



## LICENSING SUB COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on  
Thursday, 9th February, 2023 at 10.00 am.

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The Members of the Licensing Sub Committee are:-

Cllrs. Michael, L.Suddards & Wright.

Cllr. Burgess (Reserve).

### Agenda

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1. **Election of Chairman**
2. **Apologies/Substitutes**  
  
To receive Notification of Substitutes in accordance with Procedure  
Rule 1.2(iii)
3. **Declarations of Interest** 1 - 2  
  
To declare any interests which fall under the following categories  
explained on the attached document:
  - a) Disclosable Pecuniary Interests (DPI)
  - b) Other Significant Interests (OSI)
  - c) Voluntary Announcements of Other InterestsSee Agenda Item 3 for further details
4. **Minutes** 3 - 14  
  
To approve the Minutes of the Meetings of the Licensing Sub-  
Committee held on 26<sup>th</sup> February 2020 and 21<sup>st</sup> June 2022.
5. **Procedure Note for Licensing Hearings** 15 - 18
6. **Tudor Peacock, Tudor Lodge, The Square, Chilham - Application  
for a Premises Licence** 19 - 78
  - (a) **Supporting Paperwork from Applicant** 79 - 106
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DSK  
26.01.23

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# Agenda Item 3

## Declarations of Interest (see also “Advice to Members” below)

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted).

However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency alone, such as:

- Membership of amenity societies, Town/Community/Parish Councils, residents' groups or other outside bodies that have expressed views or made representations, but the Member was not involved in compiling or making those views/representations, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: Where an item would be likely to affect the financial position of a Member, relative, close associate, employer, etc.; OR where an item is an application made by a Member, relative, close associate, employer, etc., there is likely to be an OSI or in some cases a DPI. ALSO, holding a committee position/office within an amenity society or other outside body, or having any involvement in compiling/making views/representations by such a body, may give rise to a perception of bias and require the Member to take no part in any motion or vote.]

### **Advice to Members on Declarations of Interest:**

- (a) Government Guidance on DPI is available in DCLG's Guide for Councillors, at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/5962/2193362.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf)
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution alongside the Council's Good Practice Protocol for Councillors dealing with Planning Matters. See <https://www.ashford.gov.uk/media/2098/z-word5-democratic-services-constitution-2019-constitution-of-abc-may-2019-part-5.pdf>
- (c) Where a Member declares a committee position or office within, or membership of, an outside body that has expressed views or made representations, this will be taken as a statement that the Member was not involved in compiling or making them and has retained an open mind on the item(s) in question. If this is not the case, the situation must be explained.

**If any Member has any doubt about any interest which he/she may have in any item on this agenda, he/she should seek advice from the Director of Law and Governance and Monitoring Officer, or from other Solicitors in Legal and Democracy as early as possible, and in advance of the Meeting.**

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## Licensing Sub Committee

Minutes of a Meeting of the Licensing-Sub Committee held in the Customer Contact Centre Meeting Room, Civic Centre, Tannery Lane, Ashford on the **26<sup>th</sup> February 2020**.

### **Present:**

Cllr. Burgess (Chairman)

Cllrs. Feacey, Wright.

### **Also Present:**

Cllr. Shorter (Observer)

Applicant

Licensing Officer, Licensing Officer (Observer), Legal Advisor, Member Services Officer.

## **306 Election of Chairman**

### **Resolved:**

**That Councillor Burgess be elected as Chairman for this Meeting of the Licensing Sub Committee.**

## **307 Declarations of Interest**

Cllr Burgess made a Voluntary Announcement during the proceedings, as it came to light that he had worked for the same company as the applicant many years previously, but he confirmed that he did not know the applicant.

## **308 Minutes**

### **Resolved:**

**That the Minutes of the Meeting of this Committee held on the 28<sup>th</sup> January 2020 and the 7<sup>th</sup> February 2020 be approved and confirmed as a correct record.**

## **309 Exclusion of the Public**

### **Resolved:**

**That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of the following item, namely 'Consideration of a Private Hire and Hackney Carriage Driver's licence' as it is likely in view of the nature of the business to be**

transacted or the nature of the proceedings that if members of the public were present there would be disclosure of exempt information hereinafter specified by reference to paragraphs 1, 2 and 7 of Schedule 12A of the Act, where in the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **310 Consideration of a Private Hire and Hackney Carriage Driver's Licence**

The Councillors and Officers present were introduced. The Chairman welcomed all present and the Legal Adviser explained the procedure to be followed. The Committee confirmed that they had received and read the agenda papers.

The Licensing Officer had submitted a report which outlined the case. He drew attention to this and highlighted the key points within the report.

The Applicant put his case to the Committee and provided a copy of a reference from a previous employer, supporting his good character and his application.

The Licensing Officer and Applicant answered questions from Councillors, which included additional training resources available to the trade.

The Committee then retired to make its decision.

On the Committee's return, the Chairman read out the 'Decision and Reasoning's Statement' that had been prepared by the Sub Committee. A copy of this document was provided to the Applicant at the meeting. Further, it was advised that a copy of this would also be sent to the Applicant after the meeting, along with the Minutes and a Decision Letter.

#### **Resolved:**

**That the licence be granted.**

## Licensing Sub-Committee

Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **21<sup>st</sup> June 2022**.

### **Present:**

Cllr. Michael (Chairman);

Cllrs. L Suddards, Wright

### **Also Present:**

Mr Lomas, B & K Leisure Ltd - Applicant  
Mrs Lomas, B & K Leisure Ltd

Mr Heritage – Objector

Licensing Officer (JP), Licensing Officer (AS), Principal Litigator, Member Services Officer.

## **54 Election of Chairman**

### **Resolved:**

**That Councillor Michael be elected as Chairman for this Meeting of the Licensing Sub-Committee.**

## **55 Boys Hall, Boys Hall Road, Ashford, Kent TN24 0LA – Application for a Premises Licence**

The Chairman opened the meeting and welcomed all those present. Everyone introduced themselves and confirmed that they had received and read the papers relating to the application. The Chairman explained the procedure to be followed at the meeting.

The Licensing Officer (AS) introduced the application, drawing attention to the fact this was a new application for a Jacobean building set in 3 acres of land, where a current licence existed. She explained that the Applicant had chosen to make a new application rather than request a variation of the existing licence. The application set out to extend the area where the sale of alcohol, dancing, live music, recorded music, and making music could take place, and to amend the licensing hours. Plans and an operating schedule had been submitted. A 28 day consultation had taken place, with three representations received from local residents. She asked the Committee to consider the proximity of residential properties.

The licensing hours were requested as follows:

<b>Supply of alcohol (Off and on sales)</b>	Sunday – Wednesday (inclusive) 07:30 -23:30 Thursday – Saturday (inclusive) 07:30 – 00:00
<b>Hours premises open to the public*</b>	Sunday – Wednesday (inclusive) 06:30 – 22:30 Thursday – Saturday (inclusive) 07:30 – 00:30
<b>Late night refreshment (Indoors only)</b>	Sunday to Wednesday (inclusive) 23:00 – 23:30 Thursday –Saturday (inclusive) 23:00 -00:00
<b>Live music/Recorded music/Performance of dance/Anything of similar description (Indoors only)</b>	Sunday to Wednesday (inclusive) 08:00 – 23:30 Thursday to Saturday (inclusive) 08:00 – 00:00
<b>*Seasonal variations</b>	All Bank holidays and New Years Eve- From the end of permitted hours until 01:30 the next day. The premises shall be open to hotel guests 24 hours.

The Licensing Officer (AS) stated there were three possible decisions for the Committee to consider:

- a) Grant the licence variation subject to
  - i) Such conditions as are consistent with the operating schedule accompanying the application modified to such an extent as the authority considers necessary for the promotion of the four licensing objectives, and
  - ii) any conditions which must under section 19, 20, or 21 of the Licensing Act 2003 be included in the licence (the mandatory conditions).
- b) Exclude, or limit, the scope of any of the licensable activities to which the application relates.
- c) Reject the application.

The Applicant, Mr Lomas, was asked to make a statement. He emphasised this was a new venture for himself and his business partners, to create a quality restaurant with a boutique hotel, able to accommodate small events, conferences and business meetings, rather than a party venue. He and his partners had considerable successful experience in the hospitality industry. The location was in a prime



position for Ashford and in Kent, and the character building had received significant investment in the last few months towards their ambition. The main reason for the application was to extend the current licence provision, to allow them to offer an alcoholic drink at breakfast-time, such as English fizz or a Bloody Mary, enhancing the customer experience. It was not envisaged that their target market would cause any disturbance to local residents, by anti-social or raucous behaviour, or by cars entering or leaving, as timings would naturally be staggered. The intention was to support local businesses by seeking out and engaging with local suppliers, for food, drinks and consumables across the premises. With regard to the objections received, he commented that the boundary was some way away from the building, and tree-lined, reducing the risk of disturbance to the local residents in Millstream Green. The music intended would mostly be background music, such as a string quartet at Sunday lunchtime, intended to enhance the ambience. It would be only be broadcast from indoors. No complaints had been received from local residents regarding noise disturbance during renovation works, even though the builders had had radios at quite high volumes. He had actively engaged with some of the local residents, by direct communication and shared email addresses, telephone numbers and text messages. He and his partners had a strong commitment to the four Licensing objectives as stated; it was confirmed all present had read these. He was living on site with his young family so understood the local concerns that had been expressed and wished to actively work with neighbours to create a harmonious relationship.

The Chairman asked if the Objector, Mr Heritage, wished to comment. Mr Heritage confirmed that he and other residents had strong concerns that the granting of the new licence would open up the possibility of anti-social behaviour caused by the consumption of alcohol, resulting in inappropriate language being overheard, together with disturbed evenings and sleep deprivation for himself, his neighbours and their children. The gated entrance was close to dwellings and residents were already impacted by anti-social behaviour on the adjacent footpath. The access road was narrow and twisty, and several traffic accidents had already occurred. It was likely the business would result in increased footfall and noise nuisance from poor behaviour and loud music. The signposting of Notices had not been widespread and the Applicant had not made any direct attempt to contact all local residents regarding the venture.

The Licensing Officer (JP) confirmed notices had been sited on the footpath, the second gate and the rear gate to the premises, and the Applicants had posted a Notice in the local newspaper; these measures meant the application was compliant with the Licensing Act 2003.

Mr Lomas responded to concerns by reiterating his intention to actively engage with local residents, confirming his willingness to provide access to on-site management by telephone or possibly a WhatsApp group, so that staff could immediately respond to any perceived nuisance. Signs would be posted in the car park and at all exits, requesting guests be aware of the proximity of residential property and mindful to limit any noise nuisance. The disposal of bottles into external bins would be restricted to daytime hours; this would mitigate site noise. He confirmed the opening of the premises would be phased.

