

## LICENSING HEARING

Minutes of the meeting held on 5 October 2017 commencing at 10.30 am

Present: Cllr. Raikes (Chairman)

Cllrs. Dr. Canet, Clark (in place of Parkin) and Raikes

An apology for absence was received from Cllr. Parkin.

Also present:	Piers Warne	-	Applicant's legal representation
	Sarah Swider	-	on behalf of the Applicant's company
	Adam Allfrey	-	on behalf of the Applicant's acousticians
	Andrew Backway	-	Local resident
	Sally Jolly	-	Local resident
	Jessica Foley	-	Licensing Officer
	David Lagzdins	-	Solicitor
	Vanessa Etheridge	-	Democratic Services Officer

4. Report to Licensing Sub-Committee Following Receipt of a Representation in Relation to an Application Made Under the Licensing Act 2003 for Chafford Park Granary Barn at Chafford Park

The Chairman welcomed everyone back to the adjourned meeting. He introduced Cllr. Clark who was substituting for Cllr. Parkin who had sent her apologies. It was also noted that the Applicant had a different representative and the original one sent his apologies.

The Hearing gave consideration to a report by the Chief Officer Environmental and Operational Services giving details of an application for a new premises licence under the Licensing Act 2003. It was noted that objections had been received and that accordingly the application had been referred to the Sub-Committee for determination.

The Hearing heard from the Applicant's representative, he drew attention to the information and suggested operating procedure included within the bundle they had previously submitted. He then referred to suggested conditions submitted to him by the Environment Health representatives. The Sub Committee agreed to accept the tabled information from the Council Environmental Health Team. There was a short adjournment for the clerk to photocopy the papers.

Meeting adjourned 10.41 am.

Meeting reconvened 10.44 am.

The Applicant's representative queried condition 7 of the [submitted paper](#), stating it was more of a planning issue, and with regard to condition 9 a directional

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speaker and noise limiter had already been installed with success though the skylights were a weakness and could be improved over time as time and finances allowed, otherwise he had no objections to the suggested amendments.

He stated that whatever mistakes had been made earlier on there had been a good attempt to liaise with local residents and sincerely apologised on behalf of his client for any disruption caused to residents living nearby. Temporary Event Notices (TENs) had been used to test the market and there had been teething problems such as noise outbreak.

The meeting also heard from the Applicant's acoustician who explained how the new system worked and how he believed it had limited noise outbreak. A [picture](#) to clarify what was being described was tabled.

The Sub Committee and objectors took the opportunity to ask questions. In response to questions the Applicant's representative agreed that with regards to the new suggested condition 1, the fitting of self-closers would not be practical. Representatives from Environmental Health agreed that the suggested condition 7 may not be necessary as it would be met by the planning condition. An objector and local resident advised that the event held the previous weekend had not caused noise nuisance; commented that a number of apologies had been received now; thought that a security checklist of those present would be advisable; and that there were still highways issues which she understood were planning issues and was aware to contact the Enforcement section for breaches.

The Applicant's representative summed up by saying that they accepted the new suggested conditions from Environmental Health bar the last sentence of condition one and condition 7.

At 11.17 a.m. 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 12.21 a.m. the Hearing Members, Council's Legal Advisor and Clerk to the Hearing returned to the Council Chamber.

The Chairman informed the Hearing that the Sub-Committee had had regard to the Licensing Objectives and to the representations made by the Applicant and interested parties, to the guidance issued under s 183 of the Licensing Act 2003 and the Council's Statement of Licensing policy.

Resolved: That a Premises License in respect of Chafford Park Granary Barn, Chafford Park, Chafford Lane, Fordcombe, Kent TN3 9UR, subject to mandatory conditions and additional condition and operating schedule in the notice of determinations attached as an appendix to these minutes, be granted.

THE MEETING WAS CONCLUDED AT 12.25 PM

CHAIRMAN

## LICENSING ACT 2003 - Section 23

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### Notice of determination for application premises licence

**To:** Chafford Park Ltd

**of:** Chafford Park Granary Barn, Chafford Park, Chafford Lane,  
Fordcombe, Kent. TN3 9UR

**Ref:** 17/02742/LAPRE

Sevenoaks District Council being the licensing authority, on the 19 July 2017 received an application for a premises licence in respect of premises known as Chafford Park Granary Barn, Chafford Park, Chafford Lane, Fordcombe, Kent. TN3 9UR.

