

LICENSING HEARING

Minutes of the meeting held on 1 July 2020 commencing at 10.30 am

Present: Cllr. Clack (Chairman)

Cllrs. Coleman and Hunter

Also Present:	Viktoria Sukovata	Applicant
	Tim StClair-Pearce	Applicant's representative
	Graham Collins	Respondent
	Sean Jefferson	Respondent
	Vera Jefferson	Respondent
	Peter McCracken	Respondent
	Cllr Carroll	SDC Councillor (part)
	David Lagzdins	Legal Advisor (SDC)
	Jessica Foley	Senior Licensing Officer (SDC)
	Susan Lindsey	Senior Licensing Officer (SDC)
	Vanessa Etheridge	Democratic Services Officer (SDC)

1. Appointment of Chairman

Resolved: That Cllr. Clack be appointed Chairman of the meeting.
(Councillor Clack in the Chair)

2. Declarations of interest

There were none.

3. Report to Licensing Sub-Committee - Application for a Premises Licence in respect of, The Chequers Inn, High Street, Farningham, Dartford, DA4 0DT

The Chairman welcomed everyone to the meeting.

The Hearing gave consideration to the report by the Senior Licensing Officer giving details of an application for a new premises license for The Chequers Inn, High Street, Farningham, under the Licensing Act 2003. She provided a brief overview of the application, explaining that during the consultation period 11 representations had been received from local residents and the Parish Council. Despite the fact that there appeared to have been local agreement with regard to reduced hours and/or activities as this was not completely clear it had felt most appropriate to present all original representations and the original application to the Licensing Sub Committee for consideration. Providing an opportunity for all parties to address the Hearing regarding the issues.

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The Applicant was in attendance with a representative. The Hearing heard from the Applicant who summarised her application advising that she had 15 years' experience within the trade and that it was a traditional country pub. With regards to noise issues, she advised that she followed the conditions attached to the last licence. She kept doors shut and the windows were sealed and she did supervise performers leaving and loading equipment.

There were notices everywhere at exits requesting them to leave the premises quietly. There have been no issues with the Police. She also advised that she would be happy to revert her application request to the previous premises licence times and conditions issued in 2007, except with the addition of live sports. She was happy to listen to neighbours and customers for a positive result. She was always at the premises. In October 2019 over 100 people had rejected the idea of closing the pub.

The Applicant responded to Members' questions of clarification. She advised that speaking with a Licensing Officer at the Council, the presentation of films had seemed a good idea as live bands were expensive and she wanted to offer something a little more for the customer experience. It had been suggested in these talks that the films could be shown outside. She further described the size of the garden and gazebo and the possible ways it could be rearranged. She offered to withdraw her request for showing films and again reiterated she would be happy to revert to the same conditions as the 2007 licence.

During the questions the Chairman clarified that due to deregulation, films, plays, live and recorded music could take place inside the premises if finished no later than 23:00hrs.

In response to questions as to whether she had had specific complaints, she advised that she had had discussions with the Parish Council, customers and neighbours. Parking was an issue but there were other premises in the area and could not be solely attributed to her customers. Parking was a general issue in the area. She had asked the other public house whether she could use their car park. He phone number was clearly available for anyone to ring.

Residents present at the meeting took the opportunity to ask questions of the Applicant which centred around noise nuisance from volume, the doors being open, anti-social behaviour, parking problems, drug use and the use of the street furniture outside the premises.

In response to those questions the Applicant clarified the current operating times of the 2007 premises licence, and advised that she could start activities such as open mike nights earlier at 19:0hrs. She did not agree with closing at 23:00hrs every night as she wanted to maintain what was already on offer as a minimum. She believed 9-12 patrons could be accommodated in the back garden. There was CCTV which was monitored, and the Parish Council had CCTV outside the premises. As already stated the windows were sealed and the doors were kept shut except for people entering and exiting the premises.

A resident advised that the main issues that needed addressing were the noise and anti-social behaviour at the front of the premises, along with illegal parking. He

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would prefer it if the premises shut at 23:00hrs each day. That all the doors and windows remained shut, stating that very often the doors were propped open, and that the on street furniture at the front should be removed. In response to a question he advised that he had not officially complained to the Police or Environmental Health with regards to the anti-social behaviour and noise. However he had been in contact with Police over an accident, the District Council Civil Enforcement Officers and the bus companies due to their issues with illegal parking and access to the roads.

The legal advisor explained that the premises licence did not cover street furniture and that this was an issue for the Highways Authority and was a separate statutory process.

Another local resident raised concerns about the noise from the beer garden, in response to questions he also confirmed he had not officially complained but said that he would not know who to complain to.

The Chairman advised that for noise nuisance he could complain to the District Council's Environmental Health team, and the Police or Licensing Authority with regards to anti-social behaviour, or even speak to the premises holder.

Other residents against the application spoke along similar lines of concern with regards to the anti-social behaviour at the front, noise nuisance from volume and open doors, hours, and parking. Residents felt they could not complain and felt intimidated by those responsible for the anti-social behaviour.

The Applicant took the opportunity to sum up and reiterated her 15 years' experience and that she wanted local community support.

At 12:10 p.m. the Hearing Panel Members adjourned 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 13.17 p.m. the Hearing Panel Members, Council's Legal Advisor and Clerk to the Hearing reconvened the meeting.