In response to a Member's concerns regarding road safety, it was agreed this was the responsibility of Kent Highways to manage, and not pertinent to the granting of any licence.

The Principal Litigator and Licensing Officers drew Mr Heritage's attention to the revised Licensing hours and advised that they were an overall reduction to the current licence's evening hours. The addition was the morning hours, which centered on the provision of breakfast.

It was agreed the recent renovation works noise and increased site traffic were not relevant to Mr Heritage's concerns.

In response to other questions, Mr Lomas stated that the treatment rooms would not be open in the morning and their use would be limited to hotel guests only. The accommodation cabins were additional hotel rooms. Those neighbours closest to these had been actively consulted and were happy with the arrangements. It was not anticipated that there would be in excess of 100 visitors at any point in time on the premises. There were parking places for 39 cars, three electric charging points and bicycle parking. The intention was for a phased opening from the end of August/beginning of September 2022, with an ambition to open the garden rooms in years two or three. He reiterated he had taken on board the objections but this was a different business with a different model to that of the previous owners, and wanted to actively mitigate the concerns or manage any incidents if they arose.

The Licensing Officer (JP) stated the response to any issues would be for local residents to inform the police and/or the Environmental Protection team to deal with at point of occurrence, if satisfaction from the Applicant could not be achieved.

The Principal Litigator reiterated there was an existing licence, and if the Applicants were unsuccessful in their new application, the conditions of operation of that licence would still exist. She suggested the Applicant and the Objector negotiate to firm up the Operating Schedule conditions to everyone's agreement whilst the Sub-Committee deliberated, and those conditions could be applied if the new licence were to be granted. This opportunity was welcomed by both parties.

The Sub-Committee retired to deliberate and make their decision.

During deliberations, an amendment to the application was provided to the Sub-Committee, as follows:

**Prevention of public nuisance**

- Alcohol served before 1100 is ancillary to table service.
- The Licence Holder will ensure that the placing of bottles into receptacles outside the premises is only permitted outside the hours 2200 – 0730.
- The Licence Holder and appropriate staff will regularly monitor noise levels outside the premises to ensure they are not excessive or likely to disturb neighbours.
- The Licence holder shall ensure that any complaints will be logged in the incident book (detailing the date, time, person, person recording the complaint, complaint) and any action/advice given. The complaint will be addressed as soon as reasonably practicable.

- Where possible a direct line of communication will be given to local residents as applicable in respect of the premises licence and licensing conditions. This will be updated and maintained as necessary.

On returning, the Chairman read the Decision and Reasoning Statement. All Members wished the Applicant well in his new business endeavour.

### **Resolved**

**The Premises Licence be granted as applied for.**

The decision notice and formal wording read out by the Chairman is appended to these minutes. A copy of the decision was given to the Applicant at the conclusion of the meeting, and to the Objector.

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**LICENSING SUB-COMMITTEE  
TUESDAY 21<sup>st</sup> JUNE 2022**

**APPLICATION FOR A PREMISES LICENCE FOR  
BOYS HALL, BOYS HALL ROAD, ASHFORD**

**LICENSING SUB-COMMITTEE DECISION AND REASONINGS**

**LICENSING OFFICER**

Alison Simmonds

**REASON FOR  
MEETING:**

An application was made for a Premises Licence for Boys Hall, Boys Hall Road, Ashford, Kent TN24 0LA.

**DELIBERATION:**

The Licensing Sub-Committee listened to the introduction given by the Licensing Officer in respect of the application made for a premises licence.

The Licensing Officer drew attention to the fact this was a new application from a Jacobean building set in 3 acres of land, where a current licence exists. The application sets out to extend the area where the sale of alcohol, dancing, live music, recorded music, making music can take place, and to amend the Licensing hours. Plans and an operating schedule had been submitted. A 28 day consultation had taken place, with three representations received from local residents.

The Sub-Committee heard from the Applicant, who outlined the intention to create a restaurant with a boutique hotel, as a small events and conference venue. The request for increased hours was intended to provide the facility of alcohol with breakfast, with the addition of gentle background music. It was not anticipated that rowdy behaviour from customers was likely, and entrance and exit of cars would be at staggered intervals. The Applicant had invested significantly in the venue, and the intention was to support local businesses by seeking local suppliers. Music would be for ambience purposes in the main. A dialogue had been established with some local residents and concerns had been mitigated. They had shown their commitment to four Licensing objectives and it was confirmed these had been read by all.

In response to questions from the Sub-Committee, the Applicant advised that he was in direct correspondence with some residents

by email, text and telephone, but would consider other forms of communication such as a WhatsApp group. He indicated that he very much wanted to work with local residents to ensure that all parties could live and work alongside each other, informing the Sub-Committee they were young working parents themselves, with young children living on site. It was confirmed music would be indoors. He ran through the application in general and his ideas of how the business would run, emphasising the intention was for a different quality of venue than was previously operated there, with a completely different business model. He outlined his previous extensive experience in the hospitality industry, and his ability to operate such a business without nuisance, amplifying what was detailed in his operating schedule.

The Sub-Committee heard from Mr Heritage, who had submitted his concerns previously. His first concern was whether the application had been legally advertised, and it was confirmed by the Licensing Officer that it had and it was a valid application properly served and advertised. Following on from this, his main objections were centred around his concerns of what he perceived to be an all-day drinking establishment, so close to residential properties.

He had not been involved in direct communication with the applicant before today, and had not appreciated before today, that the proposed Licensing hours were; a significant reduction in the evening and that the main change was the introduction of morning hours of licensable activities between 7.30 am and 11.30am. It was explained that this was to allow a glass of English fizz or such like with breakfast. It was not anticipated that there would be in excess of 100 visitors at any point in time on the premises.

Further to Mr Heritage expressing concerns of not having been able to fully appreciate the conditions of the application, and the measures within the operating schedule that might alleviate his concerns, time was given for the applicant and Mr Heritage to run through the schedule and add greater detail where thought necessary to help alleviate concerns and show willingness to work together. The amended operating schedule would then be presented to the Sub-Committee to add to the application being considered.

The Sub-Committee then retired.

The Sub-Committee considered the following licensing objectives; prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Prevention of Harm to Children and looked to the operating schedule as to how they were being addressed as a whole.

During deliberations the Sub-Committee gave significant consideration to all the representations received, noting that the representations received centred around noise nuisance. The Sub - Committee were mindful that the evening hours of the application before them were significantly reduced. This would go some way to reducing any likelihood of noise nuisance at a later hour. The Sub-Committee were mindful that if a new licence was not granted, then Boys Hall can operate much later with their current licence, up to an hour and a half each day under their current licence.

The major change to the hours was the additional 7.30am to 11.30am for all licensable activities. This was new, there is no evidence presented to them that noise disturbance will occur at this hour from the licensable activities.

It was further noted that objection to the non-standard timings had been made, however these remain unchanged from the current premises licence, although the representation is presented as an increase.

The Sub-Committee considered that the new application presents residents with the reality of a reduction in the late-night hours which could only be a benefit to the younger residents. They further considered that the likelihood of younger residents being asleep until 11.30am is minimal; most people would be rising earlier to begin daily activities.

During deliberations, an amendment to the application was provided to the Sub-Committee

#### **Prevention of public nuisance**

- Alcohol served before 1100 is ancillary to table service.
- The Licence Holder will ensure that the placing of bottles into receptacles outside the premises is only permitted outside the hours 2200 – 0730.
- The Licence Holder and appropriate staff will regularly monitor noise levels outside the premises to ensure they are not excessive or likely to disturb neighbours.
- The Licence holder shall ensure that any complaints will be logged in the incident book (detailing the date, time, person, person recording the complaint, complaint) and any action/advice given. The complaint will be addressed as soon as reasonably practicable.
- Where possible a direct line of communication will be given to local residents as applicable in respect of the premises licence and licensing conditions. This will be updated and maintained as necessary.

In making their decision, the Sub-Committee gave due consideration to all of the Licensing Objectives. It was felt that the

Applicant has sat down with the objectors and between them have come up with a solution to the concerns raised, which says a lot for both parties and bodes well for the future that residents and the Applicant will work in partnership successfully. Clarity of intentions and commitment were now apparent within the operating schedule.

The Sub-Committee were mindful that the above amendments become legally enforceable and present a real identifiable method of management that gives assurance to residents.

**DECISION MADE:**

The licence be ...

*Granted as applied for.*

**Additional notes made by the Sub-Committee to those present at the hearing:**

- Interested Parties and Responsible Authorities were reminded that they may apply for a review of this Premises Certificate “after a reasonable interval” pursuant to section 51 of the Licensing Act 2003.
- Entitlements to appeal for parties aggrieved by the decision of the Licensing Authority are set out in Schedule 5 to the 2003 Act.
- An appeal had to be commenced by the giving of a notice of appeal by the appellant to the Designated Officer for the Magistrates’ Court within the period of 21 days beginning on the day on which the appellant was notified by the Licensing Authority of the decision to be appealed against.
- An appeal must be made to a Magistrates Court.

**Right of Appeal**

- There is a right of appeal against this decision. An appeal must be commenced by notice of appeal given by the Appellant or anybody affected by this decision to the Magistrates Court within 21 days of the date of this notice.

Dated: 21<sup>st</sup> June 2022

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## PROCEDURE NOTE FOR LICENSING HEARINGS

1. Prior to the meeting of the Committee<sup>1</sup>, the Committee will have read and familiarised themselves with the Licensing Officer's report and documents referred to in it.
2. The hearing will take place in public, subject to a discretion to exclude the public and/or parties where the public interest in doing so outweighs the public interest in the hearing taking place in public<sup>2</sup>. The Committee may also exclude anyone behaving disruptively.<sup>3</sup>
3. The parties<sup>4</sup> are entitled to be assisted or represented by any person, whether or not legally qualified. A party is entitled to withdraw any of their representations orally at the hearing or at least 24 hours before the day or the first day of the hearing.<sup>5</sup>
4. The Committee may extend any time limit in the Regulations for a specified period where it considers this to be necessary in the public interest, but must state the period of the extension and the reason for it.<sup>6</sup> For example, the Committee may extend the time for making a request to call a witness (see paragraph 16- below).
5. Where a party has notified the authority that he does not intend to attend, the Committee will proceed with the hearing in his absence. Where he has not so notified the authority but does not attend, the Committee may adjourn the hearing to a specified date where it considers it necessary in the public interest to do so. Otherwise, it will proceed with the hearing.<sup>7</sup>
6. Before proceeding in the absence of a party who has not indicated that they do not wish to attend, the Licensing Officer will attempt to ascertain the reason for that party's non-attendance.
7. The Committee may adjourn the hearing to a specified, or extra, date where it considers this to be necessary for the determination of the case.<sup>8</sup> There are limitations on the ability of the Committee to adjourn the case beyond the time limits for determination during the transitional period and on reviews following closure orders by the police.<sup>9</sup>
8. At the outset of the meeting, a Chair will be elected and any personal and/or prejudicial interests declared.<sup>10</sup>
9. Except where the Regulations make specific requirements, the procedure will be in the discretion of the Committee.<sup>11</sup>

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<sup>1</sup> In this Note the expression "the Committee" includes a sub Committee.

