

APPLICATION FOR A PREMISES LICENCE FROM EMMETTS GARDENS, EMMETTS LANE, IDE HILL, KENT. TN14 6BA FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003

APPLICATION REFERENCE NO: 13/01075/LAPRE

LICENSING COMMITTEE (HEARING) – 1 JULY 2013

Report of the: Chief Executive

Status: For Decision

Portfolio Holder Cllr. Ms Lowe

Head of Service Head of Environment & Operational Services – Mr Richard Wilson

Recommendation: Members' instructions are requested

Background

The procedure for Hearings of Sub-Committees of the Licensing Committee established in accordance with Section 9 of the Licensing Act 2003 is attached at Appendix A.

The application is made by National Trust (Enterprises) Ltd. Heelis, Kemble Drive, Swindon, Wiltshire. SN2 2NA

Application is to allow licensable activities at the premises.

The application is to allow:

Section A	To allow exhibition of plays both indoors and outdoors every day from 09:00 until 21:00 hours
Section B	To allow the exhibition of films both indoors and outdoors every day from 09:00 until 21:00 hours
Section E	To allow live music both indoors and outdoors every day from 09:00 until 21:00 hours
Section F	To allow recorded music both indoors and outdoors every day from 09:00 until 21:00 hours
Section G	To allow performances of dance both indoors and outdoors every day from 09:00 until 21:00 hours

Section M	To allow sale of alcohol for consumption both on and off the premises every day from 09:00 until 21:00 hours
Section O	Hours premises are open to the public from 00:00 until 00:00 hours

The applicant intends to take the following action in order to promote the four licensing objectives if the proposed variation is granted:

General:

Staff engaged in alcohol sales shall be trained in the law relating to the sale of alcohol. This training shall be refreshed on a regular basis. A period of no more than 60 minutes drinking up time shall be permitted from the last authorised time for alcohol sales. Where a temporary structure is erected a plan of this structure and its location shall be prepared in advance unless a similar plan has already been produced. The plan shall show features such as fire precaution measures, exits and entrances.

The Prevention of Crime and Disorder:

No specific conditions are considered to be necessary in view of the nature of operation of this premises

Public Safety:

All matters of public safety are adequately covered by virtue of the Health and Safety at work etc. Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.

The Prevention of Public Nuisance:

The licence holder shall control sound from licensable activities so that it does not cause a public nuisance at any nearby property in separate ownership and occupation.

The Protection of Children from Harm:

All issues are considered to be covered by the mandatory conditions.

Representations received from statutory consultees:

Fire Safety	NO OBJECTIONS
Trading Standards	NO COMMENTS RECEIVED
Social Service	NO COMMENTS RECEIVED

Police	NO OBJECTIONS
Commercial	NO OBJECTIONS
Environmental Protection	NO OBJECTIONS
Development Control	NO COMMENTS RECEIVED

Representations received from interested parties:

3 received from local residents

Conclusions

Without prejudice, the Officer would like to draw to Members attention issues that they may wish to consider:

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

The supply of alcohol

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

No supply of alcohol may be made under the premises licence -

(a) at a time where there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Conditions in force from 06 April 2010

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

Irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

(i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) Drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18

years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Exhibition of films

Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where -

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section -

"children" means person aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Sources of Information:

[http://www.culture.gov.uk/alcohol and entertainment](http://www.culture.gov.uk/alcohol%20and%20entertainment)

Contact Officer(s):

Miss. Jessica Bolton Ext.7480

**ROBIN HALES
CHIEF EXECUTIVE**

RISK ASSESSMENT STATEMENT

This Hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005 No. 44.

The decision of this Hearing will be encompassed within the issued premises licence, and the licence will take effect on the 1 July 2013 subject to any appeal to a Magistrates Court or higher Court.