

REPORT TO LICENSING SUB-COMMITTEE FOLLOWING RECEIPT OF REPRESENTATIONS IN RELATION TO AN APPLICATION FOR A NEW PREMISES LICENCE MADE UNDER THE LICENSING ACT 2003 FOR BLACKWOODS CHEESE COMPANY, BORE PLACE ROAD, CHIDDINGSTONE, KENT TN8 7AR

LICENSING SUB-COMMITTEE - 14 SEPTEMBER 2020

Report of Chief Officer, Planning & Regulatory Services

Status For Decision

Key Decision No

Executive Summary: This report provides information to advise Members of a new premises licence application under the Licensing Act 2003 in respect of Blackwoods Cheese Company, Bore Place Road, Chiddingstone, Kent TN8 7AR

Portfolio Holder Cllr. Margot McArthur

Contact Officer Jessica Foley, Ext. 7480

Recommendation to Licensing Sub-Committee

Options available to Members are:

- a) To grant the application in full on the terms and conditions contained in the operating schedule along with relevant mandatory conditions
 - b) To grant the application, modified to such an extent as considered appropriate in order to satisfy any relevant representations so as to adequately promote the licensing objectives.
 - c) To exclude from the scope of the licence any of the licensable activities
 - d) To refuse to specify a person on the licence as the premises supervisor
 - e) To refuse the application in its entirety
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Reason for recommendation: Each application must be considered on its individual merits and in relation to the licensing objectives under the Licensing Act 2003. Members are asked to consider the options above in light of the individual circumstances of this application and representations and testimony received at Hearing.

Introduction

- 1 An application has been made to Sevenoaks District Council for a Premises Licence at Blackwoods Cheese Company, Bore Place Road, Chiddingstone, Kent TN8 7AR. The applicant is Blackwoods Cheese Company Limited. A copy of the application is included at **Appendix A**. Additional steps to promote the licensing objectives (Operating Schedule) at **Appendix B**. A copy of the plans is included at **Appendix C**.

Please note; the application was initially submitted on 7th April 2020, but amendments were made and the application finally validated on 20th July 2020.

For Members attention, I have attached an aerial view of the area surrounding Blackwoods Cheese Company for reference at **Appendix D**

- 2 The licensable activities applied for are:

Sale of alcohol for consumption off the premises from 9am to 6pm Sunday through to Thursday, and 8am to 8pm on Friday and Saturday.

- 3 When submitting an application for a new premises licence, the applicant is required to describe any steps they intend to take to promote the four licensing objectives, as defined by the Licensing Act 2003, and those steps submitted by the applicant are set out below:

(Note: The 'General' steps below form part of the application at Appendix 1, the remaining steps were submitted as an attachment to the application at Appendix 2)

General

All stock of alcohol will be kept inside the premises, when no staff are present the premises will be locked.

Proof of age will be required for purchase

No alcohol will be sold to minors or those who appear intoxicated

Prevention of crime and disorder

Effective and responsible management of premises

Training and supervision of staff

Adaption of best practice guidance

Acceptance of accredited proof of age card and/or 'new type' driver license

Public safety

Effective and responsible management of premises

Provisions of a sufficient number of people employed or engaged to secure the safety of the premises and patrons

Appropriate instruction, training, and supervision of those employed

Adoption of best practice guidance

The prevention of public nuisance

Responsible management of premises

Appropriate instruction, training and supervision to prevent incidents of public nuisance
Control of operating houses
Adoption of best practice guidance
Management of people

The prevention of children from harm

Effective and responsible management of premises
Provision of a sufficient number of people to secure the protection of children from harm
Appropriate instruction, training and supervision of those employed
Adaption of best practice guidance
Limitations or exclusions by age when certain activities are taking place
Acceptance of accredited proof of age cards