<sup>2</sup> Reg 14 Licensing Act 2003 (Hearings) Regulations 2005

<sup>3</sup> Reg 25.

<sup>4</sup> Reg 2(1) "a person to whom notice of the hearing is to be given under Reg 6(1)" – includes objectors and responsible authorities, such as the Police.

<sup>5</sup> Reg 10

<sup>6</sup> Reg 11.

<sup>7</sup> Reg 20.

<sup>8</sup> Reg 12.

<sup>9</sup> Reg 13.

<sup>10</sup> Model Code of Conduct

10. At the beginning of the hearing, the Committee will explain to the parties the procedure it proposes to follow.<sup>12</sup>
11. The Chairman will indicate that all the papers before the Committee have been read and that the Committee is familiar with the issues. He will ask the parties to avoid repetition.
12. The Chairman will indicate the order of presentation.
13. If there are a number of objectors present, the Chairman may request that a spokesperson be appointed. He will make it clear that any party<sup>13</sup> who wishes to speak will be able to do so, and that the appointment of a spokesperson does not mean that the objections of any interested party will be given less weight.
14. The Chairman may also indicate how the Committee intends to deal with conditions proposed by the parties or by the Committee itself. He may ask the parties to attempt to agree a schedule of conditions for use if the Committee is minded to grant the application. This will not mean that the Committee has formed any view of the merits. It will only come to its decision at the end.
15. A party is entitled to be represented or assisted by another person, whether or not that person is legally qualified.<sup>14</sup>
16. If a party wishes a person (other than himself or his representative) to appear at the hearing he must have made a request to do so prior to the hearing within the times prescribed in Reg. 8. The request must name the person and give a brief description of the point(s) on which that person may be able to assist. In such a case, the Committee will determine the application for permission at the outset of the hearing.<sup>15</sup> In determining that request, the authority will consider the representations of all parties upon the matter and may consider the relevance of the proposed evidence, the assistance it will in fact offer to the Committee and the prejudice to the parties, if the evidence is admitted or excluded.<sup>16</sup>
17. Each of the parties has a right to:
  - a. address the Committee;
  - b. give clarification of any point, where such clarification has been sought by the Council in its notice of hearing;
  - c. question any other party, but only where this is expressly permitted by the Committee (see para 21 below).<sup>17</sup>
18. The Committee must allow an equal maximum time for the parties to exercise their rights as set out in para 17 above.<sup>18</sup>

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<sup>11</sup> Reg 21.

<sup>12</sup> Reg 22

<sup>13</sup> see footnote 4

<sup>14</sup> Reg 15.

<sup>15</sup> Reg 22

<sup>16</sup> Reg 22

<sup>17</sup> Reg 16.

19. The Committee will set the time of the hearing at the outset, having regard to its view of the length reasonably required for the hearing. It may hear the parties briefly before setting the maximum time. It may extend the time where circumstances require.<sup>19</sup>
20. The hearing is to take the form of a discussion led by the Committee.<sup>20</sup> The Chairman will ensure that within the discussions, all parties are given an opportunity to state their case as set out in their written application/representations and to meet the case of opposing parties.
21. Cross-examination will not be permitted unless the Committee considers that it is required for it to give proper consideration to the case.<sup>21</sup> Any application to cross-examine will be heard and dealt with at the hearing.
22. The Committee may consider cross-examination to be required, for example, where there is a genuine issue of fact, which can only be resolved fairly through cross-examination.
23. The Committee may question any party or other person(s) appearing.<sup>22</sup>
24. The Committee may take into account documentary or other information provided by a party before the hearing. Information produced at the hearing may only be taken into account with the consent of all other parties.<sup>23</sup> The parties are therefore strongly recommended to exchange documentary evidence and brief summaries of any proposed witness evidence at least 5 days before the hearing, otherwise they may be restricted in the information they can put before the committee. Any material exchanged should also be given to the licensing authority at the same time.
25. The Committee must disregard any information given which is not relevant to the application, representations or notice of the party giving the information. The Committee must also disregard any information which is not relevant to the promotion of the licensing objectives.<sup>24</sup>
26. In certain circumstances, the Committee is required by law to make its determination at the conclusion of the hearing. This includes certain applications made during the transitional period, counter-notices following police objections to temporary events notices, and reviews of premises licences following closure orders. Otherwise the Committee is required to determine the application within five working days of the day or the last day on which the hearing was held<sup>25</sup>.
27. The Committee will give reasons for its decision and will confirm the decision in writing to the parties.

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<sup>18</sup> Reg 24.

<sup>19</sup> Reg 11

<sup>20</sup> Reg 23.

<sup>21</sup> Reg 23.

<sup>22</sup> Reg 17.

<sup>23</sup> Reg 18.

<sup>24</sup> Reg 19.

<sup>25</sup> Reg 26.

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**Agenda Item No:**

**Licence Reference**      **WK/202208793**

**Report To:**                      **LICENSING SUB COMMITTEE**

**Date:**                              **9<sup>TH</sup> FEBRUARY 2023**

**Report Title:**                      **Licensing Act 2003 - Application for a premises licence for:  
The Tudor Peacock, Tudor Lodge, The Square,  
Chilham, Kent, CT4 8BY**

**Report Author:**                  Julian Postlethwaite

**Summary:**

The report advises Members of a licence application under the provisions of the Licensing Act 2003.

Application type:      **Application for a premises licence**

Applicant:                      **The Tudor Peacock Ltd.**

Premises:                      **Tudor Lodge The Square, Chilham,  
Canterbury, England, CT4 8BY**

Members are asked to determine whether to grant the premises licence, with or without additional conditions pursuant to the Act

**Key Decision:**                      NO

**Affected Wards:**                  Downs North

**Recommendations:**      **The Committee is asked to determine the application and decide whether to grant the premises licence, with or without additional conditions pursuant to the Act.**

**Policy Overview:**                  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.

**Financial Implications:**                  The costs associated with processing the application are taken from licensing fee income.

**Other Material Implications:**      **HUMAN RIGHTS:** In considering this application the Sub Committee will balance the competing Human Rights of the various parties including the right to respect for private and family life, the protection of property and the right to a fair hearing.

**LEGAL:** Under the Licensing Act 2003 the Council has a duty to exercise licensing control of relevant premises.

**Exemption Clauses:** Not applicable

**Background Papers:** None

**Contacts:** Julian.Postlethwaite@ashford.gov.uk

## Agenda Item No.

**Report Title: Licensing Act 2003 - Application for a premises licence:  
The Tudor Peacock, Tudor Lodge The Square, Chilham,  
Canterbury, England, CT4 8BY**

### Purpose of the Report

1. The report advises Members of a licence application under the provisions of the Licensing Act 2003.

Application type: **Application for a premises licence**

Applicant: **The Tudor Peacock Ltd**

Premises: **Tudor Lodge The Square, Chilham, Canterbury,  
England, CT4 8BY**

### Issue to be decided

2. Members are asked to determine whether to grant the application for a premises licence, with or without additional conditions pursuant to the Act.

### Background

#### *The Licensing Objectives*

3. The licensing authority must carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm (LA 2003, s4 (1)).

#### *Application details*

4. This application is for a new premises licence. See **Appendix A** for the application for a premises licence, along with a plan of the internal layout of the whole premises, **Appendix B**.
5. Tudor Lodge is a timber framed; 14<sup>th</sup> Century Grade II listed building in Chilham square, formerly an antique and gift shop.
6. The application for a premises licence seeks to establish a wine bar, areas for tastings with wines from all seven of Kent's top wine producers, and an 'off' licence shop within the premises. This is a community-based project with 20 local resident investors. Kent & Medway Business Fund have also provided a £300k loan to help fund the project.
7. For reference, the Planning decision notice can be found at **Appendix C**, and the amended Planning decision notice can be found at **Appendix E**.
8. The application has been made and advertised in the correct manner.

### ***Representations from Responsible Authorities***

9. There are no representations from the relevant Responsible Authorities.

### ***Representations from other persons.***

10. Under section 35(5) of the Licensing Act 2003, representations are relevant if they are about the likely effect of the grant of the licence on the promotion of the licensing objectives and (subsection 6) are made by an interested party or responsible authority within the prescribed period, are not withdrawn or, in the opinion of the licensing authority, frivolous or vexatious
11. The prescribed period for the receipt of such representations in this case is, by Regulation 22(b) of the Licensing Act 2003 Regulations 2005 "during a period of 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant".
12. Two parties have made relevant representations these are detailed in **Appendix F**.
13. Additionally two parties have commented on the interaction of the planning and licensing regimes, and as the comments raise no specific concerns in relation to the Licensing objectives they are not considered relevant. Those comments however included at **Appendix G** for reference.
14. The main concerns arising from the relevant representations are the potential for nuisance related to the consumption of 'off sales' in and around the village square, the presence of primary school children in the square after school during the opening times of the premises, the doubling of licensed premises in the square, and the potential for noise nuisance.
15. Taking specific points raised in the representations, the Licensing team would like to provide the following guidance;
  - a) Premises licence applications may be sought before or after the seeking of planning permission. It is up to the applicant to determine whether to apply for one, or the other, or both at the same time. The Licensing Sub-Committee should not defer a decision on an application for a premises licence based on outstanding planning matters.
  - b) Reference to applications for Provisional Statements are not relevant. This is not the application type under consideration, nor is there a requirement for the applicant to seek such application prior to the premises licence application before the Sub-Committee.
  - c) In determining whether it is appropriate to apply conditions at a hearing to a granted licence, it is necessary to determine whether each potential condition is necessary and proportionate to promote the relevant



licensing objectives where . Planning conditions cannot and should not be copied into a premises licence without full consideration of each and every condition and its applicability to the Licensing Act 2003.

- d) In addition to the above, it is not legally permissible for the Licensing Authority to apply conditions which repeat other legal requirements, in effect duplicating offences.

For example, the Licensing Authority cannot require a condition specifying the maintenance of a fire risk assessment, as such matter is already legally required under the Regulatory Reform (Fire Safety) Order 2005.

