

LICENSING HEARING

Minutes of the meeting
held on 12 May 2014 commencing at 2.00 pm

Present: Cllrs. Abraham, Mrs. Morris and Raikes

Also present Mr. N. Chapman - Applicant
 Mr. M. de Gouveia - Objector
 Mrs. M. de Gouveia - Objector
 Miss. J. Bolton - Licensing Officer
 Mr. D. Lagzdins - Legal Advisor (SDC)
 Miss. C. Shacklock - Acting Democratic Services Officer (SDC)

1. APPOINTMENT OF CHAIRMAN

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

2. DECLARATIONS OF INTEREST

There were no additional declarations of interest.

3. APPLICATION FOR A REVIEW OF THE PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR YE OLD CROWN, 74 - 76 HIGH STREET, EDENBRIDGE, KENT. TN8 5AR

The Hearing gave consideration to a report by the Chief Officer Environmental and Operational Services giving details of an application for a review of the premises licence under the Licensing Act 2003 for Ye old Crown, 74 -76 High Street, Edenbridge, Kent, TN8 5AR on the grounds of the licensing objective the prevention of public nuisance.

The application was made by Dartford and Sevenoaks Environmental Health Partnership, on the grounds that complaints had been received in 2013 and subsequently of amplified music. The Landlord of Ye Old crown had been served with an abatement notice and complaints had been received periodically since the serving of the notice. Informal steps had been implemented by relocating the music sets, keeping the doors and windows shut and stopping amplified music being played outdoors. On the 12 and 18 April 2014 an Officer went to the property where the noise had been a nuisance. It was now at an acceptable level. Due to this it was thought that the informal steps should be conditions on the licence.

In response to questions Mr. Chapman explained that soundproofing was not always the most effective option as it could not be quantified. The Ye old Crown was a historic building and soundproofing could end up being very costly. He explained that he had been in email contact with Mr. de Gouveia and discussed revised conditions. The noise limiter would be ineffective as it was an old building and should someone shout then the limiter would be set off. With the proposed conditions 11.30 p.m. as set out in the original licence would still be acceptable.

Licensing Hearing - Monday, 12 May 2014

Mr.de Gouveia informed the hearing that he had put acoustic foam around the windows and does checks to ensure that they are kept shut. It was also better insulated now the music area had been moved. The only sound would be when the doors were opened for people leaving and entering. Live music and DJ sets had been asked to reduce the sound levels.

At 2.25 p.m. the Hearing Members withdrew to consider the issues raised accompanied by the Council's Legal Advisor and the Clerk to the Hearing for the purpose of providing advice only.

At 2.49 p.m. the Hearing Members, Council's Legal Advisor and the Clerk to the Hearing returned to the Council Chamber.

The Chairman advised the Hearing that the Sub-Committee had had regard to the Licensing Objectives, to the guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. He also advised that the conditions were to prevent public nuisance.

It was unanimously,

Resolved: that the three additional conditions as set out below be added to the premises licence:

- 1) All doors and windows shall be kept closed except for access and egress during the playing of live and recorded music.
- 2) No live or recorded music shall be played within the outdoor areas of the premises.
- 3) Live music or DJ sessions shall only take place in the area highlighted in the red as attached to this notice.

THE MEETING WAS CONCLUDED AT 2.50 pm

Chairman

LICENSING ACT 2003 – Section 52 (10)

Notice of determination of application for a review of premises licence

To: Dartford and Sevenoaks Environmental Health Partnership

Of: Civic Centre, Home Gardens, Dartford, Kent, DA1 1DR

Ref: 14/00743/REVIEW

Sevenoaks District Council being the licensing authority, on the 17 March 2014 received an application for a review of the premises licence in respect of premises known as Ye Old Crown, 74 – 76 High Street, Edenbridge, TN8 5AR

On the 12 May 2014, with there having been valid representations which were received and which had not been withdrawn, a hearing was held to consider these representations, and having considered them the Licensing Sub-Committee determined as follows:

To modify the conditions of the licence in the following respects, namely

Mandatory conditions

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 -

(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);

Agenda Item

- (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).

Conditions arising from the Licensing Hearing on 12 May 2014

- 1) All doors and windows shall be kept closed except for access and egress during the playing of live and recorded music.
- 2) No live or recorded music shall be played within the outdoor areas of the premises.
- 3) Live music and DJ sessions shall only take place in the area highlighted in red on the plan attached to this notice.

The reasons for the decision are: the prevention of public nuisance

The determination will not have effect (a) until the end of the period given for appealing against the decision, or (b) if the decision is appealed against, until the appeal is disposed of. *

Dated:

Signed

Chair – Licensing Hearing

Signed

Designation – Licensing Officer

Please address any communications to:

Licensing Partnership
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.

This page is intentionally left blank