

## LICENSING HEARING

Minutes of the meeting held on 4 May 2022 commencing at 10.30 am

Present: Cllr. Layland (Chairman)

Cllrs. Bonin and Edwards-Winser

Also Present:	Scott King	Applicant
	Laura King	Applicant
	Jason Springham	Applicants' Representative
	Cllr MacArthur	SDC Councillor
	Cllr Thornton	SDC Councillor
	Jessica Foley	Senior Licensing Officer (SDC)
	David Lagzdins	Legal Advisor (SDC)
	Andy Binnie	Democratic Services Officer (SDC)
	Jonathan Evans	Representor
	Jessica Mauve	Representor
	Jane Morgan	Representor
	Victoria Bryden	Representor

### 10. Appointment of Chairman

Resolved: That Cllr Layland be appointed as Chairman of the sub-Committee

(Councillor Layland in the Chair)

### 11. Declarations of interest

There were none.

### 12. LICENSING ACT 2003 NEW APPLICATION- 22/00428/LAPRE - Little Elses, Morelys Road, Weald, Sevenoaks TN14 6QX

The Chairman welcomed everyone to the Hearing and introduced those present.

The Hearing gave consideration to the report by the Senior Licensing Officer. A new application had been received for a Premises Licence pursuant to Section 17 Licensing Act 2003 for the premises at Little Elses, Morley's Road, Weald. 16 representations against the application had been made by local residents, 14 representations in support of the application had been made by local residents and 3 representations had been received by Responsible Authorities, Environmental Health and Planning.

It was noted that the comments made at Appendix E had been withdrawn and would not be considered as part of the hearing. It was also noted that the

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application had been made at a similar time to a time limited Premises Licence application for the same property. However only comments in relation to the permanent premises application were to be considered as part of the Hearing.

The Applicants and the Applicants' Representative gave an introduction to their proposals. Members were informed of the supplementary information that the applicants had provided to the hearing including complimentary comments made on Facebook regarding the event. The applicants had applied to license more than was necessary for their events and were willing to accept limitations. They had made an application after a survey carried out by the Parish Council indicated that local people would be supportive of more community events. At the events, traffic marshalls and security would be on-site to ensure any parking or public nuisance problems were dealt with.

The Applicants stated that they had no desire to extend the events until 23:00 hours every night as the events were aimed at a family-friendly audience. The applicants expressed they would be content if the events finished earlier but had applied for the maximum durations merely for convenience.

Members asked questions of clarification of the Applicants. Space for Emergency Services would be accommodated upon entry to the site. Ticketing would take place on the main field so as to not disrupt road users.

The Representors were then asked to present their concerns and objections to the Hearing. Concerns were raised as to the scale of the proposed licence as a year-round application. It was noted that the Applicants had not advertised their application online and so the comments found in the Applicants' supplementary information may not be representative. The Parish Council had also not commented on the application formally and so their views may have not been as supportive. It was suggested that the licence would encourage additional events over 500 people which would cause inconvenience and nuisance to the surrounding neighbours.

Members asked questions of clarification of the Officers present. It was confirmed that once a licence had been granted it would be able to be transferred to new people should licence holders leave. It was also confirmed that any issues with the licence could be called up for review to the Licensing Partnership.

The Environmental Health Officer then presented the concerns laid out in his representation to the Hearing. The Officer recommended a condition for a dedicated noise consultant to monitor the noise levels and ensure it did not breach standards.

Members asked questions of clarification of the Officer. The sound limits were measured and calculated from the closest domestic property to monitor noise levels and ensure that noise did not exceed 15 decibels over background noise.

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The Representatives were invited to ask clarifying questions of the applicants and applicants' representative. Concerns were raised as to the possibility of inebriated attendees leaving the property and disturbing local residents. It was confirmed that a controlled environment would be created by event security to ensure that no alcohol was brought onto the property and alcohol was not served to inebriated individuals.