- e) Whilst the current planning consent limits the use of the bar and wine tasting facilities to prior booking only, therefore only allowing the shop to be open without prior booking, this Licensing Act application conversely seeks to limit only the first floor and basement areas to prior booking.

The business operator is therefore effectively restricted to the tighter of two potential conditions, in this case the planning condition.

The business operator may seek a more 'open' licence with the potential intention to seek further variation to the planning consent to match any licence that may be granted.

As such, the Sub-Committee should consider the application as submitted, against the Licensing Act objectives, and their decision should not be fettered by the mere presence of the mentioned planning condition, which may or may not later be amended.

- f) No representation has been raised by Kent Police or Kent County Council Children's Social Services with respects to concerns over this application and Protection of Children from Harm objective.
- g) Additionally the Licensing team would highlight no known issues with street drinking in this locality despite other licensed premises on the square, and would highlight the intended nature of this premises to the Sub-Committee in considering whether conditions are necessary for promoting the Protection of Children from Harm objective.
- h) There are currently two licensed premises in Chilham Square; Shelly's Tea Room, and, the White Horse Public House.
- i) The Licensing team are unaware of any off-sales premises in the borough required to cease alcohol sales for 90 minutes around the end of the school day. The imposition of such condition would require evidence to support its necessity under the Licensing Act.

### ***Relevant premises operating hours***

- 16. The application proposes to permit:

<b>Supply of alcohol (Off and On sales)</b>	Monday – Sunday (inclusive) 10:00 -21:00
<b>Hours premises open to the public*</b>	Monday – Sunday (inclusive) 10:00 – 21:00
<b>Late night refreshment N/A</b>	N/A
<b>Live music/Recorded music/Performance of dance/Anything of similar description N/A</b>	N/A
<b>*Seasonal variations N/A</b>	N/A

### ***Operating Schedule.***

17. The application includes an Operating Schedule, this has been converted into conditions and is attached at **Appendix I**

### ***General***

18. Members attention is drawn to the following matters:

- All applications are to be considered on their merits as well as against the relevant policy and statutory framework.
- Due regard should be given to the provisions of the Human Rights Act 1998, Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 and Section 17 of the Crime and Disorder Act 1998 and, so far as possible, reflect local crime prevention strategies.
- The operating schedule forms part of the completed application form for a premises licence. The operating schedule should include information, which is necessary to enable any responsible authority or other party to assess whether the steps to be taken to promote licensing objectives are satisfactory.
- The licensing authority may not impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the appropriateness to impose conditions due to the representations raised. It may then only impose such conditions as are appropriate to promote the licensing objectives arising out of the consideration of the representations. However, in order to minimise problems and the necessity for hearings, it would be sensible for applicants to consult with responsible authorities when schedules are being prepared. This would allow for proper liaison before representations prove necessary.
- Where problems have occurred, the application for a premises licence will afford an opportunity for responsible authorities and other parties to raise

the issue through representations and for conditions addressing any nuisance previously caused to be attached following a hearing where necessary. The views of local residents will be important in establishing the extent of any history of problems.

- The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- Public nuisance is not narrowly defined in the 2003 Act and retains its broad common law meaning for the Act's purposes. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity of other parties living and working in the area of a licensed premises. Public nuisance may also arise as a result of artificial light, dust, odour and insects or where its effect it's prejudicial to health.
- Where applications have given rise to representations, any necessary and appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late evening or early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise may also prove necessary to address any disturbance anticipated as customers enter and leave the premises and therefore, in the immediate vicinity of the premises.
- In the context of preventing public nuisance, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, or premises management cannot be justified and will not serve to promote the licensing objectives in relation to the licensing activities carried on at the premises. Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in his own right. However, it would be perfectly reasonable for a licensing authority to impose a condition it considered appropriate following relevant representations from an interested party that requires the licence holder to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living near-by to a peaceful night. After a licence has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence.

- The Guidance states “the conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.”
- It is perfectly possible that in certain cases, because the test is one of appropriateness, where there are other legislative provisions, which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.

### ***Decision options***

19. The steps an authority may take are:

- a) Grant the licence as applied
- b) Grant the licence, with such additional conditions as the authority considers necessary for the promotion of the four licensing objectives
- c) Exclude, or limit, the scope of any of the licensable activities to which the application relates.
- d) Reject the application.

### **Consultation**

20. All relevant parties have followed the consultation procedures required under the Licensing Act 2003.

### **Implications Assessment**

21. The decision should be made with regard to the Secretary of State's Guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal / challenge is increased.

### **Human Rights**

22. While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 - Right to respect for private and family life

- Article 1 of the First Protocol - Protection of Property
- Article 10 – Freedom of Expression

The full text of each Article is given in the attached **Appendix H**.

### **Handling**

23. The timings for handling the application are set out in the Licensing Act 2003 and related regulations.

### **Conclusion**

24. Members must ensure that the application is considered on its merits, as well as against the relevant guidance, policy and statutory framework.

# Appendix A

## Application for a premises licence to be granted under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We **THE TUDOR PEACOCK LTD**

*(Insert name(s) of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

#### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
<b>The Tudor Peacock, Tudor Lodge The Square, Chilham, Canterbury, England, CT4 8BY</b>			
<b>Post town</b>	ULVERSTON	<b>Postcode</b>	CT4 8BY
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£	6,300

#### Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- |     |  |                             |
|-----|--|-----------------------------|
| a)  | an individual or individuals – <b>YES</b>            | please complete section (A) |
| b)  | a person other than an individual                    |                             |
| i   | as a limited company/limited liability partnership - | please complete section (B) |
| ii  | as a partnership (other than limited liability)      | please complete section (B) |
| iii | as an unincorporated association or                  | please complete section (B) |
| iv  | other (for example a statutory corporation)          | please complete section (B) |
| c)  | a recognised club                                    | please complete section (B) |
| d)  | a charity  | please complete section (B) |

- e) the proprietor of an educational establishment    please complete section (B)
- f) a health service body    please complete section (B)
- g) a person who is registered under Part 2 of the  
Care Standards Act 2000 (c14) in respect of an  
independent hospital in Wales    please complete section (B)
- ga) a person who is registered under Chapter 2 of  
Part 1 of the Health and Social Care Act 2008  
(within the meaning of that Part) in an  
independent hospital in England    please complete section (B)
- h) the chief officer of police of a police force in  
England and Wales    please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; - **YES** or

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty’s prerogative

**(A) INDIVIDUAL APPLICANTS (fill in as applicable) Only if in a persons name**

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over		Please tick yes	
<b>Nationality</b>					
Current residential address if different from premises address					
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit ‘share code’ provided to the applicant by that service (please see note 15 for information)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**



Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over		Please tick yes	
<b>Nationality</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

(B) OTHER APPLICANTS - only for limited companies

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

Name: THE TUDOR PEACOCK LTD
Address  <b>Tudor Lodge The Square, Chilham, Canterbury, England, CT4 8BY</b>
Registered number (where applicable)  12739551
Description of applicant (for example, partnership, company, unincorporated association etc.)  Private Limited Company
Telephone number (if any)

E-mail address (optional)

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD MM YYYY  
2 1 0 1 2 0 2 3

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD MM YYYY  
[ ][ ][ ][ ][ ][ ][ ][ ]

Please give a general description of the premises (please read guidance note 1)

Kentish Traditional Wine House.

The property has been approved for change of use to a Kentish Wine House, the property seeks to enhance the locality by providing a traditional style public house selling wine and hosting tasting from all seven of Kent's top wine producers in a Grade-II listed heritage asset..

24Acoustics have conducted mitigation reports to reduce impact on local residents.

This is a community project with 20 investors that are local residents eager to revitalise the square.

Kent & Medway Business Fund have also provided a £300k loan to help fund the project.

Wine bar offering bottles from vineyards including Chapel Down, Hush Heath and Domaine Evremond to open in Chilham (kentonline.co.uk)

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E) -
- f) recorded music (if ticking yes, fill in box F) -

- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I) \_-

**Supply of alcohol** (if ticking yes, fill in box J) - **YES**

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors	
					Outdoors	
Day	Start	Finish			Both	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)			
Tue						
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)			
Thur						
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)			
Sat						
Sun						

## B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<b><u>Please give further details here</u></b> (please read guidance note 4)	
Tue					
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Tue			
Wed			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors	
					Outdoors	
Day	Start	Finish	Both			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)			
Tue						
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)			
Thur						
Fri			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)			
Sat						
Sun						

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					



**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

# G

Performances of dance Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun					

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	
Day	Start	Finish		Off the premises	
				Both	x
Mon	10:00	21:00	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Tue	10:00	21:00			
Wed	10:00	21:00			
Thur	10:00	21:00	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri	10:00	21:00			
Sat	10:00	21:00			
Sun	10:00	21:00			

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

<b>Name</b> Jeanine Mogford	
<b>Date of birth</b>	██████████
<b>Address</b> ██████████ ██████████ ██████████	
<b>Postcode</b>	
<b>Personal licence number (if known)</b> ██████████	
<b>Issuing licensing authority (if known)</b> Ashford Borough council	

**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 9).

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	10:00	21:00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
Tue	10:00	21:00	
Wed	10:00	21:00	
Thur	10:00	21:00	
Fri	10:00	21:00	
Sat	10:00	21:00	
Sun	10:00	21:00	

## **M**

Describe the steps you intend to take to promote the four licensing objectives:

### **a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

SUMMARY -

CHALLENGE 25, REGULAR TRAINING, INCIDENT LOG

The applicant intends to run the business as a Kentish Wine House and Tasting Bar and Restaurant and welcomes discussion around proportionate additional conditions with responsible authorities during the consultation period.

The application has been considered and measures to ensure the licensing objectives are upheld are contained below.

The include robust training for staff and supervision by management. Whilst the application does not contain alcohol ancillary to food or no vertical drinking conditions these have been given thought. The premises will need to operate without those restrictions in order to be a viable business. There is the potential for both to occur during tasting sessions and ad-hoc events (such as pre-wedding drinks with the church nearby).

However, to mitigate concerns the applicant proposes modest opening hours and restrictions placed on the first floor and basement areas to be by prior appointment only.

### **b) The prevention of crime and disorder**

All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of staff training in the Licensing Act 2003 shall be retained and made available to police and authorised officers of the Licensing Authority on request. Staff shall receive refresher training in the Licensing Act 2003 at intervals of no more than 6 months. Signed and dated records shall be kept of all staff training and such records kept available for inspection at the premises for a period of at least one calendar year from the last date of entry

Licensable activity shall only occur on the first floor and basement area by prior appointment, alcohol shall not be consumed by members of the public in these areas unless having made a booking. All booking shall be recorded in the incident/refusals log.

