

LICENSING HEARING

Minutes of the meeting held on 18 July 2022 commencing at 10.30 am

Present: Cllr. Raikes (Chairman)

Cllrs. Abraham, and Waterton

Also Present:	Cllr Fleming	Leader SDC
	Cllr. Osborne-Jackson	Member for Leigh and Chiddingstone Causeway (SDC)
	Cllr. Streatfeild	Member for Penshurst, Fordcombe and Chiddingstone (SDC)
	Cllr. Williams	Member for Brasted, Chevening and Sundridge (SDC)
	Louise Kleinschmidt	Chiddingstone Parish Council
	Janey Lewis	Respondent
	Karen Roche	Respondent
	Natasha Wicks	Respondent
	Carolyn Moss	Respondent
	Sam Kirkaldy	Respondent
	Neil Sidaway	Respondent
	Emma Welch	Applicant
	David Lagzdins	Legal Advisor (SDC)
	Susan Lindsey	Senior Licensing Officer (SDC)
	Charlotte Sinclair	Democratic Services Team Manager (SDC)

1. Appointment of Chairman

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

(Cllr Raikes in the Chair)

2. Declarations of interest

There were none.

3. LICENSING ACT 2003 NEW APPLICATION - Lockskinnors Farm, Lockskinnors, Chiddingstone, Kent TN8 7NA

The Chairman welcomed everyone to the Hearing.

The Hearing gave consideration to the report by the Senior Licensing Officer giving details of an application for a new premises license for Lockskinnors Farm. She provided a brief overview of the application, explaining that during the

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consultation period 36 representations had been received from local residents and the Parish Council.

The Applicant addressed the Hearing, setting out her experience within the Hospitality industry and reasons as to why she was bringing this application forward. She advised that due to Covid, the old experience of sitting in a pub was not to everyone's comfort and by having an outside area licensed would allow more flexibility. The events would not be large scale and would be family friendly on a pre-booking basis only. The applicant address the concerns raised by some of the objectors.

In response to questions from the Hearing Panel, the Applicant advised that there were pedestrian and cycle paths within Lockskinner, but that there would be no alcohol on sale for those using those paths, unless it was a pre-booked event. There were 11 Public Houses within walking distance of the site and this was not a way of picking up passing trade. Numbers would remain low, of approximately 25 people.

The Hearing heard from some of the respondents, who expressed concerns with the number of people who could use the site at one time, noise, access, and the vastness of the licence including wooded areas.

In response to the concerns raised the Applicant advised that the one mobile bar would not be suitable enough to accommodate large numbers and that each location's use within the site would be pre-planned and appropriate for its uses. It was not intended to be used for weddings.

The Council's Legal Advisor advised the Hearing that under the act amplified music at events up to 500 people was no longer regulated and the application did not request for the playing of recorded music so was not something that should come into the panel's considerations.

At 11.15am the Hearing Members withdrew to consider the issues raised, accompanied by the Council's Legal Advisor and Clerk to the Hearing for the purpose of providing advice only.

At 11.40am the Hearing Members, Council's Legal Advisor and Clerk to Hearing returned to the Chamber.

On returning to the Chamber, the Hearing heard from the Applicant who had a revised map with an amended map location which reduced the area that could be licenced. Further questioning took place between the Committee Members and respondents.

At 11.43am the Hearing Members withdrew to consider the additional information accompanied by the Council's Legal Advisor and Clerk to the Hearing for the purpose of providing advice only.

At 11.50am the Hearing Council's Legal Advisor and Clerk to Hearing returned to the Chamber.

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The Chairman informed the Hearing that the Sub-Committee had had regard to the representations made by the Applicant and interested parties, the Licensing objectives, the Statutory Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy and was therefore granting the application subject to the revised map and a full decision noticed would be issued within 5 working days to all interested parties.

He also informed the Hearing that highways was primarily for planning or the highways authority and therefore outside of the remit of the Licensing regime. The Hearing were also advised that a review could be sought with evidence should there be a breach of the Licence.

Resolved: That the Premises Licence in respect of Lockskinners Farm, Lockskinners, Chiddingstone, Kent TN8 7NA, subject to the revised map and mandatory conditions contained in the notice of determination to follow within 5 working days, be granted.

THE MEETING WAS CONCLUDED AT 11.52 AM

CHAIRMAN

LICENSING ACT 2003 - Section 23

Notice of determination for application premises licence

To: Emma Welch

of: Rock Bottom, Lockskinners, Chiddingstone, Edenbridge TN8 7NA

Ref: 22/01563/LAPRE

Sevenoaks District Council being the licensing authority, on the 23rd May 2022 received an application for a premises licence in respect of premises known as Lockskinners Farm, Lockskinners, Chiddingstone, Kent TN8 7NA

On the 18 July 2022 there being valid representations which were received and 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 for the following activities, replacing the plan supplied with the application with the amended plan submitted at the Hearing:

Section J: To allow supply of alcohol for consumption both on and off the premises from Monday to Sunday 11:00 - 21:00

Section L: Hours premises are open to the public: Monday to Sunday 11:00 - 21:00

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 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.

This licence granted at the Hearing is effective from the 18th July 2022.

Dated: 20/07/2022

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.

