

**LICENSING ACT 2003 NEW APPLICATION - Lockskinners Farm, Lockskinners, Chiddingstone, Kent TN8 7NA**

**Licensing Sub Committee - Monday 18 July at 10.30am**

**Report of:** Chief Officer Planning & Regulatory Services

**Status:** For Decision

**Key Decision:** No

**Portfolio Holder:** Cllr. McArthur

**Contact Officer:** Susan Lindsey, Ext. 7491

**Recommendation to Licensing Sub-Committee:**

The Sub Committee is asked to determine the application in accordance with the Licensing Act 2003 (as amended), Sevenoaks District Council Statement of Licensing Policy, and the Home Office Guidance issued per Section 182 of the Licensing Act 2003, whilst having due regard to the applicant's submissions and relevant representations.

**Reason for recommendation:**

A new application has been received for a Premises Licence pursuant to Section 16 Licensing Act 2003. 5 representations against the application have been made by local residents, with 25 representations made in support, and comments from Chiddingstone Parish Council.

### **Introduction and Background**

- 1 An application has been made to Sevenoaks District Council for a new Premises Licence for Lockskinners Farm, Lockskinners, Chiddingstone, Kent TN8 7NA. The applicant is Mrs Emma Welch - **Appendix A**
- 2 Plans submitted with the application can be found at **Appendix B**
- 3 The nature of the proposed Premises Licence, which is the subject of the application, is to licence the land to facilitate the use of a mobile bar unit throughout the 160 acres of mixed used pasture and woodlands:  
Allow the sale of alcohol for consumption on and off the premises every day from 11am to 9pm.
- 4 Steps the applicant intends to take in order to promote the 4 licensing objectives are outlined in Section M of the application form at Appendix A.

- 5 The applicant was required to advertise the application by placing an A4 pale blue sign at the premises, and also to advertise in a local newspaper to inform the public of the application.
- 6 A consultation period took place between 24 May 2022 and 20 June 2022. Responsible Authorities were consulted as part of the process. 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:**

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

Kent Police	No comment made
Environmental Health	Response received: no objection
Kent Fire	No comment made
Child Protection	No comment made
Trading Standards	No comment made
Health & Safety	No comment made
Planning	Response received: no objection
Public Health	No comment made
Home Office Immigration	No comment made

**Representations received from others**

- 8 Representations objecting to this application have been received from five (5) local residents. A copy of these representations are at **Appendix C to Appendix G.**
- 9 Chiddingstone Parish Council have no objection to the application, but have submitted comments which are at **Appendix H.**
- 10 Twenty Five (25) representations in support of this application have been received. A copy of these are at **Appendix H to Appendix GG.**
- 11 Mediation has been attempted prior to the production of reports for Committee, but have been unsuccessful. It is unlikely, therefore, that this application will be successfully mediated before the Sub Committee Hearing.

**Statutory Guidance (section 182) Licensing Act 2003 - Regulated Entertainment**

- 12 As comments have been made with regard to live and recorded music in relation to this application, Members attention is drawn to Statutory Guidance (issued under section 182 of the Licensing Act 2003) paragraphs 16.5 to 16.9 giving an overview of circumstances in which entertainment activities are not licensable.
- 13 Regulated entertainment (including live and recorded music) does not form part of this application.

## Licensing Sub Committee Considerations

- 14 In determining the application with a view to promoting the licensing objectives, the Sub Committee must give appropriate weight to:
- 15 The steps that are appropriate to promote the licensing objectives  
The representations presented by all parties  
The Home Office Guidance issued under section 182 Licensing Act 2003  
The Sevenoaks District Council Statement of Licensing Policy  
Any other relevant legislation  
The Licensing Act 2003 requires representations to address the four Licensing Objectives:  
Prevention of crime and disorder  
Public safety  
Prevention of public nuisance  
Protection of children from harm
- A representation is a ‘relevant representation’ if it is about the likely effect of the grant of the licence on the promotion of the licensing objectives. The objector must establish that such a consequence is a *likely* effect of the grant (i.e. more probable than not).
- 16 Sevenoaks District Council has produced a Statement of Licensing Policy in order to comply with its duties and powers under the Licensing Act 2003. A link to this Policy is in the Background Papers section at the end of this report.
- The aims of the Policy 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, and encourage and promote, live music, dancing and theatre for the wider cultural benefit of communities generally.
- 17 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.

- 18 The Sub Committee is asked to note the procedures relating to this hearing which are contained within The Licensing Act 2003 (Hearing Regulations) 2005 (as amended). A link to these Regulations are in the Background Papers section at the end of this report.

### **Options**

- 19 When considering this application for a new premises licence, the following options are available to the Sub Committee:
- Grant a licence in the same terms as it was applied for
  - Grant a licence, but modify or add conditions as appropriate for the promotion of the licensing objectives.
  - Grant a licence, but modify the hours of licensable activity as appropriate for the promotion of the licensing objectives.
  - Reject the application.

### **Right of Appeal**

- 20 Under Section 181 and Schedule 5 of the Licensing Act 2003, there is a right of appeal to the Magistrates Court in respect of premises licence applications. 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

A decision made by the Sub Committee may be appealed by any party to the proceedings of a Magistrates Court. Costs associated with this matter and incurred by any party, may in certain circumstances be awarded against the Council.

#### 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 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.

## Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment.

### **Appendices**

- Appendix A - New Premises Licence Application
- Appendix B - Plan submitted with application
- Appendix C - Representation Kirkaldy
- Appendix D - Representation Bunn
- Appendix E - Representation Roche
- Appendix F - Representation Foord
- Appendix G - Representation Hook
- Appendix H - Comments from Chiddinstone Parish Council
- Appendix I - Support Campbell
- Appendix J - Support Middlemas
- Appendix K - Support Twinam
- Appendix L - Support Armstrong
- Appendix M - Support Scott-Smith
- Appendix N - Support Vincent
- Appendix O - Support Henderson
- Appendix P - Support Sherlock
- Appendix Q - Support M.Wicks
- Appendix R - Support Moss
- Appendix S - Support Hague
- Appendix T - Support Bowey
- Appendix U - Support Smith
- Appendix V - Support N.Wicks
- Appendix W - Support Raybone
- Appendix X - Support Freeman
- Appendix Y - Support Watts
- Appendix Z - Support Briggs
- Appendix AA - Support Sidaway
- Appendix BB - Support Lewis
- Appendix CC - Support Caroline-Hines
- Appendix DD - Support Penfound
- Appendix EE - Support Rimell
- Appendix FF - Support Walsh
- Appendix GG - Support Laurie

**Richard Morris**  
**Chief Officer Planning & Regulatory Services**