### **c) Public safety**

A daily incident log shall be kept at the premises for a period of at least 12 months from the date of last entry, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) all bookings for the first floor and basement
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service.
- (h) any lost property found or handed to staff at the premises.
- (i) any other relevant incidents to be recorded.

### **d) The prevention of public nuisance**

No music or amplified sound shall be generated within the Premises so as to give rise to nuisance within neighbouring dwellings; no music or amplified sound shall be played externally.

**e) The protection of children from harm**

A "Challenge 25" age verification policy shall be operated at the Premises during the permitted hours for the sale of alcohol and staff shall be trained in respect of the policy. Staff shall ask for proof of age from anyone they suspect of being less than 25 years of age. The only acceptable forms of identification shall be a photo style driving licence, a passport, a photo identification card bearing the PASS logo in a hologram format, military ID or recognised national photographic identity cards from member countries of the European Union.

Posters shall be displayed in prominent positions around the premises advising customers of the Challenge 25 policy in force at the premises.

A record shall be maintained recording every occasion when the sale of alcohol has been refused. The record shall;

- a) give the date and time of the occasion; a brief description of the customer and the name of the member of staff who refused to sell the alcohol.
- b) be kept at the Premises and available for inspection by authorised officers of the Licensing Authority and the Police at all times the Premises are open.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). X

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

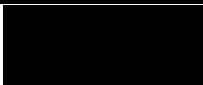
**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION,**



**ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**


**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	
Date	17/12/22
Capacity	Authorised Agent

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) 
--

Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.

6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

**15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.

- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.

- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
  
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
  
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
  
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
  
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

#### **Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

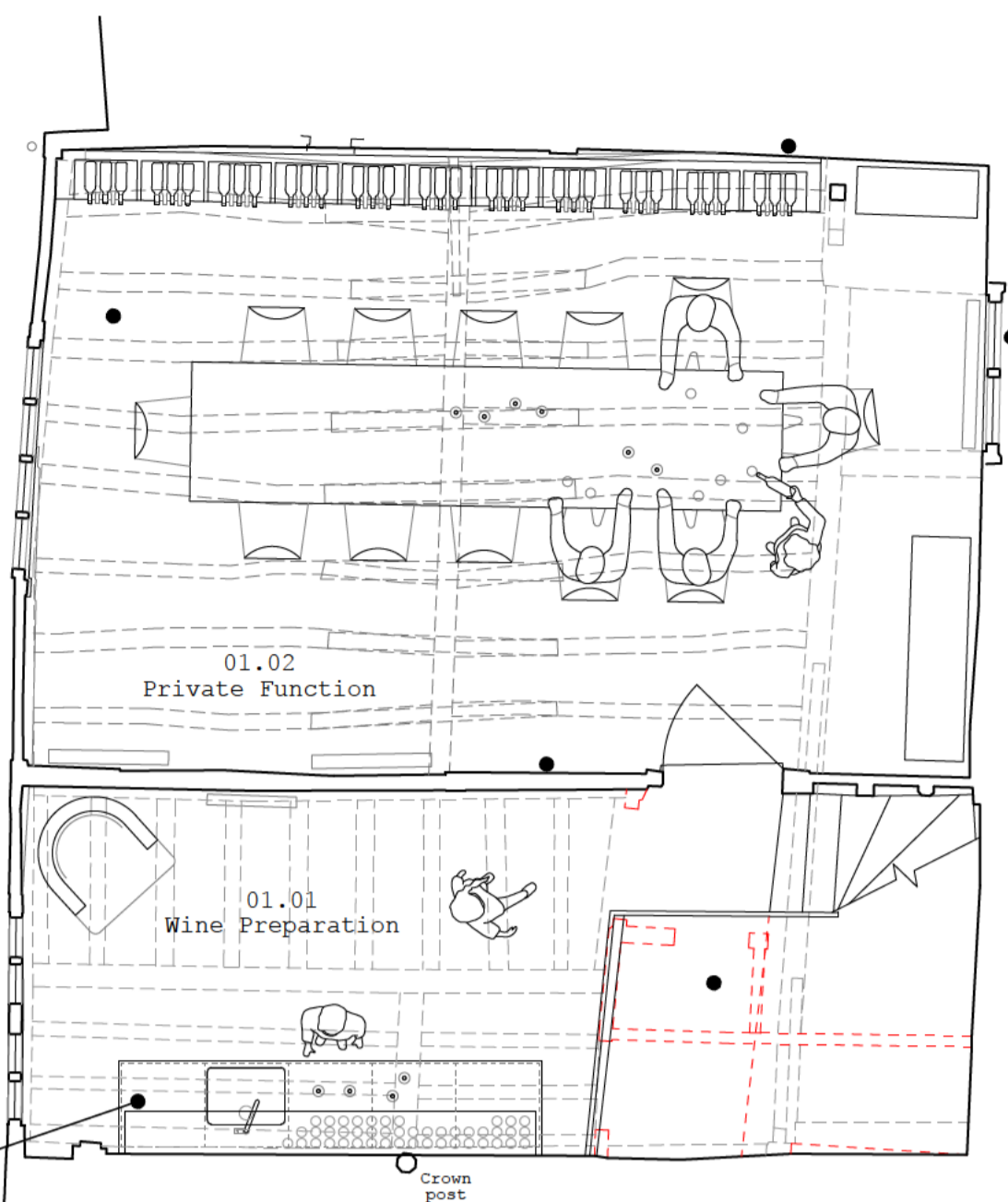
To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

# Appendix B





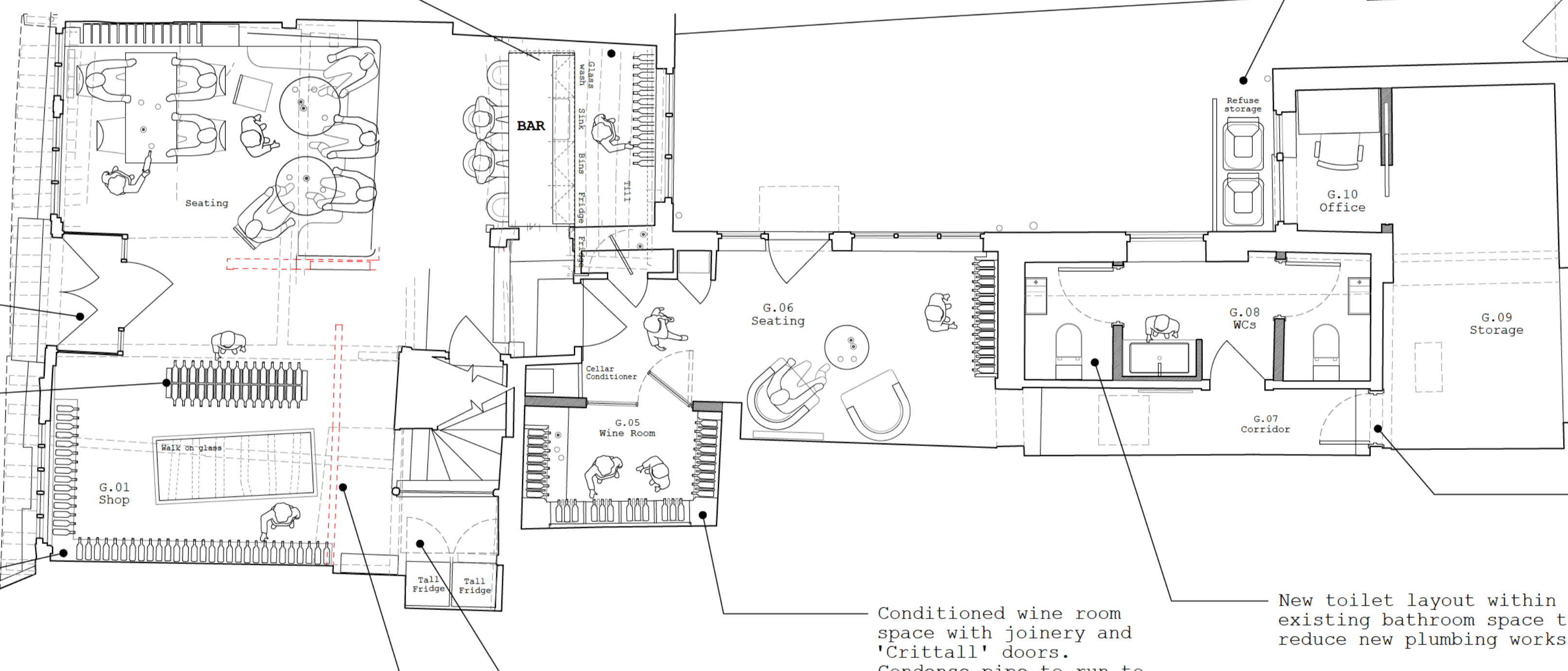
First Floor Plan  
1:50

Wine preparation joinery at low level with floating shelf above for wine glass storage. Kept down from existing timber beams and away from existing timber columns. Plumbing for sink to run along to storage area and position of previous W.C. drainage.

Red line denotes licensable area

Fire extinguisher

Bar joinery to be set off existing building fabric. Bar to be freestanding.



Ground Floor Plan  
1:50

Existing main fire exit door

Freestanding wine shop joinery.

Wine shop joinery as separate construction to existing wall fabric.

Refuse storage.

New fire rated door.

Conditioned wine room space with joinery and 'Crittall' doors. Condense pipe to run to position of existing kitchen sink waste pipe.

Floor opened up above to vault staircase area.

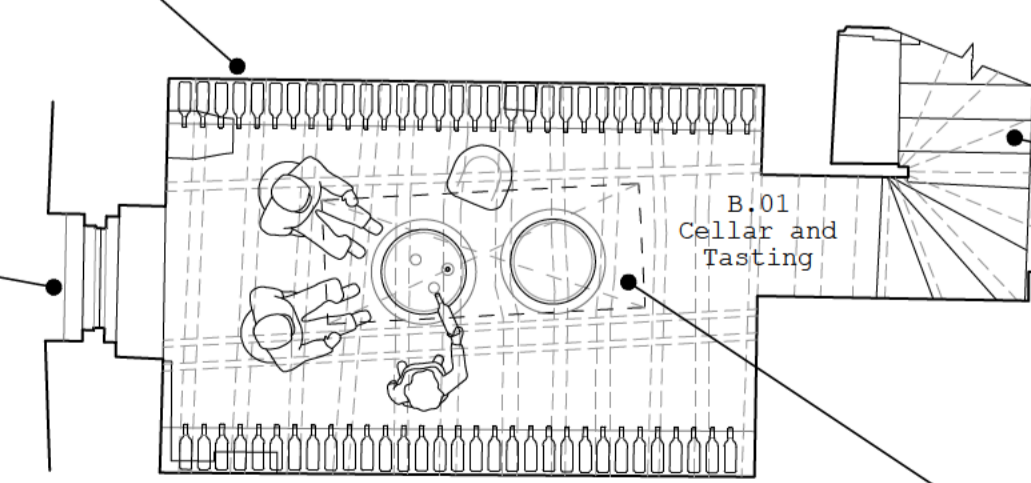
Dividing wall removed.