On the 28 September 2017 the meeting was adjourned for a week and reconvened on 5 October 2017 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:

Section E	To allow live music indoors every day from 12:00 to 23:00 hours.
Section F	To allow recorded music indoors every day from 12:00 to 23:00 hours.
Section M	To allow the supply of alcohol on the premises every day from 12:00 to 23:00 hours.
Section O	To allow the premises to be open to the public every day from 12:00 to 23:30 hours.

#### Additional condition:

The applicant will complete booking forms for each event at the site and ensure that appropriate details are recorded and that the forms are retained.

Reason: To improve enforceability and to meet the licensing objectives of the prevention of public nuisance and the protection of children from harm.

#### Mandatory conditions

##### 1. The supply of alcohol

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 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;
  - (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."

#### Operating Schedule conditions

- 1. All windows and doors to the Granary Barn shall be kept closed when amplified live and recorded music and voices are being played, except to allow access and egress of persons.
- 2. In accordance with the recommendations of the acoustic report, either the

- storage area to the south part of the Granary Barn shall be used as the main point of access and egress to the Barn, with a door being installed into the opening and the door to the east façade kept closed whilst amplified music and voices are being played or alternatively a suitably insulated, double doored sound lobby shall be installed around the door to the east façade.
3. In accordance with the acoustic report, an alternative method of ventilation such as mechanical ventilation or air conditioning shall be installed to the Granary Barn.
  4. No live music or recorded amplified music or voices shall be played, or speakers installed outside the Granary Barn, including on the terrace area.
  5. No fireworks shall be discharged on site in conjunction with events utilising the Granary and Hop Barn.
  6. A contact telephone number for a mobile device, which is switched on and answered throughout any event involving live or recorded music and voices, shall be available. This telephone number shall be on the Chafford Park website, notified to the Environmental Protection Team and publicized to residents and businesses in the locality.
  7. Amplified live and recorded music and voices to finish at 23:00.
  8. A noise limiting sound compressor, together with amplification system and speaker equipment shall be installed in the Granary Barn for use with music and public address systems. The equipment shall be agreed in advance and prior to installation with the Local Authority Environmental Protection Team. Acceptance noise levels to be set with the agreement and to be verified by the Local Authority. The system shall be operated and used for all amplified music and voices played within the barn.
  9. No independent speaker systems shall be brought onto site or utilized during events.
  10. Any live bands must use a silent stage arrangement to typically include
    - i ) A digital drum kit
    - ii) Direct injection of bass
    - iii) In ear monitors
  11. A noise management plan shall be submitted to the Local Authority Environmental Protection Team for agreement and approval
  12. No music shall be played within any marquee or tent erected on the site, with the exception of any incidental background music
  13. Clear legible signs shall be prominently displayed at all times to exit doors reminding guests to leave quietly.
  14. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as an events space.
  15. Alcohol shall only be supplied for consumption by persons attending a prebooked event.
  16. The premises licence holder shall ensure that event organisers are supplied with a copy of the premises licence and an agreement for hire of the premises. That agreement shall include the conditions attached to the premises licence.
  17. The premises licence holder shall ensure that any patrons using the terrace adjacent to the Reception Barn do so in an orderly manner and are supervised by staff so as to ensure that they do not cause a public nuisance
  18. Notices shall be displayed at any area used for smoking requesting that

- patrons respect the needs of local residents and use the area quietly.
19. A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognized photographic identification cards, such as driving licences or passports, or recognized proof of age cards bearing the PASS hologram, or similar.
  20. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refusal and the name of the member of staff making it. The record shall be available for inspection by the Police or Authorised Officers at all times whilst the premises are providing licensable activities.
  21. An incident log shall be kept at the premises and be available for inspection by the Police or Authorised Officers at all times whilst the premises are providing licensable activities.
  22. The premises licence holder shall employ SIA registered door supervisors on a risk assessment basis.

This licence granted at the Hearing is effective from the 5 October 2017.

Dated: 5 October 2017.

Signed .....

Chair - Licensing Hearing

Signed .....

Licensing Officer

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.