

06 February 2020 at 2.00 pm

Conference Room, Argyle Road, Sevenoaks  
Despatched: 22.01.20



# Licensing Hearing

## Membership: (Sub Group B)

Cllrs. Dr. Canet (substitute), Hunter and Pett

(Each Licensing 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.

## Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. Appointment of Chairman		
2. Declarations of interest		
3. Report to Licensing Sub-Committee, following receipt of representations in relation to an application for a new Premises Licence made under The Licensing Act 2003 for Chartwell Barns (The Elms Nursery), Bough Beech Road, Four Elms, Kent TN8 6ND (19/04703/LAPRE) (Cowden & Hever)	(Pages 1 - 52)	Michael Moss Tel: 01732227364

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk).

## Procedures at Sub-Committees of the Licensing Committee

### 1. Licensing Act 2003

- 1.1 Hearings shall be conducted in accordance with this Procedure Note which the Sub-Committee may vary at their discretion if considered in the public interest subject to The Licensing Act 2003 (Hearings) Regulations 2005.
- 1.2 The quorum for a Sub-Committee shall be two members.
- 1.3 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
- 1.4 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) Officer presentation of report
  - (f) Applicant (or his/her representative) addresses the Sub-Committee.
  - (g) Applicant questioned by members. At the discretion of the Sub-Committee, other parties may be permitted to question the applicant.
  - (h) Any representatives of Public or Statutory Bodies 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.
  - (i) 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.
  - (j) Other 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.
  - (k) 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.
  - (l) 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.

- (m) Applicant (or his/her representative) makes closing address.
- (n) Sub-Committee may grant a short adjournment. The parties may not speak to members regarding the application during adjournments.
- (o) 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.
- (p) The parties will usually be informed of the decision at the Hearing with a decision notice issued thereafter in accordance with Regulation 26 of the 2005 Regulation, along with details of any applicable appeals process.

**REPORT TO LICENSING SUB-COMMITTEE, FOLLOWING RECEIPT OF REPRESENTATIONS IN RELATION TO AN APPLICATION FOR A NEW PREMISES LICENCE MADE UNDER THE LICENSING ACT 2003 FOR CHARTWELL BARNES (THE ELMS NURSERY), BOUGH BEECH ROAD, FOUR ELMS, KENT TN8 6ND (19/04703/LAPRE)**

**Licensing Sub-Committee - 6 February 2020**

Report of                      Richard Morris (Chief Officer Planning & Regulatory Services)

Status                         For Decision

Key Decision                No

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**Executive Summary:**

This report provides members with information relating to a Premises Licence application under The Licensing Act 2003 in respect of Chartwell Barnes (The Elms Nursery), Bough Beech Road, Four Elms, Kent TN8 6ND.

The proposed Premises Licence seeks to provide regulated entertainment (live and recorded music) between 08:00 to 23:00 (Monday to Saturday) and 08:00 to 19:00 (Sunday) and the sale of alcohol between 11:00 to 23:00 (Monday to Saturday) and 11:00 to 19:00 (Sunday).

Representations have been received from 13 local residents.

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**Portfolio Holder**        Cllr. Margot McArthur

**Contact Officer**        Michael Moss (Licensing Partnership Manager) Ext. 7364

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**Recommendation to Licensing Sub-Committee:**

Options available to members are:

- a) To grant the application in full on the terms and conditions contained within the operating schedule, along with relevant mandatory conditions.
- b) To grant the application, modified to such an extent as considered appropriate in order to satisfy any relevant representations so as to adequately promote the licensing objectives.
- c) To exclude from the scope of the licence any of the licensable activities.
- d) To refuse to specify a person in the licence as the Designated Premises Supervisor.

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e) To refuse the application in its entirety.

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### **Reason for recommendation:**

Each application must be considered on its individual merits and in relation to the licensing objectives under the Licensing Act 2003. Members are asked to consider the options above in light of the individual circumstances of this application and representations and testimony received at hearing.

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### **Introduction**

The procedure for hearings of Sub-Committees of the Licensing Committee established in accordance with Section 9 of the Licensing Act 2003 is attached to the agenda.

On 6 December 2019 a new premises licence application was made by Daniel Mario Dos Santos of 6 Pine Grove, Edenbridge, Kent TN8 5HU. A copy of the application is attached as **Appendix A**.

The application was initially invalid upon submission, but validated on 16 December 2019.

The Public Notice(s) were displayed from 16 December 2019 and therefore the public consultation expired on 13 January 2020.

A holder of a Premises Licence, when offering any licensable activity, must ensure they promote the licensing objectives at all times. The Operating Schedule of the application contains details of the control measures that the applicant will have in place in order to promote the licensing objectives. The following conditions have been nominated by the applicant:

- 1) All staff will be made aware of the Licensing Act 2003 and encouraged to conduct themselves in a professional manner when dealing with the sale and consumption of alcohol to customers on and around the premises.
- 2) Challenge 25 Scheme will be in operation.
- 3) CCTV will be installed around the premises.
- 4) The entrance gate to the premises will be closed during non-operative hours.
- 5) The premises exterior and car park will be illuminated with outdoor lighting.
- 6) Staff will be required to keep the premises free of litter.
- 7) Signage displayed asking customers and staff to keep noise to a minimum when entering or leaving the premises.

The premises application is accompanied by a plan, attached as **Appendix B**.

## **Background**

The Elms is a garden centre and equestrian centre, which also provides an ancillary café/ restaurant with a decking area. The premises was originally granted planning permission in 2008 with an application to extend the size of the site in 2019. There are no restrictions placed on the premises in respects to the opening hours of the café/restaurant.

In order to ensure the café/restaurant remains ancillary to the main use of the site a condition was imposed on the planning permission which reads “No part of the premises shall be used for the purposes of a café other than the conservatory and decking area hereby approved. The café shall be used only for purposes ancillary to the main use of the land as a garden centre.”

The application for a Premises Licence under the Licensing Act 2003, proposes the use of licensable activities beyond the hours of the main use of the site and there is a potential for the applicants to be in breach of planning legislation. In addition, the site is currently identified as an A3 use by planning, but should the business develop over time to become more of a drinking establishment, then the applicant would require to vary the use of the premises to an A4.

Despite this information being provided as part of the report, planning considerations cannot be taken into consideration when making a decision on a Premises Licence application made under the Licensing Act 2003; any potential breaches on concerns of planning matters, will be dealt with by the planning authority under their own enforcement powers.

### **Licensable activities:**

The application seeks a premises licence to permit the following activities:

#### **Performance of live music both indoors & outdoors**

Monday to Saturday: 12:00 - 23:00hrs  
Sunday: 12:00 - 19:00hrs

Additional information provided by the applicant suggests any live music performed will not be amplified.

#### **Playing of recorded music both indoors & outdoors**

Monday to Saturday: 08:00 - 23:00hrs  
Sunday: 08:00 - 19:00hrs

#### **Sale of alcohol with the consumption on the premises only**

Monday to Saturday: 11:00 - 23:00hrs  
Sunday: 11:00 - 19:00hrs

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Under the 2015 deregulations, any premises awarded a premises licence which authorises the sale of alcohol, is automatically permitted to provide live and/or recorded music between 08:00 - 23:00hrs.

