Main Road, Sundridge, Sevenoaks, Kent TN14 6EQ, concurrently.)

The Hearing gave consideration to a report by the Chief Officer Environmental and Operational Services giving details of an application under Section 100 (1) of the Licensing Act 2003 for Temporary Event Notices (TEN) for The White Horse Inn, 105 Main Road, Sundridge, Sevenoaks, Kent TN14 6EQ on 20 September and 18 October. It was noted that an objection had been received from the Environmental Health Partnership and that accordingly the application had been referred to the Sub-Committee for determination.

The Hearing heard from the applicant and asked questions. The applicant advised that the request was only for a further 45 minutes of live music between 23.00 and 23.45 on the dates specified for an audience of 150 people. There had been no complainants about noise from the car park. The applicant apologised for the previous noise nuisance and explained that he had also not been aware that he did not have the appropriate licence for those events. Since he had been served with a noise abatement notice measures had been taken to mitigate the noise by repositioning the bands, placing insulation in the bay window and keeping doors and windows shut. An event had taken place since the notice had been served, and no complaints had been received to his knowledge.

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The Hearing heard from the objector who reported that a noise abatement notice had been served on 5 September 2013 following complaints received after the events on 28 April 2013, 31 May 2013, 12 July 2013 and 16 August 2013. Prior to the event in July the applicant had been reminded and had confirmed that he would keep doors and windows shut, however a complaint was still received. In August noise level monitoring was carried out from a complainant's house which resulted in the serving of the abatement notice. It was agreed that no complaints had been received after the event that had taken place since the serving of the notice. In response to comments she advised that many people may be affected but not everyone chose to complain for varying reasons. When asked whether Environmental Health was satisfied with the action taken since the serving of the notice, she replied that on the basis that no complaints had been received after the last event and if the measures continued, they were.

At 10.50 the Hearing Members, the Council's Legal Advisor and Democratic Services Officer withdrew to consider the issues raised.

At 11.18 the Hearing Members, Council's Legal Advisor and Democratic Services Officer 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 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. He also advised that the decision was made having considered the measures taken to mitigate the noise arising from past events and having due regard to the licensing objectives in particular the prevention of public nuisance, and with the knowledge that the Environmental Health Team would continue to monitor events at the premises and consider any complaints that they received

It was therefore unanimously,

Resolved: That a counter-notice not be issued for the Temporary Event Notice (TEN) for The White Horse Inn, 105 Main Road, Sundridge, Sevenoaks, Kent TN14 6EQ on 20 September 2013.

4. Application for a Temporary Event Notice - White Horse, Sundridge - 18 October 2013

Please see Minute 3 above.

At 10.50 the Hearing Members, the Council's Legal Advisor and Democratic Services Officer withdrew to consider the issues raised.

At 11.18 the Hearing Members, Council's Legal Advisor and Democratic Services Officer 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 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. He also advised that the decision was made having considered the measures taken to mitigate the noise arising from past events and having due regard to the licensing objectives in particular the prevention of

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public nuisance, and with the knowledge that the Environmental Health Team would continue to monitor events at the premises and consider any complaints that they received

It was therefore unanimously,

Resolved: That a counter-notice not be issued for the Temporary Event Notice (TEN) for The White Horse Inn, 105 Main Road, Sundridge, Sevenoaks, Kent TN14 6EQ on 18 October 2013.

The meeting was concluded at 11.19 p.m.

Chairman

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LICENSING ACT 2003 – Section 105 (3)

**Notice of determination of application for a temporary event notice for
20 September 2013**

To: Mr Ian Fenn

Of: The White Horse Inn, 105 Main Road, Sundridge, Sevenoaks, Kent TN14 6EQ

Ref: 13/02631/LATEN

Sevenoaks District Council being the licensing authority, on the 30 August 2013 received an application for a temporary event notice in respect of premises known as The White Horse Inn, 105 Main Road, Sundridge, Sevenoaks, Kent TN14 6EQ.

On the 13 September 2013 there being a valid objection notice which was received and had not been withdrawn, a hearing was held to consider this objection notice, and having considered it the Licensing Sub-Committee determined as follows:

To take no action and permit the event in the manner described in the Temporary Event Notice

Event start date: 20 September 2013

Event end date: 20 September 2013

Provision of regulated entertainment:

Non standard timings: 2300 – 2345 hours

This decision was made with regard to the 4 Licensing Objectives and in particular the Prevention of Public Nuisance.

Dated: 13 September 2013

Signed

Chair – Licensing Hearing

Signed

Designation –Licensing Officer

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 3 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. No appeal may be brought later than

Minute Annex

five working days before the day on which the event period specified in the temporary event notice begins.

LICENSING ACT 2003 – Section 105 (3)

**Notice of determination of application for a temporary event notice for
18 October 2013**

To: Mr Ian Fenn

Of: The White Horse Inn, 105 Main Road, Sundridge, Sevenoaks, Kent TN14 6EQ

Ref: 13/02631/LATEN

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On the 13 September 2013 there being a valid objection notice which was received and had not been withdrawn, a hearing was held to consider this objection notice, and having considered it the Licensing Sub-Committee determined as follows:

To take no action and permit the event in the manner described in the Temporary Event Notice

Event start date: 18 October 2013

Event end date: 18 October 2013

Provision of regulated entertainment:

Non standard timings: 2300 – 2345 hours

This decision was made with regard to the 4 Licensing Objectives and in particular the Prevention of Public Nuisance.

Dated: 13 September 2013

Signed

Chair – Licensing Hearing

Signed

Designation –Licensing Officer

Please address any communications to:

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