

LICENSING HEARING

Minutes of the meeting held on 9 May 2022 commencing at 11.30 am

Present: Cllr Hunter (Chairman)

Cllrs. Hunter, Layland and Waterton

Cathy Emmins	Applicant
Sandie Ridout	Applicant
Cllr Fleming	SDC Councillor
Cllr Osborne-Jackson	SDC Councillor
Cllr Thornton	SDC Councillor
Jessica Foley	Senior Licensing Officer (SDC)
David Lagzdins	Legal Advisor (SDC)
Andy Binnie	Democratic Services Officer (SDC)

13. Appointment of Chairman

Resolved: That Cllr Hunter be elected as Chairman.

(Cllr Hunter in the Chair)

14. Declarations of interest

There were none.

15. LICENSING ACT 2003 NEW APPLICATION - Lime Tree Workshop, 9A - 11 Lime Tree Walk, Sevenoaks, Kent. TN13 1YH

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 of the Licensing Act 2003. It was highlighted that 4 representations had been made to the Hearing by local residents against the application and not 3 as mentioned in the report. It was highlighted that the exhibition of films at section K of the licence application had been amended by the Applicants. The application was not asking for the licensable activity of showing films and this was not to be considered by the Hearing.

The Applicants were invited to present their proposals. The Applicants emphasised that the premises was primarily a work-space and not a drinks venue. The licence applied for sought approval to sell alcohol at professional events such as fundraisers or networking occasions. The Applicant explained that no parties, birthdays or sports events would be hosted at the venue.

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The Applicants outlined that the Premises would be open to the public from 08:00 until 18:00 hours and for Members from 07:00 to 19:00 hours. The licensing hours were requested from 08:00 hours until 23:00 hours to allow for a business brunch style experience and fundraisers, local womens groups etc.. The Applicants were interested in putting on wine-tasting events by professional external companies. The professional events were expected to end no later than 22:00 hours.

The Applicants outlined that no noise or public nuisance complaints had been made to the Authorities regarding the premises and no concerns had been raised to the Applicants directly. It was explained that parking was not available at the premises and this was highlighted to patrons on the Applicants' website. Patrons with cars were encouraged to walk or make use of Sevenoaks Car Parks. A shower had been installed to encourage cycling to the venue, the Applicant also outlined that bike storage was being looked into.

It was highlighted that parking bays were only available for residents within the immediate areas which had been subject to alterations during planning construction works through the normal processes.

It was also outlined that Sevenoaks District Council were looking to hire the venue to host professional events in the future.

Members asked questions of clarification of the Applicants.

The premises operated a membership programme whereby Members could attend from 07:00 until 19:00 hours and obtain discounts on the facilities work-spaces.

Some concern was raised about licensing hours early in the morning on a Sunday. The Applicants had applied for the maximum licensable hours.

The meeting was adjourned at 12:00pm and the Licensing Sub-Committee Members withdrew to consider the application accompanied by the Legal Advisor and Democratic Services Officer.

At 12:25 the Licensing Sub-Committee Members, Legal Advisor and Democratic Services Officer returned to the 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. The Chairman informed the Hearing that the sub-Committee had come to the decision that, having had regard to the representations made by the Applicants and interested parties, the Licensing objectives, the Statutory Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy the Sub-Committee's decision was that the application be granted for the following licensable hours:

Monday to Thursday from 08:00 until 22:30 hours

Friday to Saturday from 08:00 until 23:00 hours

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Sunday from 10:00 until 20:00 hours

An informative was added that anyone could call for a Review of a Premises Licence if adequate concern arose.

Resolved: That having had regard to the representations made by the applicant and the interested parties, the Licensing Objectives, Statutory guidance issued under section 182 of the Licensing Act 2003 (as amended) and the Council's licensing policy the Sub-Committee's decision was to grant the licence for the following licensable hours:

Monday to Thursday from 08:00 until 22:30 hours

Friday to Saturday from 08:00 until 23:00 hours

Sunday from 10:00 until 20:00 hours,

subject to minor amendments in proposed conditions for the purpose of enforceability and an informative to confirm that the Premises licence could be subject to a Review if complaints arose. The Full decision notice was as attached to these minutes.

THE MEETING WAS CONCLUDED AT 12.27 PM

CHAIRMAN

LICENSING ACT 2003 - Section 23

Notice of determination for application of a premises licence

To: Catherine Emmins

of: Lime Tree Workshop,
9a - 11 Lime Tree Walk,
TN13 1YH

Ref: 22/00370/LAPRE

Sevenoaks District Council being the licensing authority, on the 08 February 2022 received an application for a premises licence in respect of premises known as Lime Tree Workshop, 9a - 11 Lime Tree Walk, TN13 1YH.

On the 9 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 J: To allow the supply of alcohol on and off the premises:

Monday to Thursday 08:00 until 22:30 hours

Friday to Saturday 08:00 until 23:00 hours

Sundays 10:00 until 20:00 hours

Section L: To allow the premises to be open to the public:

Monday to Saturday from 08:00 hours until 23:00 hours

Sundays from 08:00 until 22:00 hours

To add the conditions on the Licence as follows:

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.

Operating Schedule Conditions

General

- Burglar alarm and internal security cameras

NB. Space will be predominately used for our members and their guests so no private parties

The Prevention Of Crime And Disorder

- An incident book will be kept onsite and any and all crime and disorder issues will be documented. This book will be available for inspection by a Local Authority Officer or Kent Police when requested
- There will be outside lighting
- Anti-drugs policy will be in place

The Protection Of Children From Harm

- Children under 16 years must be accompanied by an adult
- The premises will operate a Challenge 25 Policy and only photographic forms of ID will be accepted

Informatives

It was noted that anyone can call for a Review of a Premises Licence should issues occur.

This licence granted at the Hearing is effective from the 9 May 2022.

Dated: 12 May 2022

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.