New toilet layout within existing bathroom space to reduce new plumbing works.

- PL2 New opening removed at first floor level HF 2021 05 04
- PL3 Kitchen space to Storage space HF 2021 01 06
- PL4 Removal of rear garden seating and amended staircase HF 2022 04 20
- PL5 Existing lobby door retained HF 2022 10 07

Wine storage joinery to either side of basement.

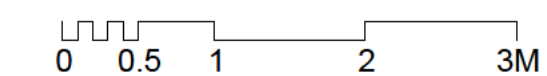
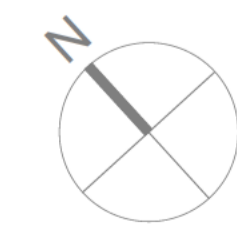
High level window to be refurbished.



Basement Floor Plan  
1:50

Stair area made good as required.

Walk on glass to shop area above. Glass to be positioned between and above existing timber joists.



**Absolute Licence Solutions Ltd**

Project | TUDOR LODGE  
THE SQUARE, CHILHAM, CT4 8BY

Client | THE TUDOR PEACOCK LTD

Title | PROPOSED PLANS

Status | LICENSING ACT 2003

Scale: BA1 | 1:50 Date | 16/12/2021 Drawn | Chk'd |

Project Number | 20,075 Drawing Number | 200 Revision | PL5

# Appendix C

12 October 2022

Hollaway Studio  
Hollaway Studio,  
The Tramway Stables,  
Rampart Road,  
Hythe,  
,  
CT21 5BG



Civic Centre  
Tannery Lane  
Ashford  
Kent TN23 1PL  
01233 331111  
www.ashford.gov.uk

**NOTIFICATION OF DECISION OF THE LOCAL PLANNING AUTHORITY: Town and Country Planning Act 1990**

**Case Reference**      **22/00652/AS**

**Site Address**        **Tudor Lodge Antiques, The Square, Chilham, Canterbury, CT4 8BY**

**Proposal**            **Proposed change of use of premises to wine tasting venue with minor internal alterations to facilitate ancillary shop and wine bar**

**DECISION: PLANNING PERMISSION IS GRANTED** in accordance with the application and plans subject to the following conditions:

**Conditions:**

- 1      The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2      The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

<b>Title</b>	<b>Description</b>	<b>Date</b>
PROPOSED SOUND PROOFING - 20.075 210 PL2	Plans	26 April 2022
PROPOSED ELEVATIONS - 20.075 201 PL2	Plans	26 April 2022
24 ACOUSTICS NOISE IMPACT ASSESSMENT Technical Report: R9511-1 Rev 1	Supporting Documents	26 April 2022
LOCATION PLAN AND BLOCK PLAN - 20.075 001 PL1	Plans	26 April 2022
PROPOSED FLOORPLAN 20.075 200 PL5	Plans	11 October 2022

**Reason:** For the avoidance of doubt and in the interests of proper planning.

- 3      No development shall commence until a noise management plan detailing all operational control measures that will be applied to minimise disturbance to nearby residential premises has been submitted and approved in writing by the Local Planning Authority.

The approved scheme shall be strictly adhered for the duration of the use hereby permitted.

**Reason:** In the interests of residential amenity

- 4 No development shall commence until a field measurement of the sound insulation has been carried out and submitted to the Local Planning Authority demonstrating that the walls separating the commercial and residential uses achieve a minimum sound insulation value of 55dB DnT,W + Ctr according to BS EN ISO 16283-1:2014 'Acoustics - Field measurement of sound insulation in buildings and of building elements'. In the event that access cannot be gained to complete the required sound insulation testing (following reasonable attempts), written confirmation shall be provided to the LPA and where appropriate deviation from this requirement shall be agreed. The development shall then be carried out in accordance with the approved details.

**Reason:** In the interests of residential amenity.

- 5 The development hereby permitted shall not be occupied until a sound insulation test verifying that the ceiling and floor separating the ground floor commercial unit and the first floor shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 55 decibels, has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To protect the occupiers of the adjoining dwellings from undue disturbance by noise.

- 6 The completion of the submitted sound insulation scheme shall be conducted by a contractor competent and experienced in the installation of sound insulation schemes, or, otherwise shall be conducted under the close supervision of a competent acoustic consultant in order ensure that the standard of workmanship does not compromise the sound insulation benefits.

**Reason:** In the interests of residential amenity

- 7 The premises/site shall be used for as wine tasting venue with ancillary shop and wine bar and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any subsequent Order revoking or re-enacting that Order), or whether the alternative use is permitted by virtue of the provisions within the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order revoking or re-enacting that Order)

**Reason:** So that any other proposal for the use of the site is the subject of a separate application to be determined on its merits, having regard to the amenity of the area.

- 8 The premises shall open only by private appointment between the hours 1000 hours and 2100 hours Monday to Sunday.

**Reason:** To protect the residential amenity of the occupiers of neighbouring properties.

- 9 The premises shall not be used for the playing of live/amplified or recorded music entertainment, with the exception of background music only played at such a level as to not predominate other activities /noise within the premises, or adversely impact on

neighbouring residential premises. In compliance with this condition, consideration shall be given to potential noise outbreak associated with the opening of doors and windows, especially during warmer weather.

**Reason:** To protect the occupiers of the adjoining & surrounding dwellings from undue disturbance by noise.

- 10 No speakers shall be mounted on party walls adjoining neighbouring premises

**Reason:** In the interests of residential amenity.

- 11 No external seating shall be provided within the rear courtyard.

**Reason:** In order to protect the amenity of the neighbouring properties

- 12 No external seating shall be provided to the front of the premises.

**Reason:** In order to protect the amenity of neighbouring properties

- 13 No commercial kitchen shall be installed or operated on the site

**Reason:** In order to protect the amenity of neighbouring properties.

- 14 The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

**Reason:** In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

**Signed**



Simon Cole  
Assistant Director - Planning and Development

## **Important Notes**

### **1 Limitation of Permission**

This decision is for planning purposes only and for no other purpose including Building Regulations. Separate approval may be required for these works.

**Advice is available from the Building Control Section - 01233 330282 Email [building.control@ashford.gov.uk](mailto:building.control@ashford.gov.uk)**

Where plans for the erection or extension of a building are submitted for Building

Regulations approval, Section 53 of the County of Kent Act 1981 requires that the Plans are rejected unless they show;

- a. adequate means of access for the Fire Brigade to the building or buildings as extended and;
- b. that the building and extension will not render inadequate, existing means of access for the Fire Brigade to a neighbouring building.

**The Fire Prevention Officer** can be contacted at Ashford Fire Station Henwood, Ashford, Kent TN24 8YF

This grant of planning permission does not give any legal right to carry out the development on, over or under the land of another person or contrary to the rights of any such person. If there is any doubt the applicant should seek his/her own independent legal advice before implementing the planning permission. Your attention is also drawn to the Party Walls Act

## 2 **Appeals to the Secretary of State**

If you are unhappy with the disclosed Decision to grant permission subject to conditions, you may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Details of how to appeal can be obtained from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or via their website at <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

## 3 **Beneficial Use**

If permission to develop land is granted subject to conditions, whether by the Borough Council or by the Secretary of State and you, as owner of the land, claim that it has become incapable of reasonable beneficial use, you may serve on the Borough Council a Purchase Notice requiring the Borough Council to purchase your interest in the land in accordance with the provision of Part IV of the Town and Country Planning Act 1990.

Before following this course of action it is suggested that you seek the advice of a Planning Consultant or a Solicitor.

## 4 **Discharging of Conditions**

Some conditions attached to the grant of permission may require you to submit details and/or information before you start work. The necessary forms can be found on the Council's website. Please note that we aim to deal with these requests within 8 weeks.

There is a fee for 'Approval of details reserved by a condition'. These fees are set by Government and the current level can be found at <https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>

# Appendix E

16 December 2022

Mrs - Welch  
Romney House, Monument Way, Orbital Park,  
ASHFORD, United Kingdom, TN24 0HB



Civic Centre  
Tannery Lane  
Ashford  
Kent TN23 1PL  
01233 331111  
[www.ashford.gov.uk](http://www.ashford.gov.uk)

**Case Reference**      **OTH/2022/2989**

**Site Address**        **Tudor Lodge Antiques, The Square, Chilham, CT4 8BY**

**Proposal**            **Non-Material Amendment to conditions 3 & 8 for application  
22/00652/AS (Change of use of premises to wine tasting venue with  
minor internal alterations to facilitate ancillary shop and wine bar)**

**Condition 3 – Amended to read “The approved noise management  
scheme contained within section 6 of the approved 24 Acoustic Noise  
Impact Assessment Technical Report: R9511-1 Rev 1, shall be strictly  
adhered for the duration of the use permitted.**

**Condition 8 – Replace the word "premises" with “wine tasting venue &  
bar”**

**Signed**

A handwritten signature in black ink, appearing to read "S. Cole".

Simon Cole  
Assistant Director - Planning and Development



# Appendix F

David Howarth  
Property Owner  
Tudor Cottage  
The Square  
Chilham  
Kent  
CT4 8BY

Re. Licence application 'The Tudor Peacock', updated submission 14<sup>th</sup> January 2023

Dear Sir,

I own the property immediately adjacent to the premises the subject of this licence application.

I am writing to update my previous submission regarding the current licence application by The Tudor Peacock.

This application is to operate a licensed premise for on and off sale of alcohol at Tudor Lodge, The Square, Chilham.

As I noted previously, the applicant has an approved planning application for change of use of Tudor Lodge to a licensed premise, with significant conditions to be complied with prior to opening for the sale of alcoholic drinks.

I reiterate my belief that it is very premature to be considering an application for a licence to operate the premises for on and off sale of alcohol when the applicant has not yet demonstrated compliance with the planning conditions.

I note that item 8.89 in the Revised guidance issued under section 182 of the Licencing Act 2023 (December 2022) covers the situation where premises are being or are about to be constructed, extended or otherwise altered for the purpose of being used for one or more licensable activities. I note that this is precisely the situation for the Tudor Peacock.

My principal objection is on the basis of Prevention of Public Nuisance noting that in setting the planning conditions Council (as Planning Authority) has recognised that public nuisance will be realised should the conditions not be met in full.