The original application submitted also requested the provision of Late Night Refreshment, however this activity was removed prior to the application becoming valid as the business did not propose to trade beyond 23:00hrs.

### Consultation

The regulations to the Licensing Act 2003 outline the requirements for the advertising of applications. These require the applicant to advertise the application:

- a) For a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority to display a blue notice prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises. The public notice was inspected by the Licensing Officer on Monday 30 December 2019.
- b) By publishing a notice in a local newspaper on at least one occasion within 10 working days of submitting the application.

Regulations also require that the applicant give a copy of the application to each responsible authority on the same day as the day upon which it is given to the licensing authority.

There are no other statutory requirements for advertising of any application, however, details of all applications received along with the time limit for receipt of representations is posted on the Council website via the weekly premises tracker and the public and councillors have public access.

### Representations:

The proposed application impacts on residents served by one Parish Council, that being Cowden & Hever Parish Council; no comments were made by the Parish Council.

13 objections were received from Local residents (**Appendix C**) that have not been withdrawn.

Primarily the representation received concern noise pollution. It is important to note that whilst representations were received and accepted as valid by the Licensing Officer, not all representations are valid in their entirety and invalid aspects of each representation may not be considered.

Valid aspects to consider are those which directly relate to one or more of the licensing objectives and are not regulated by other means such as in other legislation for example traffic matters and planning matters.

As response to the 28 day statutory consultation with the Responsible Authorities, as outlined in the Licensing Act 2003, the Licensing Authority received comments from Sevenoaks District Council's Environmental Health & Planning Department, as well as Kent Police.

The **Environmental Pollution Team** commented "The application being in respect of both live and recorded music, the supply of alcohol for consumption on the premises and the provision of late night refreshment (now not required) from 12:00 to 23:00 Monday to Saturday and 12:00 to 19:00 Sunday. I have no adverse observations in respect of this application however I would request that the application be conditioned such that:

1. No speakers involved in the transmission of live or recorded amplified music are to be installed to the external decking/patio area.
2. Deliveries and collections from the restaurant, including refuse and bottle collections, should be restricted to: Monday to Saturday 08:00 - 18:00hrs and Sundays 09:00 - 17:00hrs. Outside of these times there shall be no goods loaded or unloaded and no commercial vehicles shall arrive, depart or wait for access to the restaurant.

The proposed conditions were presented to the applicant, and confirmation was received on 7 January 2020 that the conditions were accepted and shall be imposed on the Premises Licence, should a licence be awarded.

The **Planning Department** submitted comments which did not relate to one or more of the Licensing objectives. The contents of their response was sent to the applicant on 14 January 2020 and have been attached to this report under Appendix D as supplementary information only.

**Kent Police** commented "having reviewed the application Kent Police have no representations to make in relation to this premises licence."

#### **Mandatory Conditions:**

Mandatory conditions - the following conditions will be added to the premises licence when it is issued.

- 1) 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 -

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- (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 28 May 2014

- 1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2) For the purposes of the condition set out in paragraph 1-
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
  - (b) "permitted price" is the price found by applying the formula—  $P = D + (D \times V)$

where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 4.
  - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
  - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory Conditions in force from 01 October 2014

- 1.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an 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—
    - (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 in a manner which carries a significant risk of undermining a licensing objective;
    - (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 in a manner which carries a significant risk of undermining a licensing objective;

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- (d) 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;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.
- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) 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 either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
4. The responsible person must 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;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

## **Key Implications**

### Financial

None directly arising from this report.

### Legal Implications and Risk Assessment Statement.

The Hearing is regulated by the Licensing Act 2003 (Hearings) Regulations 2005.

The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Amended Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from the Policy or Guidance the departure must be directed at the Licensing Objectives and such departure must be supported by clear and cogent reasons

### Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## **Conclusions**

Under the Licensing Act 2003 in England and Wales the determination of an application for a premises licence where representations have been made can be made by a sub-committee as arranged by the licensing committee (section 10(4)(a))

The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Amended Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from the Policy or Guidance the departure must be directed at the Licensing Objectives and such departure must be supported by clear and cogent reasons

Members are to make any decision they deem reasonable and proportionate given the reference to the requirements of the Act, revised guidance, Council's Statement of Licensing Policy and representations and testimony at hearing.

At a hearing the Licensing Authority may decide:

1. To grant the application in full on the terms and conditions contained in the operating schedule along with relevant mandatory conditions.
2. To grant the application, modified to such an extent as considered appropriate in order to satisfy any relevant representations so as to adequately promote the licensing objectives
3. To exclude from the scope of the licence any of the licensable activities
4. Refuse to specify a person in the licence as the premises supervisor

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### 5. To refuse the application in its entirety

All decision of the Licensing Authority and any conditions imposed must be appropriate for the promotion of the licensing objectives.

#### Appendices

Appendix A - Application Form & Operating Schedule

Appendix B - Plan of the Premises

Appendix C - Representations from residents

Appendix D - Comments from Planning

#### Background Papers

[The Licensing Act 2003](#)

[Sevenoaks District Council Statement of Licensing Policy](#)

[Amended Guidance under Section 182 of the Licensing Act 2003](#)

**Richard Morris**

**Chief Officer Planning & Regulatory Services**

19/04703/WAPRE

£100 to SDC

**Application for a premises licence to be granted under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**DANIEL DOS SANTOS**

*(Insert name(s) of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 - Premises details**

Postal address of premises or, if none, Ordnance Survey map reference or description			
CHARTWELL BARNES BOUGH BEECH ROAD FOUR ELMS KENT			
Post town	EDENBRIDGE	Postcode	TN8 6ND
Telephone number at premises (if any)		TBC	
Non-domestic rateable value of premises		£ 0	

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i) as a limited company/limited liability partnership  please complete section (B)
  - ii) as a partnership (other than limited liability)  please complete section (B)
  - iii) as an unincorporated association or  please complete section (B)
  - iv) other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)

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- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname DOS SANTOS			First names DANIEL MARIO		
Date of birth 11/08/1976		I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes			
Nationality [REDACTED]					
Current residential address if different from premises address [REDACTED]					
Post town [REDACTED]			Postcode [REDACTED]		
Daytime contact telephone number [REDACTED]					
E-mail address (optional) [REDACTED]					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>			I am 18 years old or over <input type="checkbox"/> Please tick yes		
<b>Nationality</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)

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Telephone number (if any)
E-mail address (optional)

## Part 3 Operating Schedule

When do you want the premises licence to start?

