

## LICENSING HEARING

Minutes of the meeting held on 6 April 2018 commencing at 10.30 am

Present            Cllrs. Clack, Clark and Esler

Also present     Applicant  
                     Applicant  
                     Applicant

Senior Licensing Officer  
Legal Advisor  
Democratic Services Officer  
Democratic Services Officer

Cllr Horwood - Observer

1.     Appointment of Chairman

Resolved: That Cllr. Clark be appointed as Chairman of the meeting.

(Cllr. Clark in the Chair)

2.     Declarations of interest

There were no additional declarations of interest.

3.     Report to Licensing Sub-Committee Following Receipt of a Representation in Relation to an Application Made Under the Licensing Act 2003 for St Martin Of Tours Church in Eynsford - 17/04282/LAPRE.

The Hearing gave consideration to a report by the Chief Officer Environmental and Operational Services giving details of an application under Section 17 of the Licensing Act 2003 for a premises license for St. Martin of Tours Church, Station Road, Eynsford, Kent DA4 0EH. It was noted that objections had been received but not withdrawn and accordingly the application had been referred to the Sub-Committee for determination.

The Hearing heard from the applicants who advised that the church had been through some renovations to make the building more of a community asset to be used by different local organisations and the church itself. It was believed that applying for Temporary Event Notices each time an event was to be held would be more complicated than holding a premises licence. They advised that they expected events to be held at weekends, but consideration had been given to New Year's Eve and if this date was to fall on a weekday. They therefore felt it was

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necessary to apply for the sale of alcohol at hours up until midnight on each day. The Parochial Church Council (PCC) would have to agree all hire requests.

In response to questions the applicants advised that the events that would take place would be similar to Christmas or Summer fayres and events run by local groups. Wedding receptions and birthday parties would not be allowed; there were local pubs and a Village Hall nearby which could host such events. The applicants envisaged that 18 - 20 events a year would take place, with at least 6 to be held by the Church itself, and wanted the sale of alcohol and raffles to be fully legal. Alcohol would be served from a serving hatch and if there were questions regarding age, ID would be asked to be shown. Apart from the Communion wine, alcohol was not stored in the church, and would only be brought onto the premises for events approximately a day in advance.

In response to further questions from the Members the applicants advised that they would be happy to vary the hours requested so that they would only seek the supply of alcohol on a weekday until midnight on New Year's Eve. Otherwise they would be content to be licensed on weekdays until only 11pm. They would not object to a condition that the PCC Member opening and closing the premises or authorising a sale of alcohol be at least 18 years of age.

In summing up the applicants advised that they were concerned there had been some misunderstandings and the events during a working week would be a small number over a year. The PCC were aware that the church building was primarily for worship and would only allow concerts and other events to be run by responsible adults. They understood there were concerns surrounding timings but this was their understanding of the application form.

At 10.58 a.m. the Hearing Members withdrew to consider the issues raised with the Council's Legal advisor and Democratic Services Officers in attendance.

At 11.49 a.m. the Hearing Members, Council's Legal Advisor and Democratic Services Officers returned to the Council Chamber.

The Chairman informed the Hearing that the Sub-Committee had had regard to the representations made by the Applicant and interested parties and Licensing Act 2003. He advised that the Church was exempt from the licensing of Regulated Entertainment under the Act and was therefore not included on the Notice of Determination. The Sub Committee was satisfied that granting the application subject to conditions were appropriate to address potential undermining of the licensing objectives of prevention of public nuisance and the protection of children from harm.

Resolved: That a Premises License in respect of St. Martin of Tours Church, Station Road, Eynsford, Kent DA4 0EH, subject to mandatory conditions and additional conditions contained in the notice of determination attached as an appendix to these minutes, be granted.

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THE MEETING WAS CONCLUDED AT 11.55 AM

CHAIRMAN



**Notice of determination for application premises licence**

**To:** Parochial Church Council (PCC) of St. Martin of Tours Church

**of:** St. Martin Of Tours Church, Station Road, Eynsford, Kent DA4 0EH

**Ref:** 17/04282/LAPRE

Sevenoaks District Council being the licensing authority, on the 20 November 2018 received an application for a premises licence in respect of premises known as St Martin Of Tours Church, Station Road, Eynsford, Kent DA4 0EH.

On the 6 April 2018 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 subject to the mandatory conditions, and following amendments to licensable activities and additional conditions:**

**Section M:** To allow the supply of alcohol for consumption from Monday to Thursday 11:00 to 23:00 hours and Friday, Saturday, Sunday 11:00 to 00:00 hours

Non standard timings - To allow supply of alcohol for consumption on New Year's Eve from 11:00 to 00:00 hours.

**Section O:** To allow the premises to be open to the public from Monday to Thursday 11:00 to 23:00 hours and Friday, Saturday, Sunday 11:00 to 00:00 hours

Non standard timings - To allow the premises to be open on New Year's Eve from 11:00 to 00:00 hours.

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

The Management Committee to maintain a diary of licensable events ensuring that appropriate details are recorded and retained and to be available for inspection by a Licensing Officer upon request.

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

A maximum of 24 'events' (defined as events where the licensable sale of alcohol is to occur as part of the event) are permitted in any calendar year.

Reason: to meeting the licensing objective of the prevention of public nuisance.

Signs to be displayed at the exits to the premises reminding attendees of licensable activities to be considerate to neighbours and not disturb them when leaving the premises.

Reason: to meet the licensing objective of the prevention of public nuisance.

Where in these conditions reference is made to a Member of the PCC or a Member of the Management Committee such member must be 18 years of age or above.

Reason: for the protection of children from harm.

### **Mandatory Conditions -**

#### **1. The supply of alcohol (under Section 41D)**

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

Every supply of alcohol under the Premises Licence must be made or authorised by the management committee.

#### **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 1 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**

Events with the sale of alcohol will be either on behalf of the PCC itself (e.g. fetes), or at events such as concerts which have been approved by the PCC in advance.

A member of the PCC will open and close the premises, even for outside hirers and satisfy themselves that the organisers are aware of limitations on use of the building.

All lettings have to be approved by the PCC and hirers will be advised of their responsibilities to ensure proper use of the church building. Approval will NOT be given where it is felt that the proposed usage is in any way inappropriate in a church building.

This Licence granted at the Hearing is effective from the 6 April 2018.

Dated: 6 April 2018.

Signed .....

Chair - Licensing Hearing

Signed .....

Designation - Senior 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.