Some concern was raised as to the space for taxis to be called. It was confirmed by the applicants representative that a paddock for taxis would be made available and dedicated traffic officers would ensure that taxis would be informed and correctly directed to ensure exit from the premises was not interrupted. Special flooring would also be put down should the land be affected by heavy rain. An updated traffic management plan would also be completed.

It was suggested that dedicated and manned contact numbers be made available to the relevant parties before and during the events should there be any concerns. It was confirmed that a Temporary Event Notice could be applied for in addition to the Premises Licence should the licence be limited. It was confirmed by Officers that an occasion would qualify as an event if licensable activities were to take place.

The Environmental Health Officer recommended that the licence be restricted to 12 days per year for events over 500 people as a reasonable suggestion.

Officers answered questions of clarification.

At 11:49am the sub-Committee was adjourned for informal discussions to take place between the parties. Members withdrew accompanied by the Democratic Services Officer.

At 12:25pm Members and the Democratic Services Officer returned to the Council Chamber.

The Legal Advisor confirmed that an informal agreement had been reached between the parties. It had been agreed that:

- i) The licence should be amended to apply to only 12 days per year for any number of attendees.
- ii) There should be no less than 13 days between events (although events may carry over more than one day)
- iii) 3 of the 12 days may be for the exhibition of films for open-air cinema until 22:00 hours
- iv) the other 9 additional events should terminate at 21:30 hours
- v) Environmental Health's suggested conditions should apply to events with over 500 attendees
- vi) contact details should be made available to the Parish Council and Local Residents upon request.

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The meeting was adjourned at 12:32pm and the Hearing Members withdrew to consider the application and agreed terms accompanied by the Legal Advisor and Democratic Services Officer.

At 12:43pm the Hearing Members, Council Legal Advisor and Democratic Services Officer returned to the Council Chamber.

The Chairman confirmed that the full detailed decision would be made and provided to the interested parties thereafter by the Notice of Determination within 5 working days. It was noted that the agreement reached by the parties was based on assurances provided by the applicant to the interested parties and there was concern, particularly from interested parties, should the licence be transferred in the future.

The Chairman advised the Hearing that the Sub-Committee had come to the conclusion that the Premises Licence be granted subject to the conditions agreed by the parties and conditions given by Environmental Health with the addition of an alteration that the applicant must inform Environmental Health of tickets available for sale (rather than tickets sold).

Resolved: That the Licence be granted subject to minor amendments in proposed conditions for the purpose of enforceability and the informative with the full reasoning as detailed in the Notice of Determination as attached as an appendix to these minutes.

THE MEETING WAS CONCLUDED AT 12.44 PM

CHAIRMAN

## LICENSING ACT 2003 - Section 23

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### Notice of determination for application premises licence

**To:** Mr and Mrs Scott King

**of:** Little Elses, Morelys Road, Weald, Sevenoaks  
TN14 6QX

**Ref:** 22/00428/LAPRE

Sevenoaks District Council being the licensing authority, on the 11 February 2022 received an application for a premises licence in respect of premises known as Little Elses, Morelys Road, Weald, Sevenoaks TN14 6QX.

On the 4 May 2022 there being valid representations which were received had not been withdrawn, a hearing was held to consider these representations, and having considered them the Licensing Sub-Committee determined as follows:

#### To grant the Premises Licence:

**Section B:** To allow the exhibition of films outdoors:  
From 15:00 until 22:00 hours

**Section E:** To allow the performance of live music outdoors:  
From 09:00 until 21:30 hours

**Non-standard timings** On three days per year to be permitted until 22:00 when also exhibiting films outdoors on the premises

**Section H:** To allow anything similar to Live music, recorded music or performance of dance:  
From 09:00 until 21:30 hours

**Non-standard timings** On three days per year to be permitted until 22:00 when also exhibiting films outdoors on the premises

**Section M** To allow the supply of alcohol for consumption on the premises:  
From 12:00 until 21:30 hours

**Non-standard timings** On three days per year to be permitted until 22:00 when also exhibiting films outdoors on the premises

**Section O** To allow the premises to be open to the public:  
Monday to Thursday from 08:00 until 23:00 hours  
Friday to Saturday from 08:00 until 23:00 hours  
Sunday from 08:00 until 22:00 hours

#### To add the conditions on the Licence as follows:

**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 -

- (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.