DD MM YYYY  
~~06 01 2020~~  
 06 01 2020

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD MM YYYY  
 [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]

Please give a general description of the premises (please read guidance note 1)

Nursery and Equestrian Centre, RURAL, CONTAINING A RESTAURANT AREA. THERE IS ALSO A GIFT SHOP. INSIDE THE RESTAURANT WILL BE TABLES AND CHAIRS WITH A KITCHEN AT THE REAR. THE BUILDING IS SURROUNDED BY A LARGE GRASSED AREA AND HEDGES, WITH A PURPOSE CAR PARK AT FRONT

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

[ ]

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box D)



**Supply of alcohol** (if ticking yes, fill in box D)



**In all cases complete boxes K, L and M**

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## A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 5)
Wed			
Thur			<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

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E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12:00	23:00	<b>Please give further details here</b> (please read guidance note 4) Guitar music (not amplified) Easy listening.	Both	<input checked="" type="checkbox"/>
Tue	12:00	23:00			
Wed	12:00	23:00	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Thur	12:00	23:00			
Fri	12:00	23:00	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat	12:00	23:00			
Sun	12:00	19:00			

**F**

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	08:00	<del>19:00</del> 23:00	<b>Please give further details here</b> (please read guidance note 4) There is a small decked area along the outside of the premises where customers can eat and drink and hear the music from speakers located inside the restaurant. Easy listening, guitar music	Both	<input checked="" type="checkbox"/>
Tue	08:00	<del>19:00</del> 23:00			
Wed	08:00	<del>19:00</del> 23:00			
Thur	08:00	<del>19:00</del> 23:00			
Fri	08:00	<del>19:00</del> 23:00			
Sat	08:00	<del>19:00</del> 23:00			
Sun	08:00	19:00			
			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
			<b>Non standard timings. Where you intend to use the premises                      for the playing of recorded music at different times to those                      listed in the column on the left, please list</b> (please read guidance note 6)		

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

**H**

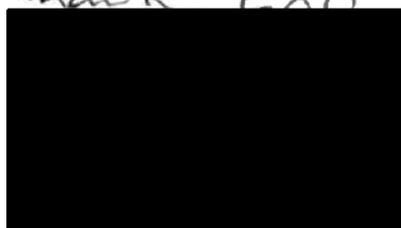
<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 4)</p>		
Wed					
Thur			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)</p>		
Fri					
Sat			<p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11:00	23:00	<b>Please give further details here</b> (please read guidance note 4) There is a side decking area with tables, chairs and umbrellas where meals and refreshments will be served.	Both	<input checked="" type="checkbox"/>
Tue	11:00	23:00			
Wed	11:00	23:00		<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)	
Thur	11:00	23:00			
Fri	11:00	23:00		<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6)	
Sat	11:00	23:00			
Sun	11:00	19:00			

I now understand that this is not applicable to our requirements as we will not be providing late night refreshments after 11pm.

Thank you 6/12/19



J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for <b>consumption – please tick</b> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)  N/A		
Mon	11:00	<del>09:00</del> 23:00			
Tue	11:00	<del>09:00</del> 23:00			
Wed	11:00	<del>09:00</del> 23:00			
Thur	11:00	<del>09:00</del> 23:00			
Fri	11:00	<del>09:00</del> 23:00			
Sat	11:00	<del>09:00</del> 23:00			
Sun	11:00	19:00			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	DANIEL DOS SANTOS		
Date of birth	[REDACTED]		
Address	[REDACTED]		
Postcode	[REDACTED]		
Personal licence number (if known)	(applied for on 6/12/19)		
Issuing licensing authority (if known)	SEVENDAKS DISTRICT COUNCIL		

Agenda Item 3

**K**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

N/A

**L**

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	<del>19:00</del> 23:00	N/A
Tue	08:00	<del>19:00</del> 23:00	
Wed	08:00	<del>19:00</del> 23:00	
Thur	08:00	<del>19:00</del> 23:00	
Fri	08:00	<del>19:00</del> 23:00	
Sat	08:00	<del>19:00</del> 23:00	
Sun	08:00	19:00	

**Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list** (please read guidance note 6)

N/A

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 10)

ALL STAFF WILL BE TRAINED IN THE PROMOTION OF HEALTH AND SAFETY AND MADE AWARE OF THE LICENSING ACT BY THE LICENSE HOLDER AND ENCOURAGED TO CONDUCT THEMSELVES IN A PROFESSIONAL MANNER ESPECIALLY ARRIVING AND DEPARTING QUICKLY AND QUIETLY

b) The prevention of crime and disorder

THERE WILL BE CCTV SURROUNDING THE PREMISES AND PATHWAYS THE PREMISES WILL BE ILLUMINATED AT A LOW LEVEL, THE ENTRANCE GATE TO THE CENTRE WILL BE LOCKED OVERNIGHT.

WE WILL INSTRUCT ALL STAFF TO CHECK THAT ANY <sup>25</sup> CUSTOMER ORDERING ALCOHOL IS OVER THE AGE OF ~~18~~ AND CARRIES A PHOTOCARD ID AS PROOF.

c) Public safety

THERE WILL BE A FENCE ERECTED AROUND THE DECKING AREA TO KEEP PUBLIC CONTAINED SAFELY WHILST DINING. CLEAR FIRE ESCAPE ROUTES, FIRE EXTINGUISHERS, AND PREVENTION OF OVERCROWDING. FIRST AID BOX. THERE WILL ALSO BE DISABLED ACCESS.

d) The prevention of public nuisance

SIGNS WILL BE DISPLAYED ASKING PEOPLE TO KEEP NOISE TO A MINIMUM WHEN ENTERING/LEAVING. DELIVERIES WILL ARRIVE AT THE REAR OF THE BUILDING.

e) The protection of children from harm

ALL CHILDREN MUST BE ACCOMPANIED BY AN ADULT. NO ADMITTANCE TO THE KITCHEN OR STAFF AREAS. ~~STAND~~ LITTER BINS WILL BE PROVIDED AND A ROTA DEVISED TO CLEAR AWAY RUBBISH AND MOP UP SPILLAGES REGULARLY AND STORE AT THE REAR OF PREMISES AWAY FROM CUSTOMERS AND CHILDREN, ONLY TO BE EMPTIED/FILLED DURING OPENING HOURS. STRAIGHT LITTERAGE WILL NOT BE ACCEPTABLE.