Background

- 4 Blackwoods Cheese Company Limited are providers of real and raw cheese and dairy products.
- 5 The applicant was required to advertise both on the premises and in a local newspaper in order to inform the public of the application. Application details were also advertised on the Council's website.
- 6 A consultation period took place between 20th July 2020 and the 17th August 2020. Responsible Authorities (listed below at point 8) were consulted as part of this process.
- 7 The applicant conformed to all requirements in accordance with The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

Representation received from Responsible Authorities

- 8 The following Statutory Bodies (described as Responsible Authorities by the Licensing Act 2003) were consulted about this application:

Kent Police	Response received (no objection)
Kent Fire & Rescue	Response received (no objection)
Trading Standards	No response received
Home Office	No response received
Social Services	No response received
Environmental Health & Safety	Response received (no objection)
Public Health Department	No response received
Environmental Protection	Response received (no objection)
SDC Planning	Response received (no objection)

Representations received from others

- 9 Two representations (from Roger and Lindsey Perkin, and Michael and Elizabeth North) objecting to this application have been received from

neighbouring properties. The grounds of the objections relate to the licensing objectives 'crime and disorder', 'public safety' and 'the protection of children from harm'. Copies of the representations are at **Appendix E** and **Appendix F**.

Licensing Sub Committee Considerations

- 10 The 2003 Act requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

The prevention of crime and disorder

Public safety

The prevention of public nuisance

The protection of children from harm

- 11 Sevenoaks District Council has produced a Statement of Licensing Policy in order to comply with its duties and powers under the Licensing Act 2003. It covers the licensable activities for retail sale of alcohol which is the subject of this application.

The aims of this Statement of Licensing Policy, in line with the four licensing objectives are:

- To minimise nuisance and disturbance to the public through the licensing process.
- To help build a fair and prosperous society that properly balances the rights of people and their communities
- To integrate its aims and objectives with other initiatives, policies plus strategies that will:
 - reduce crime and disorder
 - encourage tourism
 - encourage an early evening and night time economy which is viable, sustainable and socially responsible
 - reduce alcohol misuse
 - encourage employment
 - encourage the self-sufficiency of local communities
 - reduce the burden of unnecessary regulation on business
 - encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally.

- 12 The Licensing Authority is aware that in making decisions about applications for licences, it will have regard to:

The Licensing Act 2003

Its Statement of Licensing Policy made under section 5 of the Licensing Act 2003.

Statutory Guidance issued under section 182 of the Licensing Act 2003, and that decisions made are reasonably consistent with the four licensing objectives.

That any decision made that depart from guidance or policy only do so for reasons set out in the decision.

- 13 The Licensing Sub Committee should be mindful of requirements and responsibilities placed on them by other legislation, in addition to those contained within the Licensing Act 2003. These include, but are not limited to, having due regard to the Equality Act 2010 and the Human Rights Act 1998.
- 14 The Sub-Committee is asked to note the procedures relating to this hearing which are contained with The Licensing Act 2003 (Hearing Regulations) 2005 (as amended).

Right of Appeal

- 16 Under Section 181 and Schedule 5 of the Act, there is a right of appeal to the Magistrates' Court in respect of applications for new licences. This right of appeal is open to both the applicant and to any person who has made relevant representation. The appeal application must be made within 21 days of the written notification of the Sub-Committee's decision.

Key Implications

Financial

None directly arising from this report

Legal Implications and Risk Assessment Statement.

This Hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005

The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy. Where the decision departs from the Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and such departure must be supported by clear and cogent reasons.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Appendices

Appendix A - Application form

Appendix B - Operating Schedule

Appendix C - Plans

Appendix D - Aerial view

Appendix E - Representation : Perkin

Appendix F - Representation : North

Background Papers

[SDC Statement of Licensing Policy](#)

[The Licensing Act 2003 \(Hearings\) Regs 2005](#)

[Licensing Act 2003 Section 182 Guidance](#)

[Licensing Act 2003](#)

Richard Morris

Chief Officer for Planning & Regulatory Services