I expand on the nature of this comment noting the following:

The Revised guidance issued under section 182 of the Licencing Act 2023 (December 2022) items 2.15 to 2.21 cover the issue of Public Nuisance and I draw particular attention to:

- 2.15; It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable.
- 2.16; It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.
- 2.18, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the

fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate

In setting the various conditions on the Planning Approval the Assistant Director - Planning and Development has noted that they are required:

- To protect the residential amenity of the occupiers of neighbouring properties, and
- To protect the occupiers of the adjoining & surrounding dwellings from undue disturbance by noise

Given 'occupiers of neighbouring properties' and 'occupiers of the adjoining & surrounding dwellings' are clearly members of the public then failure to comply fully with the Planning Conditions would result, in the view of not me but the Assistant Director - Planning and Development, in realisation of a Public Nuisance.

I believe the planning conditions do not provide the level of cover for these issues that would be provided by licence conditions and therefore licence conditions are necessary, proportionate, and appropriate.

Should Council (as Licensing Authority) consider approving the licence then it must be approved subject to all planning conditions being met in full and demonstration of compliance provided to the Licensing Authority before on premises sale of alcohol is commenced.

Noting that several planning conditions relate directly to the operation of a licensed premise then I believe any licence approval must include conditions that deal with the issues highlighted by the Assistant Director - Planning and Development, namely:

1. *The premises/site shall be used for as wine tasting venue with ancillary shop and wine bar and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any subsequent Order revoking or re-enacting that Order), or whether the alternative use is permitted by virtue of the provisions within the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order revoking or re-enacting that Order)*

I see no reason why this planning condition should not be replicated as a licence condition.

2. *The premises shall open only by private appointment between the hours 1000 hours and 2100 hours Monday to Sunday.*

In setting this condition the Assistant Director - Planning and Development has noted that it is required 'To protect the residential amenity of the occupiers of neighbouring properties.'

I note that the hours in the planning condition are those applied for in this application.

In reaching the decision to set a condition requiring the premise to be open only by private appointment, and after many months considering the matter, I believe the Assistant Director - Planning and Development would have considered the following:

- A number of representations from the Council's Environmental Protection Officer expressing significant concerns over the establishment of a drinking establishment in this mid terrace property.
- Representations from many property owners around The Square, Chilham expressing concerns and reservations regarding the establishment of a drinking establishment in this mid terrace property.
- The ability of the business managers to adequately control the numbers of people in the premises and thereby the overall noise generated by those people.

I believe a licence condition to operate the business as an appointment only business is essential to prevent Public Nuisance and is consistent with Council's stance within the planning approval.

3. *The premises shall not be used for the playing of live/amplified or recorded music entertainment, with the exception of background music only played at such a level as to not predominate other activities /noise within the premises, or adversely impact on neighbouring residential premises. In compliance with this condition, consideration shall be given to potential noise outbreak associated with the opening of doors and windows, especially during warmer weather.*

In setting this condition the Assistant Director - Planning and Development has noted that it is required 'To protect the occupiers of the adjoining & surrounding dwellings from undue disturbance by noise.'

Whilst such matters fall within other legislation, I believe they should be covered in a premises licence condition to prevent Public Nuisance through the playing of background music at such a level that adversely impacts on residents in adjoining and nearby properties. Item 2.17 in the Revised guidance issued under section 182 of the Licencing Act 2023 (December 2022) contemplates this matter being reflected in licence conditions.

Any approval for off premises sale should require the applicant to promote responsible use of alcohol and to encourage costumers to consume alcohol away from the village square.

I appreciate these are somewhat tenuous concepts to include in licence conditions and not consistent with item 1.16 in the Revised guidance issued under section 182 of the Licencing Act 2023 (December 2022).

Noting the application includes times when children will be at the local primary school and, more importantly, times when significant numbers of young children are in The Square at the end of the school day, Council may also wish to consider Protection of Children from Harm and whether any conditions are necessary to address this matter.

I make the above comment cognisant of the fact that this application doubles the licenced premises around The Square, Chilham, introduces a new type of licenced premise being a wine bar which is likely to attract a very different clientele to the current traditional English village pub, and introduces a new off-licence for take away alcohol sales.

It is notable that the business owners have acknowledged that the wine bar is the fundamental part of the business from a financial viability perspective.

I have no further information regarding current or past issues in this regard but believe it is part of a duty of care for the licensing authority to take this into consideration. I offer for consideration a condition to close the business for off sales during a period commencing 30 minutes before the end of a school day and finishing 60 minutes after the end of a school day on each day the school is operating, i.e. not at weekends or during school holidays.

I note that the Revised guidance issued under section 182 of the Licencing Act 2023 (December 2022) makes a number of references to 'an operating schedule' provided with the application or developed by the applicant. I would be interested to know whether this has been provided?

I note that the local planning authority and local authority with responsibility for environmental health are a 'Responsible Authorities' (as identified in item 8.7 in the Revised guidance issued under section 182 of the Licencing Act 2023 (December 2022)) that must be fully notified of applications

and are entitled to make representations to the licensing authority in relation to the application. Given the many months these two sections with Ashford Borough Council have taken in reviewing and reaching conclusions on the operation of the licenced premises are you able to confirm that they have been consulted and whether they have made representations?

I further note that whilst the legislation has four primary objectives it also supports a number of other key aims and purposes, one being:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises

I believe the conditions I have discussed above are related to the issue of noise nuisance and are important to define what is responsible and irresponsible regarding these premises.

Whilst I have referred throughout this letter to the Revised guidance issued under section 182 of the Licencing Act 2023 (December 2022), I believe the previous iteration of the Revised guidance issued under section 182 of the Licencing Act 2023 (April 2018) equally applies to the points I make.

Regards,

David Howarth

**From:** [REDACTED]  
**To:** [Licensing](#)  
**Subject:** Licence application - The Tudor Peacock, Tudor Lodge, Chilham Square, Chilham CT4 8BY  
**Date:** 13 January 2023 15:42:45

---

**[CYBER SECURITY WARNING]** This email is from an external source - be careful of attachments and links. Please remember your Cyber Security training and report suspicious emails.

Dear Sir or Madam,

We are residents of The Square and the house owners of 3 The Square, Chilham and we are writing to comment on the current licence application by The Tudor Peacock.

The application is to operate a licensed premises for on and off sale of alcohol at Tudor Lodge, The Square, Chilham. Planning has been approved by Ashford Borough Council for the change of use of Tudor Lodge to licensed premises with significant conditions to be complied with prior to opening for the sale of alcoholic drinks.

We believe it would be premature to consider an application for a licence when the applicant has not yet complied with the planning conditions.

Our objection is on the basis of '**Prevention of Public Nuisance**' and '**Protection of Children from Harm**', noting that in setting the planning conditions Ashford Borough Council (as Planning Authority) has recognised that public nuisance will be an issue should the conditions not be met in full. If the licensing team were to consider approving the licence then it must be approved subject to all planning conditions being met in full and demonstration of compliance provided to the planning and licensing authority before the sale of alcohol is to commence, as laid down by the local planning authority. We therefore feel that the decision should be deferred until such a date as all the planning conditions have been complied with.

Noting that a number of the planning conditions relate directly to the operation of a licensed premises then we believe that any licence approval must mirror the planning department's conditions:

*1. The premises/site shall be used as a wine tasting venue with ancillary shop and wine bar and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any subsequent Order revoking or re-enacting that Order), or whether the alternative use is permitted by virtue of the provisions within the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order revoking or re-enacting that Order)*

*2. The premises shall open only by private appointment between the hours 1000 hours and 2100 hours Monday to Sunday.*

**It is not clear how this condition will be enforced.**

*3. The premises shall not be used for the playing of live/amplified or recorded music entertainment, with the exception of background music only played at such a level as to not predominate other activities /noise within the premises, or adversely impact on neighbouring residential premises. In compliance with this condition, consideration shall be given to potential noise outbreak associated with the opening of doors and windows, especially during warmer weather.*

**It is not clear how this condition will be enforced. The approval of planning consent is reliant upon all windows and doors being kept closed at all times.**

As one of the many conditions applied to the planning consent is that there should be no seating provided externally at the front and rear of the premises, in order that alcohol is not be consumed outside the premises, then any approval for off premises sales should require the applicant to promote the responsible use of alcohol and to encourage customers to consume alcohol away from the village square. The planning department has acknowledged that a nuisance could be caused to the residents of The Square. The application also includes times when children will be at the local primary school (less than 100m from The Tudor Lodge) and at times when significant numbers of young children are in The Square at the end of the school day. The Council may wish to consider '**Protection of Children from Harm**' and whether any conditions can be enforced to address this matter.

Kind Regards,

Trevor Vallis and Susan Fowler

# Appendix G



**From:** [REDACTED]  
**To:** [Licensing](#)  
**Subject:** Licensed Premises Application (The Tudor Peacock, The Square, Chilham Kent)  
**Date:** 16 January 2023 15:39:07

---

**[CYBER SECURITY WARNING]** This email is from an external source - be careful of attachments and links. Please remember your Cyber Security training and report suspicious emails.

Dear Sir/Madam,

My wife and I write in connection with the above-mentioned Licensed Premises application in the capacity of nearby residents whose address is: Belke House, The Square, Chilham, Kent CT4 8BY (located 3 doors down from The Tudor Peacock on the same side of The Square).

Whilst the applicant has change-of-use planning approved to convert the property into a licensed premises, there are a significant number of important conditions attached to this approval that must be complied with before it can be opened and operational for the sale of alcoholic drinks.

It is totally inappropriate, in our view, to even consider a Licensed Premises application at The Tudor Peacock until such time that the applicant has proved its full compliance with – or its ability to fully comply with – the planning conditions previously laid down as part of the change of use approval. Failure to do so risks the Council, as the Planning Authority, falling short in its duty to prevent a potential Public Nuisance violation which previous comments, made by many people during the change of use planning process, went to great lengths to avoid.

Regards,

St John

**St John & Vicky Harvey**

[REDACTED]

**From:** [Licensing](#)  
**To:** [Licensing](#)  
**Subject:** FW: Application No. WK/202208793  
**Date:** 17 January 2023 08:21:36  
**Attachments:** [image001.png](#)

---

Please see attached objection below received at 23.28 yesterday so in time before reps were up at midnight.

Regards

**Tanya**

**Business Support – Safety and Wellbeing  
Ashford Borough Council**



[www.ashford.gov.uk](http://www.ashford.gov.uk)

---

**From:** Michael Harrison [REDACTED]  
**Sent:** 16 January 2023 23:28  
**To:** Licensing <[licensing@ashford.gov.uk](mailto:licensing@ashford.gov.uk)>  
**Subject:** Application No. WK/202208793

**[CYBER SECURITY WARNING]** This email is from an external source - be careful of attachments and links. Please remember your Cyber Security training and report suspicious emails.