# Agenda Item 3

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or</li> </ul>
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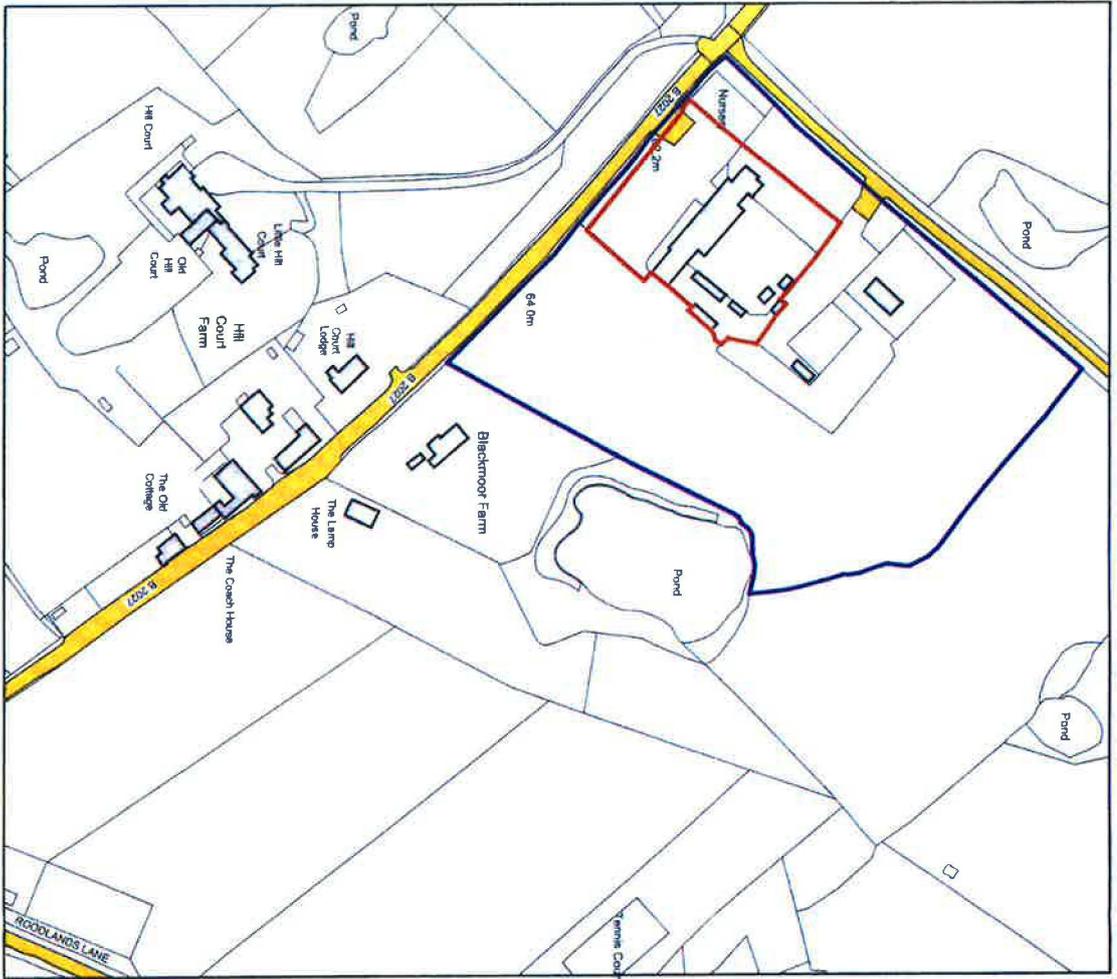
	her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	[REDACTED]
Date	5/12/2019
Capacity	DIRECTOR

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

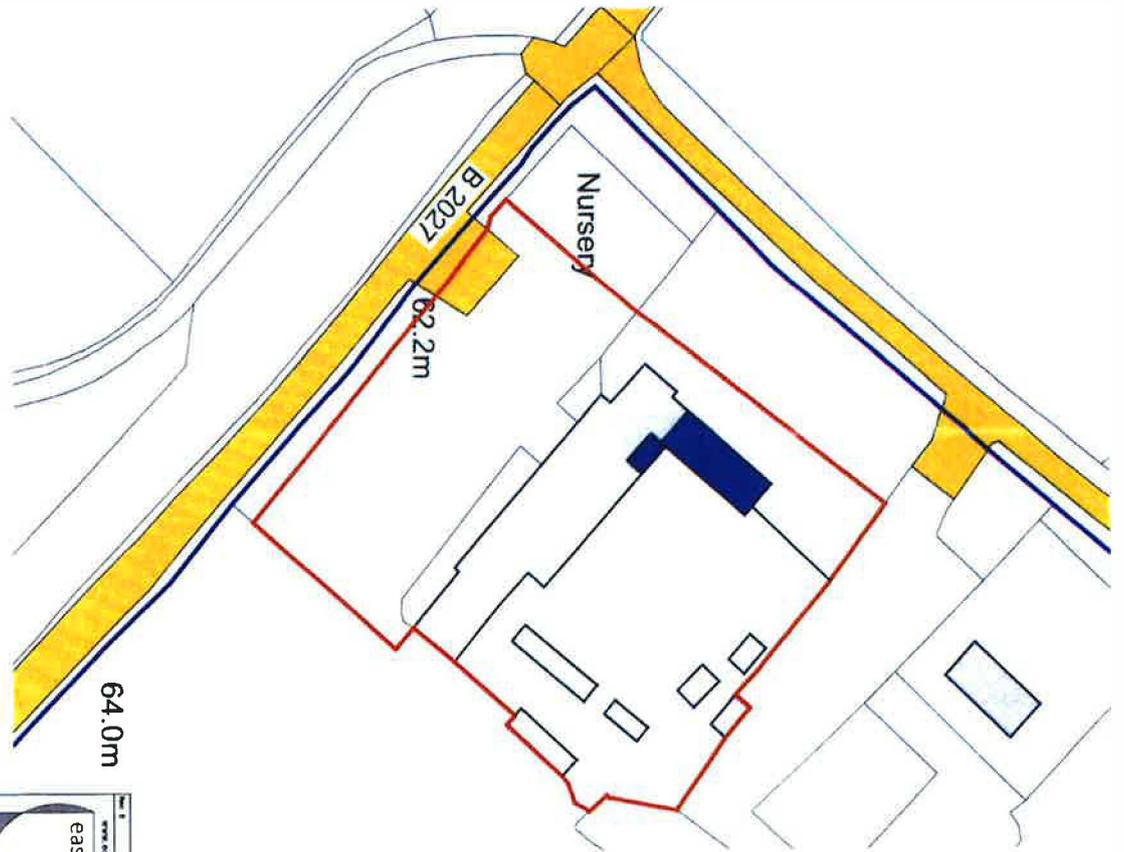
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)	
[REDACTED]	
Post town	[REDACTED]
Postcode	[REDACTED]
Telephone number (if any)	[REDACTED]
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	
[REDACTED]	

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LOCATION PLAN 1:1250@A2  
(EXISTING)



BLOCK PLAN 1:500@A2  
(PROPOSED)

www.eas.co.uk/land	
Land @ The Nursery, Borough Road, Boud	
161	04
LOCATION & BLOCK PLAN	
Scott Eldred	
07/16	



**Michael Moss**

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**From:** simon.jay <[REDACTED]>  
**Sent:** 12 January 2020 20:39  
**To:** Licensing  
**Subject:** Licensing application

To Whom it might concern

We are writing to object to the application submitted by Daniel Mario dos Santos in relation to premises known as Chartwell Barns, The Elms nursery, Bough Beech Road, Four Elms, Kent TN8 6ND. We are residents of a property in Roodlands Lane which is less than a half a mile away, straight across an open field, from the premises in question.

Our objections relate both to the prevention of public nuisance and the protection of children from harm. The property is currently used as a retail outlet for equestrian and pet supplies, a garden centre and a cafeteria which also sells some household goods. The clientele of the cafeteria are principally cyclists, walkers and users of the retail outlet.