The Chairman clarified with the Senior Licensing Officer the extent of the previous licence for providing late refreshments.

The Chairman informed the Hearing that the Sub-Committee had had regard to the representations made by the Applicant and interested parties, the Licensing Act 2003, Secretary of State's Amended Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy and was granting the application in line with the previous hours and conditions under the 2007 premises licence subject to a few changes. He noted that there had been no Police or Environmental Health representations, and the hours of operations afforded under the previous 2007 application had always been there even if not fully operated on.

The Chairman also advised that much of what was applied for was now possible due to deregulation, and that parking and street furniture issues could be pursued

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with the relevant authorities but were not licensable activities as part of this premises licence application.

Resolved: That a Premises Licence in respect of subject to mandatory conditions and additional conditions contained in the notice of determination attached as an appendix to these minutes, be granted.

THE MEETING WAS CONCLUDED AT 1.28 PM

CHAIRMAN

LICENSING ACT 2003 - Section 23

Notice of determination for application premises licence

To: **Viktoria Sukovata**

of: **The Chequers Inn for a new premises licence for The Chequers Inn, High Street, Farningham, Kent DA4 0DT**

Ref: **20/00780/LAPRE**

Sevenoaks District Council being the licensing authority, on the 6 March 2020 received an application for a premises licence in respect of premises known as The Chequers Inn for a new premises licence for The Chequers Inn, High Street, Farningham, Kent DA4 0DT

On the 1 July 2020 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 A	To allow Plays indoors Mondays 08:30 - 23:00.
Section C	To allow Indoor sporting events on Friday to Saturday from 18:00 to 00:00 hours, Monday from 18:00 to 00:00 hours, Sunday from 18:00 to 23:00 hours and Tuesday, Wednesday and Thursday from 18:00 to 23:00 hours.
Section E	To allow Live music indoors on Monday to Saturday from 19:00 to 23:00 hours, and Sunday from 19:00 to 22:00 hours.
Non-standard timings	New Year's Eve, Christmas Eve, Boxing Day and all Friday, Saturday, Sunday and Mondays of a Bank Holiday weekend, the hours shall be extended to 01:00hrs
Section F	To allow Recorded music indoors Monday to Sunday from 19:00 to 23:00 hours.
Non-standard timings	New Year's Eve, Christmas Eve, Boxing Day and all Friday, Saturday, Sunday and Mondays of a Bank Holiday weekend, the hours shall be extended to 01:00hrs
Section H	To allow anything similar to Live music, Recorded music or performance of dance on Monday to Saturday from 19:00 to 23:00 hours, and Sunday from 19:00 to 22:00 hours.
Non-standard timings	New Year's Eve, Christmas Eve, Boxing Day and all Friday, Saturday, Sunday and Mondays of a Bank Holiday weekend, the hours shall be extended to 01:00hrs

Section I	To allow Late night refreshment indoors on Monday from 23:00 to 00:30 hours, Tuesday from 23:00 to 23:30 hours, Thursday to Saturday from 23:00 to 00:30 hours, Wednesday from 23:00 to 00:00 hours and Sunday from 23:00 to 23:30 hours.
Non-standard timings	New Year's Eve, Christmas Eve, Boxing Day and all Friday, Saturday, Sunday and Mondays of a Bank Holiday weekend, the hours shall be extended to 02:30hrs
Section J	To allow the supply of alcohol for consumption both on and off the premises on Friday and Saturday from 10:00 to 00:00 hours, Monday from 10:00 to 00:00 hours, Tuesday, Wednesday, Thursday and Sunday from 10:00 to 23:00 hours.
Non-standard timings	New Year's Eve, Christmas Eve, Boxing Day and all Friday, Saturday, Sunday and Mondays of a Bank Holiday weekend, the hours shall be extended to 02:30hrs
Section L	To allow the premises to be open to the public Friday and Saturday from 10:00 to 00:30 hours, Monday from 10:00 to 00:30 hours, Tuesday, Wednesday, Thursday and Sunday from 10:00 to 23:30 hours.
Non-standard opening hours	New Year's Eve, Christmas Eve, Boxing Day and all Friday, Saturday, Sunday and Mondays of a Bank Holiday weekend, the hours shall be extended to 02:30hrs

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."

To add the following conditions to the Licence as follows:

- 1 All staff training to be recorded.
- 2 A Refusal book must be in operation.
- 3 Disposal of waste bottles into receptacles where the noise will be audible to neighbouring properties must not occur between 22:00 and 07:00 hours.
- 4 Prominent, clear and legible notices are to be displayed at all exits requesting patrons to respect the needs of local residents and to leave the

premises and the area quietly.

- 5 Performers should be supervised to ensure the loading of equipment at the end of any event does not disturb surrounding residents.
- 6 Live music should be limited to once in any 7 day period.
- 7 Recorded music should be limited to once in any 7 day period.
- 8 The licensee or a nominated representative shall provide a current telephone contact number to neighbouring residents and shall receive and respond to complaints throughout the duration of all noisy events. If there is not a satisfactory response then the resident should contact Environmental Health.

Reason: These conditions are in line with the previous premises licence issued in 2007 and the operating schedule.

This licence granted at the Hearing is effective from the 1 July 2020.

Dated: 1 July 2020

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.