

LICENSING COMMITTEE – LICENSING HEARING

Minutes of the meeting of the Licensing Hearing
held on 10 June 2011 commencing at 2.30 p.m.

Present: Sub-Committee D: Cllrs. Davison, Mrs. Parkin and Pett

Also present: Mr. A. Symonds - Applicant
Mr. N. Townsend - Applicant
Mr. B.S. Nagra - Objector (resident)
Dr. I. Ward - Objector (resident)
Mrs. L. Leeds - Licensing Officer
Mr. A. Stanfield - Legal Services Manager
Mr. D. Lynch - Democratic Services Officer

1. ELECTION OF CHAIRMAN

Resolved: That Cllr. Pett be appointed Chairman of the meeting.

2. DECLARATIONS OF INTEREST

There were no declarations of interest in respect of any matter discussed or voted on at the meeting.

3. APPLICATION FROM HARTLEY AND DISTRICT SOCIAL CLUB LTD, THE CLUB HOUSE, ASH ROAD, HARTLEY, KENT DA3 8EH FOR A VARIATION OF THE CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003

The Hearing gave consideration to a report by the Community and Planning Services Director giving details of an application under the Licensing Act 2003 for variation of the existing Club Premises Certificate at Hartley and District Social Club Ltd, The Club House, Ash Road, Hartley. 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 applicants who explained that prior to 2003 they had all day opening hours, and that they were seeking these variations to allow for a limited number of functions for club members during the day. They acknowledged the issue of a noise complaint in January 2011 and reported that they were working with the Environmental Health Officer to resolve this matter.

The Hearing heard from the objectors who raised the concerns of residents, in particular the suitability of the building for music, the issues of noise as nuisance, and the noise complaint in January 2011. They questioned whether the club needed a permanent variation in their certificate and suggested that Club could apply for Temporary Event Notices as required.

The hearing agreed to circulate a statement from the Senior Environmental Health Officer.

At 3.23 p.m. the Hearing Members withdrew to consider the issues raised.

At 3.56 p.m. the Hearing Members returned to the Council Chamber.

It was unanimously

- (a) Resolved: That variations to the Club Premises Certificate in respect of Hartley and District Social Club Ltd, The Club House, Ash Road, Hartley, subject to the conditions contained in the licence attached as an appendix to these minutes, be granted.

THE MEETING WAS CONCLUDED AT 4.05 P.M.

Notice of determination of application for variation of club premises certificate

To: Hartley and District Social Club Ltd

Of: The Club House, Ash Road, Hartley, Kent DA3 8EH

Ref: 11/00622/LACPC

Sevenoaks District Council being the licensing authority, on the 18 March 2011 received an application for a variation to a premises licence in respect of premises known as Hartley and District Social Club Ltd, The Club House, Ash Road, Hartley, Kent DA3 8EH.

On the 10 June 2011 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 variation of the Premises Licence

Section L	To allow sale of alcohol for consumption on and off the premises on Monday to Thursday from 19:00 hours to 00:00 hours, Friday to Saturday from 12:00 hours until 00:00 hours and Sunday 12:00 to 23:00 hours.
Non standard timings: All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours	
Section M	Hours premises are open to the public on Monday to Thursday from 19:00 hours until 00:30 hours, Friday to Saturday 12:00 to 00:30 and on Sunday from 12:00 hours until 23:30 hours.
Non standard timings: All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours	
To add the conditions on the Licence as follows: Up to 20 days a year for Sections A, B, F, G, I, J, L and M upon written request to Sevenoaks District Council as Licensing Authority with two working days notice by post, e-mail or fax.	
Section A	To allow exhibition of plays indoors on Monday to Thursday from 09:00 hours until 23:00 hours, on Friday and Saturday from 09:00 hours until 00:00 hours and on Sunday from 09:00 hours until 22:30 hours.

<p>Non standard timings: All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours</p>	
Section B	<p>To allow the exhibition of films indoors on Monday to Thursday from 09:00 hours until 23:00 hours, on Friday and Saturday from 09:00 hours until 00:00 hours and on Sunday from 09:00 hours until 22:30 hours.</p>
<p>Non standard timings: All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours</p>	
Section F	<p>To allow recorded music films indoors on Monday to Thursday from 09:00 hours until 23:00 hours, on Friday and Saturday from 09:00 hours until 00:00 hours and on Sunday from 09:00 hours until 22:30 hours. The areas to be used would be the main bar area or the upstairs hall.</p>
<p>Non standard timings: All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours</p>	
Section G	<p>To allow performances of dance indoors on Monday to Thursday from 09:00 hours until 23:00 hours on Friday and Saturday from 09:00 hours until 00:00 hours and on Sunday from 09:00 hours until 22:30 hours.</p>
<p>Non standard timings: All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours</p>	
Section I	<p>To allow the provision of facilities for making music indoors on Monday to Thursday from 09:00 hours until 23:00 hours on Friday and Saturday from 09:00 hours until 00:00 hours and on Sunday from 09:00 hours until 22:30 hours.</p>
<p>Non standard timings: All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours</p>	
Section J	<p>To allow the provision of facilities for dancing on Monday to Thursday from 09:00 hours until 23:00 hours on Friday and Saturday from 09:00 hours until 00:00 hours and on Sunday from 09:00 hours until 22:30 hours.</p>

Non standard timings: All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours	
Section L	To allow sale of alcohol for consumption on and off the premises on Monday to Saturday from 11:00 hours until 00:00 hours.
Non standard timings: All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours	
Section M	Hours premises are open to the public on Monday to Saturday from 09:00 hours until 00:30 hours and on Sunday from 09:00 hours until 23:30 hours
Non standard timings: All bank holidays as stated by Government (12:00-00:00 hours), Christmas Day 12:00 - 15:00 hours, New Years Eve 12:00 - 02:30 hours (next day) and New Years Day 12:00 - 23:00 hours	

Also to add the conditions on the Licence as follows:

Apply the conditions 1,2 and 3 as recommended in the Senior Environmental Health Officer's report of 14 April 2011, as a pre-condition before the extended hours may be operated.

Supply of alcohol for consumption off the premises

A club premises certificate may not authorise the supply of alcohol for consumption off the premises unless it also authorises the supply of alcohol to a member of the club for consumption on those premises.

A club premises certificate which authorises the supply of alcohol for consumption off the premises must include the following conditions:-

- (i) the supply of alcohol must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
- (ii) Any alcohol supplied for consumption off the premises must be in a sealed container.
- (iii) Any supply of alcohol for consumption off the premises must be made to a member of the club in person.

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 certificate, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where -

(c) the film classification body is not specified in the certificate, or

(d) the relevant licensing authority has notified the holder of the certificate 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).

The reason for the conditions are to allow for sufficient flexibility for the applicants, whilst taking into account the representations made by other interested parties, in particular to promote the licensing objectives of prevention of public nuisance.

This licence granted at the Hearing is effective from the 10 June 2011.

Dated: 10 June 2011.

Signed

Chair – Licensing Hearing

Signed

Designation – Licensing Officer

Please address any communications to:

Licensing Regime
Community and Planning Services
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.