To grant the premises a general licence to sell alcohol and to play both live and recorded music would not only substantially change the nature of the use of the property, but also cause a nuisance to local residents. The property is located in a rural/residential area close to the village of Four Elms; it is close by to St Paul's church of Four Elms and to the village primary school. The local area is popular with horse riders and birdwatchers, who value the tranquility of the lanes and fields which abut the property.

We believe that playing of music until 11 pm Monday to Saturday or until 7 pm on a Sunday would cause a disturbance to residents as well as to people visiting the church, and the primary school. We also believe that the demand for alcohol is adequately served by the existing public houses, The Four Elms Inn and The Wheatsheaf at Bough Beech. We cannot see any justification for a further general licence to sell alcohol in the vicinity.

The local area is very peaceful with limited traffic and aircraft noise. Especially on summer evenings, the residents are able to enjoy the quiet of their homes and gardens. We know that sound carries very easily across the fields - on those limited occasions when the Four Elms Inn has been granted a specific licence to play live music, it has been easily audible over a considerable distance. From our house we can hear the sound of leather on willow from the Four Elms cricket ground. The sound of live or recorded music from the Elms Nursery would be a wholly unwelcome intrusion.

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**Simon Jay**

## Agenda Item 3

**Michael Moss**

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**From:** Lorna Galbraith <[REDACTED]>  
**Sent:** 12 January 2020 22:52  
**To:** Licensing  
**Subject:** Chartwell Barns, The Elms Nursery, Bough Beech Road, Four Elms, Kent. TN8 6ND

To whom it may concern,

We are responding to the application at Chartwell Barns, Four Elms Nursery, for an alcohol & music license, which we are disputing.

We live with our family in Roodlands Lane, in a house which sits approximately half a mile East of the proposed application. Four Elms lies in an area of outstanding natural beauty, it is a quiet & tranquil village, with a mix of young and old families, those that have lived in the area for a long time and those that are new to the area. Many residents use the local businesses that we have available. The school, church, village pub, local craft shop and the new coffee shop are a central part of the village. The Chartwell Barns, with its equestrian, pet and local produce supplies, create a safe but busy area for people to enjoy.

The pub in the village, as with a lot of public houses has struggled over the years. The addition of another licensed premises to this small village would surely see the demise of this establishment.

The proposal of the music license to run from 12pm-11pm Monday-Saturday and until 7pm on Sundays is totally unacceptable. The noise generated across this very quiet and open area would easily travel to our premises and cause a nuisance noise disturbance, playing at such a late hour this is more appropriate for the local towns, rather than a small village.

The lack of resources to our local police force will mean that any disturbances will not be dealt with quickly. Due to a lack of accessible public transport late at night, drink driving is already a problem in the area and this would surely add to it.

The increased traffic along our very quiet country lane would be very detrimental to our lives, causing noise disturbances & distress very late at night.

Surely, lessons should have been learnt with the 'Oceans of cream' Tea room and barn in Hildenborough, following their grant of music and alcohol licenses, it quickly became a nightclub and a major public nuisance.

We trust you will consider these issues when making your decision.

Yours Sincerely,

Russell & Lorna Galbraith.

(1 Blackmoor Cottages, Roodlands Lane, Four Elms, Kent. TN8 6PG)

**Michael Moss**

---

**From:** Margaret Bates <[REDACTED]>  
**Sent:** 12 January 2020 17:46  
**To:** Licensing  
**Subject:** Application for licensing Chartwell Barns the Elms nursery Bough Beech road Four Elms TN8 6ND for live and recorded music

From. Mrs Margaret Bates. The Cottage Blackmoor Roodlands Lane  
Four Elms Edenbridge TN8 6PG

With reference to the above I would like to make an objection to the above application for playing live and recorded music which could be disturbing in this otherwise tranquil neighbourhood

## Agenda Item 3

### Michael Moss

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**From:** Kevin Mersh <[REDACTED]>  
**Sent:** 13 January 2020 17:22  
**To:** Licensing  
**Subject:** Proposed alcohol and live music license - Chartwell Barns, The Elms nursery, Bough Beech Road, Four Elms, Kent TN8 6ND.

I refer to the application made under the Licensing Act 2003 made by Daniel Mario dos Santos at the above property.

This application has just come to my attention. I have lived in Roodlands Lane Four Elms for 33 years and own fields in which my family keep horses immediately adjoining Chartwell Barns for all of that time.

I am not clear why, as an adjoining owner to the property, why I have not been notified on this matter. Nor was I written to at the time an application was made to substantially increase the size of the café a development which I consider to be out of all proportion and character to the existing buildings and the rural nature of Four Elms and the immediate area.

I object to the licensing application for alcohol and live music at the property. This part of Four Elms is an attractive, quiet rural environment and granting a licence to sell alcohol and to play both live and recorded music until late evening is completely out of keeping with the rural environment. It will greatly disturb the quiet rural uses for many nearby residents including my family and will disturb and endanger my horses grazing in the adjacent field.

There are areas in central Sevenoaks where this application would be objected to because of the issues with loud music and disruption caused by the alcohol licence. There are alcohol licence's in Four Elms already at the Four Elms pub and at the cricket ground.

Regards

**Kevin Mersh FRICS**

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**Michael Moss**

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**From:** trudy.burgess <[REDACTED]>  
**Sent:** 13 January 2020 18:00  
**To:** Licensing  
**Subject:** Chartwell Barns, TN8 6ND

Ref: Chartwell Barns, The Elms Nursery, Bough Beech Road, Four Elms,  
Kent. TN8 6ND

I am writing to voice my concerns regarding the application for a music and alcohol licence at the above premises.

I grew up and now own a property in Roodlands Lane, so am very familiar with the area. I have been a customer of the garden nursery, shop and coffee shop for many years, as have many other local people that I know.

Roodlands Lane and the surrounding area is rural and quiet. However because the terrain is relatively flat noise travels. We hear the children from Four Elms Primary school when they are in the playground and train noise from the railway. Also music can be heard when Hever Castle and Hever Golf Club are hosting events. However this noise is not all day and every day of the week.

When I was aware that the small café at the garden centre was being extended I imagined that it would be something like Arthurs Restaurant (Coolings, Rushmoor Hill) which I think would be an asset to the village.

I believe that the request to play music until 11pm Monday to Saturday and 7pm on a Sunday would mean that the restaurant would appeal to a completely different client base and would cause a great deal of disturbance to local residents and would result in an increase in road traffic as the area is not well catered for by public transport.

I hope that you will consider my concerns when making your decision.

Yours sincerely,

Trudy Burgess

3 Blackmoor Cottages. TN8 6PG.

## Agenda Item 3

**Michael Moss**

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**From:** Mark Knapman <[REDACTED]>  
**Sent:** 13 January 2020 19:49  
**To:** Licensing  
**Subject:** Licence Application - The Elms Nursery Bough Beech Road Four Elms Kent TN8 6ND

Dear Sir / Madam,

I write with regard to the application for a licence to play recorded and live music and the application to sell alcohol at The Elms Nursery Bough Beech Road Four Elms Kent TN8 6ND.