## 2. 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.

### **3. 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;
  - (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 portable 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.

### **Mandatory Condition : SIA**

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of that Act.

### **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).

### **Operating Schedule Conditions**

#### **General**

Every event will be organised by experienced event companies.

#### **The Prevention Of Crime And Disorder**

Every event company making use of our premises will be required to have a team member present for responsible management of the premises and the event. At events where alcohol is present, licensed security staff (amount of staff dependent on size of the event) will be employed to ensure drunkenness and drunk behaviour is prevented and/or dealt with in the least disruptive way possible. It is a premises requirement that there are no glass items of any kind, disposable containers only. Waste disposal areas will be provided by the event companies and under contract, they must ensure the premises is left as clean and tidy as when they arrived. Where events are continuing into dark hours, lighting will be provided to ensure safety of event attendees and to discourage disruptive behaviour.

### **Public safety**

Events will take place outdoors only, in areas fenced from the public to ensure their safety and to cause as little inconvenience to them as possible. Site/parking attendants will be provided by the events company and will be responsible for the safe arrival and exit of all attendees in an orderly manner.

### **The Protection of Children From Harm**

At events which have been marked clearly as unsuitable for children, no child or underage person will be allowed access to the event. Any other event run will be family-friendly, where adults must accompany young children during the event. Trained event company staff will ask for ID from persons who look under 21 before being sold alcohol. Any movies shown as part of the outdoor cinema events will clearly state the rating on any marketing and children will not be permitted entry to the event unless suitable ID can be provided. Any live comedy shows which are deemed unsuitable for children will be shown on the marketing and under 18s will not be allowed entry.

### **Conditions attached after a hearing by the licensing authority**

- 1 The licence will apply to no more than twelve days per year  
Reason: The prevention of public nuisance
- 2 There must be no less than thirteen days between events  
Reason: The prevention of public nuisance
- 3 Three days may include the exhibition of films outdoors, such events to terminate no later than 22:00 hours

Reason: The prevention of public nuisance

4 Nine of the further days must terminate at 21:30 hours

Reason: The prevention of public nuisance

5 The below conditions shall apply to events with attendees over 500:

- i) With the exception of exhibition of films, amplified music / sound will not be used beyond 21:30 hours on any day.
- ii) Where an event with amplified music / sound and an attendance of more than 500 takes place the Music Noise Level (MNL) shall not exceed the background level (at the nearest noise sensitive receptor) by more than 15 dB(A) over a 15 minute period.
- iii) The applicant shall ensure that the MNL is monitored during an event by an appropriate acoustic consultant using suitably specified technical equipment.
- iv) The applicant shall notify the District Councils Environmental Health Team in writing (currently [environmental.health@sevenoaks.gov.uk](mailto:environmental.health@sevenoaks.gov.uk)) at least 21 days in advance of all events involving amplified music / sound, providing details of the date and times of the event, details of when any sound testing will take place, the number of attendees expected and the number of available tickets for sale, the contact details for any acoustic consultant, and contact details of any Events Company / individual who will be ensuring compliance with the Premises Licence during the event.

Reason: The prevention of public nuisance

6 The Organisers shall ensure dedicated and manned Contact details will be made available in the case of complaints upon request to the Parish Council and to local residents.

Reason: for the prevention of public nuisance and other concerns that may arise.

Informatives:

1. This agreement was based on assurances provided by the applicant to the interested parties and there was concern, particularly from interested parties, should the licence be transferred in the future.

This licence granted at the Hearing is effective from the 4 May 2022.

Dated:  
10/5/22

Please address any communications to:

Licensing Partnership  
Sevenoaks District Council  
Council Offices  
PO Box 182  
Argyle Road

Sevenoaks  
Kent TN13 1GP

**Note:** Pursuant to Part 1 of Schedule 5 of the Licensing Act 2003 as amended, any party eligible to appeal must appeal to a magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.