I would like to strongly object to these licences being granted on numerous grounds:-

- The property in question is a nursery / equestrian centre, not a pub or a club, so to grant the premises a general licence to sell alcohol and to play both live and recorded music would be changing the use of the property. With that in mind a planning application for change of use should be submitted to the council prior to requesting the licence for music and the sale of alcohol.
- Playing recorded or live music inside and or outside the property would create a sound nuisance to the local residents.
- Alcohol is already on sale at the local Cricket Club and the local Pubic House, less that 500 yards away from the nursery. The further sale of alcohol would not benefit the village in anyway and would have a detrimental effect on what is a quite rural residential area.
- Granting the permission for such licenses would inevitably lead to further applications, resulting in the property being used for purposes other than the agricultural use that the building was originally built for.

The granting of these licences would be unacceptable and totally unwelcome to the local community and I trust the application will be refused.

Kind regards,

M Knapman  
Ingledene  
Roodlands Lane  
Four Elms  
Kent  
TN8 6PG

**Michael Moss**

---

**From:** MARGARET BEESON <[REDACTED]>  
**Sent:** 13 January 2020 12:29  
**To:** Licensing  
**Subject:** APPLICATION 19/04703

I have experienced some difficulty in submitting our comments online and would be grateful if you could include as part of the process to meet the today's deadline .

TO WHOM IT MAY CONCERN

We are writing with regard to the application 19/04703 by Mr Daniel Dos Santos for a licence to supply alcohol and perform live and recorded music at Chartwell Barns .

We live in Roodlands Lane approximately one third of a mile across open fields from the site .

The application states that music will be played both indoors and outdoors. The restaurant seating including an external decked area with tables and chairs where meals and refreshments will also be served .

The resulting noise from this activity will be clearly audible across open ground to our home and our neighbours .

The extension of operating hours to 8.00- 23.00 Monday to Saturday , 8.00 - 19.00 Sunday coupled with the provision of alcohol and music will have a damaging effect upon a peaceful , rural environment .

Margaret and Trevor Beeson

Little Blackmoor  
Roodlands Lane  
Four Elms  
Edenbridge  
Kent  
TN8 6PG

## Agenda Item 3

**Michael Moss**

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**Subject:** FW: Comments for Licensing Application 19/04703/LAPRE

**From:** [publicaccess@sevenoaks.gov.uk](mailto:publicaccess@sevenoaks.gov.uk) <[publicaccess@sevenoaks.gov.uk](mailto:publicaccess@sevenoaks.gov.uk)>

**Sent:** 13 January 2020 19:07

**To:** Licensing <[licencing@sevenoaks.gov.uk](mailto:licencing@sevenoaks.gov.uk)>

**Subject:** Comments for Licensing Application 19/04703/LAPRE

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

Comments were submitted at 7:07 PM on 13 Jan 2020 from Mr Robert Mason.

### Application Summary

**Address:** The Elms Nursery Bough Beech Road Four Elms Kent TN8  
6ND

**Proposal:** Premises Licence

**Case Officer:** Michael Moss

[Click for further information](#)

### Customer Details

**Name:** Mr Robert Mason

**Email:** [REDACTED]

**Address:** Great Oaks Farm, Roodlands Lane, Four Elms, Kent TN8  
6PG

### Comments Details

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:** - Noise Disturbance

**Comments:** 7:07 PM on 13 Jan 2020 We are concerned over the impact on the rural peace in the area. The premises are directly downwind of the prevailing wind direction and will mean that the noise will carry to our property. The proposed hours of operation are quite extensive and outside music could be particularly disturbing especially with outside live music at wedding parties and the like. Whilst we do not know the intention of the applicant in this regard, we believe that the granting of an outdoor music licence would open the door to such parties and create an unacceptable noise disturbance for us and our local rural community. We object to that element of the application and would ask you to limit the licence.

**Michael Moss**

---

**Subject:** FW: Live music application Four Elms

**From:** Joanna Styles <[REDACTED]>

**Sent:** 12 January 2020 17:15

**To:** Licensing <[licencing@sevenoaks.gov.uk](mailto:licencing@sevenoaks.gov.uk)>

**Subject:** Live music application Four Elms

Dear Sir/Madam,

I am writing to express my concerns over the licensing application for Chartwell Barns, The Elms Nursery, Bough Beech Road, Four Elms.

This is a rural community and the character of it is quiet. The residents of the village chose to live here because we like the natural landscape and a peaceful environment. To license a new premises to provide live music is inappropriate. For the sound of live music to emanate from the building would be unacceptable and would spoil the character of the area.

Yours sincerely,

Joanna Styles  
Four Elms resident

[Sent from Yahoo Mail on Android](#)

## Agenda Item 3

**Michael Moss**

---

**Subject:** FW: Comments for Licensing Application 19/04703/LAPRE

**From:** [publicaccess@sevenoaks.gov.uk](mailto:publicaccess@sevenoaks.gov.uk) <[publicaccess@sevenoaks.gov.uk](mailto:publicaccess@sevenoaks.gov.uk)>

**Sent:** 13 January 2020 12:10

**To:** Licensing <[licencing@sevenoaks.gov.uk](mailto:licencing@sevenoaks.gov.uk)>

**Subject:** Comments for Licensing Application 19/04703/LAPRE

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

Comments were submitted at 12:09 PM on 13 Jan 2020 from Mrs Sheila White.

### Application Summary

**Address:** The Elms Nursery Bough Beech Road Four Elms Kent TN8 6ND

**Proposal:** Premises Licence

**Case Officer:** Michael Moss

[Click for further information](#)

### Customer Details

**Name:** Mrs Sheila White

**Email:** [REDACTED]

**Address:** High Stables, Roodlands Lane, Four Elms, Kent TN8 6PG

### Comments Details

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

- Noise Disturbance
- Opening Hours
- Parking
- Prevention of Public Nuisance
- Public Safety

**Comments:** 12:09 PM on 13 Jan 2020 We are residents of a property in Roodlands lane which is less than half a mile away, across an open field from Chartwell Barns the premises in question. Our objection relates to the prevention of public nuisance and all that relates to it. The property is currently used as an equestrian and pet supplies retail outlet, a garden centre, cafe and where some household goods are sold.

To grant the premises a general licence to sell alcohol and to play both live and recorded music would not only substantially change the nature of the premises but also create a nuisance to local residents; the property is located in a rural/residential area.

We believe the playing of music at the times listed, seven days a week would cause a disturbance to residents and visitors to the area. The demand for alcohol

is adequately served by the existing public house and cricket club house. We cannot see any justification for a further general license to sell alcohol in the vicinity. The local area is peaceful, attracting cyclists, walkers and horse riders. Residents, during summer days and evenings enjoy the quiet of their homes and gardens; sound carries very easily across open fields (and from much further afield, an example being Neverworld at Wilderness Lane, Hever) therefore the intrusion of music from just half a mile away is unwelcome and totally unacceptable.

## Agenda Item 3

**Michael Moss**

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**From:** Richard Hodder <[REDACTED]>  
**Sent:** 13 January 2020 16:58  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** Licensing Application TN8 6ND - 19/04703/LAPRE

Dear Sir or Madam

I write in reference to the above application notice concerting The Four Elms Nursery on Bough Beech Lane, Four Elms.

I live about 100 yards away on Bough Beech Road at THE LAMP HOUSE, BOUGH BEECH ROAD, TN8 6ND and therefore have concerns about the change of use of these premises from one of a Garden Nursery (and allied shops), to somewhere to include a place of entertainment within the auspices of a restaurant or the like.

On the notice posted outside the nursery, and on the application online, I see there are three separate items being -

1 / Live Music

2/ Recorder (sic) Music

3/ Licensing for alcohol.

1/ LIVE MUSIC

As the application states, the area around the nursery and the general area here, is rural with fields, many of which contain livestock which might be disturbed by regular noise. Moreover, there are not a large number of buildings in the vicinity which might dampen the effect of noise which would cross these fields akin to sound over water. To put that in context, I can currently sit in my back garden and hear cricket on the village cricket pitch.

Whilst the application states "Guitar music, not amplified / Easy Listening", I think this is too vague and could lead to variations open to dispute later on. What exactly is proposed as "Easy Listening"? Music is very personal and that is not really specific enough to determine style or volume.

On these grounds I am not happy that music is anywhere performed or received outside of the building.

2/ RECORDER (sic) MUSIC

If the application actually is asking for Recorder music then I have to say that I am a great fan of baroque woodwind and would find that acceptable! My true concern is that the intention is for Recorded music to be played and to allow that sound to spill out of speakers from within the premises and to the outside.

On these grounds, again, I am not happy that music is anywhere performed or received outside of the building.

3/ ALCOHOL

On a more positive note, I think the area could do with a place offering good food and am therefore more than happy to accept the application's request for a license to sell alcohol.

I welcome that the owner agrees to put up a notice, as many do, for people to drive away quietly, respecting the local community.etc.

Agenda Item 3

## ROAD

Furthermore, I would draw your attention to the nature of the road which is a small village lane used by traffic - albeit sadly at some speed due to a 60mph limit - which just about works alongside horse and bike riders as well as dog walkers etc. If this were to go ahead, the council **will have** to put in place a 30 mph limit as the traffic that can currently pass at speed (despite the usage of the lane) and will need to be controlled. Even now it concerns me that accidents could occur.

I must say that, if Mr Dos Santos had done the sensible thing of putting leaflets through local doors and held a meeting with residents, then we might all have a more precise understanding of what is intended. His application seems to be reasonable in many respects but too loose in many aspects for my satisfaction. So, as it stands, I feel it necessary to oppose the application on the above two points until we get better clarification.

Yours,

Richard Hodder.

  
THE LAMP HOUSE  
Bough Beech Road  
Four Elms  
Kent  
TN8 6ND

## Agenda Item 3

**Michael Moss**

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**Subject:** FW: Attn: Michael Moss - Licensing Team. Case 19/04703/LAPRE

**From:** [REDACTED]

**Sent:** 13/01/2020 19:58:54

**To:** [licencing@sevenoaks.gov.uk](mailto:licencing@sevenoaks.gov.uk), [information@sevenoaks.gov.uk](mailto:information@sevenoaks.gov.uk)

**Subject:** Attn: Michael Moss - Licensing Team. Case 19/04703/LAPRE

Sir,

As someone registered on your site I have attempted to submit my concerns about the above application online but have failed to do so on two occasions, getting the message:

### **Error while submitting your comments**

- Your comments could not be submitted due to an error in the system.

I have taken a photo of my screen and clock showing the error message should evidence be required of my attempt to submit within the deadline (today 13 Jan)

For good orders sake I am submitting here now too but will try again online later.

In either case I expect my concerns to be considered.

"I should begin by stating that I do not object in principle to the opening of a restaurant on the premises, indeed I regard myself as a potential customer, but it is the level and frequency of noise with which I have certain issues:

1) Are the applicant/SDC aware of just how easily noise carries across the open fields between the premises and neighbouring houses? We can clearly hear children play in the school playground and cricketers enjoying their sport, both at venues further down the road.

2) The applicant says that no music will be amplified. Can we be assured of this for all events? What if he wishes to hire out the premises as a wedding/events venue? I would require assurances that live music is not allowed (except perhaps for a very rare occasion) and that the noise generated by recorded music is kept to a level that does not encroach and be of an anti social nature. Nor should it be allowed after 11pm even if applied for by way of a Temporary Event Notice.

3) Having spent a good amount of time today with the proprietor of the equestrian section at the premises I was told that she and another neighbour had been assured by the applicant that no music would be relayed outside the restaurant. In his application though he says that "there is a small decked area outside of the premises where customers can eat and drink and hear the music from speakers inside the restaurant". This suggests that the speakers will be at a volume and/or the doors/windows will be open which means the music can easily be heard outside and therefore across the fields to our neighbouring properties.

In summary I stress that my concerns relate to the frequency of both live and recorded music ( every night until 11 or is that just covering all opportunities?) and the noise emanating, but note that the applicant says "non-amplified". I need assurances that this would be strictly adhered to, even for special events as highlighted above and noise clearly limited to an agreed level. "

I look forward to your confirmation of good receipt of my submission and a satisfactory outcome.

Very best regards

Mike Paterson

Agenda Item 3

2 Blackmoor Cottages

Roodlands Lane

Four Elms TN8 6PG



## Agenda Item 3

**Michael Moss**

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**Subject:** FW: Comments for Licensing Application 19/04703/LAPRE

**From:** publicaccess@sevenoaks.gov.uk <publicaccess@sevenoaks.gov.uk>

**Sent:** 13 January 2020 12:18

**To:** Michael Moss <Michael.Moss@sevenoaks.gov.uk>

**Subject:** Comments for Licensing Application 19/04703/LAPRE

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

Comments were submitted at 12:18 PM on 13 Jan 2020 from Mr Peter White.

### Application Summary

**Address:** The Elms Nursery Bough Beech Road Four Elms Kent TN8 6ND

**Proposal:** Premises Licence

**Case Officer:** Michael Moss

[Click for further information](#)

### Customer Details

**Name:** Mr Peter White

**Email:** [REDACTED]

**Address:** High Stables, Roodlands Lane, Four Elms, Kent TN8 6PG

### Comments Details

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

- Noise Disturbance
- Opening Hours
- Parking
- Prevention of Public Nuisance
- Public Safety

**Comments:** 12:18 PM on 13 Jan 2020 We are residents of a property in Roodlands lane which is less than half a mile away, across an open field from Chartwell Barns the premises in question. Our objection relates to the prevention of public nuisance and all that relates to it. The property is currently used as an equestrian and pet supplies retail outlet, a garden centre, cafe and where some household goods are sold. To grant the premises a general licence to sell alcohol and to play both live and recorded music would not only substantially change the nature of the premises but also create a nuisance to local residents; the property is located in a rural/residential area. We believe the playing of music at the times listed, seven days a week would cause a disturbance to residents and visitors to the area. The demand for alcohol

is adequately served by the existing public house and cricket club house. We cannot see any justification for a further general license to sell alcohol in the vicinity. The local area is peaceful, attracting cyclists, walkers and horse riders. Residents, during summer days and evenings enjoy the quiet of their homes and gardens; sound carries very easily across open fields (and from much further afield, an example being Neverworld at Wilderness Lane, Hever) therefore the intrusion of music from just half a mile away is unwelcome and totally unacceptable.

**From:** Planning Comments <planning.comments@sevenoaks.gov.uk>  
**Sent:** 13 January 2020 12:29  
**To:** Licensing <licencing@sevenoaks.gov.uk>  
**Subject:** Comments for Licensing Application 19/04703/LAPRE

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

Comments were submitted at 12:28 PM on 13 Jan 2020 from Mr Peter White.

### Application Summary

**Address:** The Elms Nursery Bough Beech Road Four Elms Kent TN8 6ND  
**Proposal:** Premises Licence  
**Case Officer:** Michael Moss  
[Click for further information](#)

### Customer Details

**Name:** Mr Peter White  
**Email:** [REDACTED]  
**Address:** High Stables, Roodlands Lane, Four Elms, Kent TN8 6PG

### Comments Details

**Commenter Type:** Neighbour  
**Stance:** Customer objects to the Licensing Application  
**Reasons for comment:**  
- Noise Disturbance  
- Opening Hours  
- Parking  
- Prevention of Public Nuisance  
- Traffic  
**Comments:** 12:28 PM on 13 Jan 2020 FORGOT TO SAY IN PREVIOUS OBJECTION THAT IT STATES IN THE DIRECTORS STATEMENT THERE WOULD BE NO AMPLIFIED MUSIC JUST GUITAR. HOWEVER IT THEN REFERS TO SPEAKERS ENABLING GUESTS OUTSIDE TO HEAR THE MUSIC! WE WOULD DEFINITELY BE ABLE TO HEAR THIS AT HOME. We are residents of a property in Roodlands lane which is less than half a mile away, across an open field from

### Agenda Item 3

Chartwell Barns the premises in question. Our objection relates to the prevention of public nuisance and all that relates to it. The property is currently used as an equestrian and pet supplies retail outlet, a garden centre, cafe and where some household goods are sold. To grant the premises a general licence to sell alcohol and to play both live and recorded music would not only substantially change the nature of the premises but also create a nuisance to local residents; the property is located in a rural/residential area.

We believe the playing of music at the times listed, seven days a week would cause a disturbance to residents and visitors to the area. The demand for alcohol is adequately served by the existing public house and cricket club house. We cannot see any justification for a further general license to sell alcohol in the vicinity. The local area is peaceful, attracting cyclists, walkers and horse riders. Residents, during summer days and evenings enjoy the quiet of their homes and gardens; sound carries very easily across open fields (and from much further afield, an example being Neverworld at Wilderness Lane, Hever) therefore the intrusion of music from just half a mile away is unwelcome and totally unacceptable.

**Michael Moss**

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**Subject:** FW: The Elms Nursery, Bough Beech Road, Four Elms, Kent, TN8 6ND Ref: 19/04703/LAPRE

**From:** Alexis Stanyer <[Alexis.Stanyer@sevenoaks.gov.uk](mailto:Alexis.Stanyer@sevenoaks.gov.uk)>

**Sent:** 09 January 2020 18:09

**To:** Licensing <[licencing@sevenoaks.gov.uk](mailto:licencing@sevenoaks.gov.uk)>

**Subject:** The Elms Nursery, Bough Beech Road, Four Elms, Kent, TN8 6ND Ref: 19/04703/LAPRE

Dear Sir/Madam,

I am in receipt of your request for comment on a premises licence application for The Elms Nursery, Bough Beech Road, Four Elms, Kent, TN8 6ND.

From the planning history for the site, it appears that the café/restaurant and decking area serving The Elms Nursery was granted planning permission in 2008 under planning application reference 08/02152/FUL and was later granted permission to extend in size under planning application reference: 19/01224/FUL. No conditions relating to the opening hours of the café/restaurant appear to be added to either consent owing to the fact that consent was granted on the basis that the café/restaurant would be ancillary to the main use of the site (garden centre) and therefore would operate during the hours that the garden centre was open.

For example, condition 7 of planning permission ref: 08/02152/FUL states as follows:

‘No part of the premises shall be used for the purposes of a café other than the conservatory and decking area hereby approved. The café shall be used only for purposes ancillary to the main use of the land as a garden centre.’

**Reason:** To ensure that the café use remains ancillary to the main use of the site and that any change in circumstances be subject to a separate application to be determined on its merits, having regard to the impact on the Green Belt and the amenities of the locality as supported by Government advice in the form of Planning Policy Guidance 2 (Green Belts).

I note that the licence application received relates to the supply of alcohol on the premises between the hours of 11am-11pm Mon-Sat and 11am-7pm on Sundays. The application also relates to the playing of recorded music on the premises between the hours of 8am-11pm Mon-Sat and 8am-7pm on Sundays and to the provision of live music events between the hours of 12 midday and 11pm on Mon-Sat and 11am and 12 midday-7pm on Sundays.

It should be noted that if the proposed operating hours extend beyond the hours of the main use of the site then there is the potential for the applicants to be in breach.

With regards to the proposed live music events, it should also be noted that under Class B of Schedule II Part 4 of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended), the temporary use of any land for any purpose which occurs for more than 28 days in total in any calendar year will require planning consent so whether consent is required really depends on the frequency of the proposed events.

With regards to the use of either recorded music or live music on the site, given the rural nature of the site you may wish to consult with Environment Health for their comments on the potential for noise pollution to the surrounding area and its impact on any nearby residents and on the local ecology.

With regards to the proposed supply of alcohol on the premises, my understanding is that the current use class for the café/restaurant would be A3 for the supply of food and drink. It is unclear from the submission how frequently or to what extent the premises will be used for the consumption of alcohol but if the applicant is intending to use the premises as more of a drinking establishment, they would require consent for A4 use.

## Agenda Item 3

I hope the above is useful to you.

Regards,

**Alexis Stanyer**

Planning Officer

Sevenoaks District Council | Argyle Road | Sevenoaks | TN13 1HG

Tel: 01732 227000 Option 3

Email: [alexis.stanyer@sevenoaks.gov.uk](mailto:alexis.stanyer@sevenoaks.gov.uk)

Online: [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk)

*This advice is without prejudice to the decision making processes of the local planning authority which considers the views of all those consulted on planning applications and in no way prejudices any future determinations or decisions made by the local planning authority.*

*You are advised to seek your own independent advice on any issues raised in this email.*