REF: The Tudor Peacock, The Square, Chilham, Kent, CT4 8BY  
Application No. WK/202208793  
Date of Application: 19<sup>th</sup> December 2022

Dear Sir/Madam,

We are writing to strongly object to the licence referenced above being granted.

Planning permission was granted for the same property to have a change of use to a Wine Tasting venue and Bar on the 12<sup>th</sup> October 2022 (See Case Ref 22/00652/AS – Property confusingly called Tudor Lodge Antiques) however this was only granted with strict conditions applied. These conditions must be met before any full building work or change of use can be fully granted. Notably there is some substantial building work to be completed and tested (see current planning application OTH/2022/2977 outlining the sound proofing design that in turn also has to be approved before work commences) before any further decisions are made on the original change of use.

The building is not currently suitable as an alcohol selling venue, by the fact it has not yet been fully granted permission to change use, therefore this licence cannot be granted until such conditions are in place where it can safely and suitably serve alcohol.

We believe the license should only be applied for and possibly granted at a point where the premises has been granted full change of use status.

Best regards,

Michael Harrison and Susana Jurado

Tel [REDACTED]

----- This e-mail , including any attachments, is intended for the named addressee(s) only and may contain marked material up to RESTRICTED and should be handled accordingly. Unless you are the named addressee (or authorised to receive it for the addressee) you may not read, copy or use it, or disclose it to anyone else. Unauthorised use, copying or disclosure is strictly prohibited and may be unlawful. Precautions have been taken to ensure that this is a virus free message but recipients are responsible for carrying out their own checks. This Council accepts no responsibility for loss or damage to any hardware, software or data resulting from this e-mail If you have received this transmission in error please contact the sender, and delete the message. Privacy Notice: Whilst fulfilling our obligations as a local authority, we may have interactions with you which results in us receiving and processing your personal data. Our privacy notice, which details how we handle and treat your personal data can be found here: <https://www.ashford.gov.uk/transparency/data-protection/privacy> -----

# Appendix H

## **HUMAN RIGHTS**

### **Article 8**

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

### **Article 1 of the First Protocol**

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws, as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

### **Article 10**

3. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
4. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

# Appendix I

# **The Tudor Peacock-Conditions**

## **General**

SUMMARY –

### **CHALLENGE 25, REGULAR TRAINING, INCIDENT LOG**

The applicant intends to run the business as a Kentish Wine House and Tasting Bar and Restaurant and welcomes discussion around proportionate additional conditions with responsible authorities during the consultation period.

The application has been considered and measures to ensure the licensing objectives are upheld are contained below.

These include robust training for staff and supervision by management. Whilst the application does not contain alcohol ancillary to food or no vertical drinking conditions these have been given thought. The premises will need to operate without those restrictions in order to be a viable business. There is the potential for both to occur during tasting sessions and ad-hoc events (such as pre-wedding drinks with the church nearby).

However, to mitigate concerns the applicant proposes modest opening hours and restrictions placed on the first floor and basement areas to be by prior appointment only

## **The Prevention of Crime and Disorder**

All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of staff training in the Licensing Act 2003 shall be retained and made available to police and authorised officers of the Licensing Authority on request. Staff shall receive refresher training in the Licensing Act 2003 at intervals of no more than 6 months. Signed and dated records shall be kept of all staff training and such records kept available for inspection at the premises for a period of at least one calendar year from the last date of entry

Licensable activity shall only occur on the first floor and basement area by prior appointment, alcohol shall not be consumed by members of the public in these areas unless having made a booking. All booking shall be recorded in the incident/refusals log.

## **Public Safety**

A daily incident log shall be kept at the premises for a period of at least 12 months from the date of last entry, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons (c) any complaints received

- (d) any incidents of disorder
- (e) all bookings for the first floor and basement
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service.
- (h) any lost property found or handed to staff at the premises.
- (i) any other relevant incidents to be recorded.

### **The Prevention of Public Nuisance**

No music or amplified sound shall be generated within the Premises so as to give rise to nuisance within neighbouring dwellings; no music or amplified sound shall be played externally.

### **The Protection of Children from Harm**

A "Challenge 25" age verification policy shall be operated at the Premises during the permitted hours for the sale of alcohol and staff shall be trained in respect of the policy. Staff shall ask for proof of age from anyone they suspect of being less than 25 years of age. The only acceptable forms of identification shall be a photo style driving licence, a passport, a photo identification card bearing the PASS logo in a hologram format, military ID or recognised national photographic identity cards from member countries of the European Union

Posters shall be displayed in prominent positions around the premises advising customers of the Challenge 25 policy in force at the premises. A record shall be maintained recording every occasion when the sale of alcohol has been refused. The record shall;

- a) give the date and time of the occasion; a brief description of the customer and the name of the member of staff who refused to sell the alcohol.
- b) be kept at the Premises and available for inspection by authorised officers of the Licensing Authority and the Police at all times the Premises are open.



**APPLICATION FOR A PREMISES LICENCE - THE TUDOR PEACOCK, CHILHAM**  
**9TH FEBRUARY 2023**

Dear Committee members,

The Tudor Peacock has always been a community project, with approximately 30 individual investors, over half of whom live in the Parish of Chilham. It was borne out of a desire to create a business centred around the local Kentish wine industry, and to align with the new vineyard opening in Chilham later this year (Domaine Evremond), helping to revive tourism in the village, which has been impacted so badly following the recent pandemic

Another core intention of the business is to breathe new life into a village square that has suffered with multiple unoccupied properties in recent years, and to renovate a Grade II Listed property in a sympathetic and appropriate way. In the short time that we have been working on the project, we have developed close ties with the other traders in Chilham, and have designed our offering to complement, not compete with what already exists, and have already become a member of the Chilham Tourism and Retail Group.

The business will also help to boost employment in what is essentially a rural community, by creating 3 FT and 2 PT jobs initially.

Lastly, we've had huge backing from local bodies, including Locate in Kent and the Wine Garden of England, and have secured an interest free loan from KMBF to complete the renovations.

Planning permission was granted towards the end of 2022, with 92 statements of support, again mostly from local residents, and only 5 objections. With that permission came a number of conditions, which as the business owner, I am fully comfortable with, and take full responsibility to enforce.

Based on all of this, we believe that what we are asking for is very reasonable, but I did want to highlight a number of areas where we are acknowledging the concerns of residents, and demonstrating how seriously we are taking them:

1. All staff will be fully trained before opening the venue (please see the templates for these training documents in our other attachment)
2. CCTV will be installed through the premises
3. Encouraging customers to arrive and leave the venue with consideration and respect for our neighbours
4. Required to maintain a secondary internal door to the front of the property, thus creating a porch, and reducing the amount of noise that can escape the venue when people enter or leave
5. No commercial kitchen as part of the venue - this is another condition - so there will be no associated noise from a kitchen environment or from an extractor unit. We are NOT a restaurant
6. All communication on our website and on social media will encourage customers to park in the large public car park at the bottom of Taylor's Hill

7. Accept no deliveries before 09.30 or between the hours of 14.45 and 15.45 on weekdays, in order to avoid the congestion already caused by school drop off and pick up. In addition, there will be no deliveries on Sundays either
8. Bins will not be emptied before 09.00 or after 19.00, thus reducing disturbance to neighbours
9. The rear courtyard cannot be used by customers at all, so zero disturbance is anticipated from the rear of the property
10. There is a clear and robust condition in place with regards to insulation requirements. The venue cannot be used for the purpose of the business until that condition is proven to be effective
11. Live and amplified music is not allowed. We are NOT a music venue
12. No speakers, for the use of background music, can be located on any walls adjoining neighbouring properties
13. Business hours are 10.00 - 18.00 Sunday - Thursday and 10.00 - 20.00 on Fridays and Saturdays
14. Keen to engage closely with village square residents, perhaps through a Whatsapp group, in order to hear of any issues immediately and then address them quickly.

My young family and I have resided in Chilham for over 11 years, and sincerely hope that we are able to bring this business to life in the coming months.

I look forward to meeting with you on the 9th February to discuss further and answer any questions you may have.

Yours sincerely,

NICK MOGFORD



# Underage Sales Refusals Register

If you are challenging a customer under the Challenge 25 policy and the customer fails to produce valid ID which confirms his or her age, the sale should be refused and recorded on a refusals register, after the customer has left the premises.

Keep the refusals register close to the counter but out of sight.

The sale should be refused if the customer is unable to prove he or she is the age given in the attached table for the product they are attempting to purchase.

All staff should know where the refusals register is kept and should write the entry whenever an age-related sale is refused.

If staff sell an age restricted product to someone under the relevant age both manager and staff are liable to **PROSECUTION, CONVICTION, FINE** and/or **PRISON**.

The refusals register should be kept up to date and be shown to Officers of the Trading Standards Service, Licensing Service or the Police if they request to see it upon inspection or in the event of a sale.

Date	Product	Time	Name of Person or Description	Observations	Staff Member Signature

Manager's Signature: ..... Date: .....



Date	Product	Time	Name of Person or Description	Observations	Staff Member Signature

Manager's Signature: ..... Date: .....

Date	Product	Time	Name of Person or Description	Observations	Staff Member Signature

Manager's Signature: ..... Date: .....

Date	Product	Time	Name of Person or Description	Observations	Staff Member Signature

Manager's Signature: ..... Date: .....

Date	Product	Time	Name of Person or Description	Observations	Staff Member Signature

Manager's Signature: ..... Date: .....



Date	Product	Time	Name of Person or Description	Observations	Staff Member Signature

Manager's Signature: ..... Date: .....

Date	Product	Time	Name of Person or Description	Observations	Staff Member Signature

Manager's Signature: ..... Date: .....



Date	Product	Time	Name of Person or Description	Observations	Staff Member Signature

Manager's Signature: ..... Date: .....



Date	Product	Time	Name of Person or Description	Observations	Staff Member Signature

Manager's Signature: ..... Date: .....

Alcohol Sales Questionnaire for (Staff Name):.....

Please answer the following questions putting a ring around multiple choice answers:

1 Name the designated premises supervisor (DPS) for these premises

.....  
.....

2 What are the hours you are allowed to sell alcohol from these premises?

.....  
.....

3 Circle who from the list below who you must refuse to serve with alcohol

- a someone who appears to be drunk
- b someone who appears to be under 25 without ID
- c someone under 18
- d someone purchasing for somebody else who is drunk
- e someone purchasing for somebody who is under 18
- f someone you do not know

4 Who has to authorise you to sell alcohol otherwise you are not allowed to do so ?  
.....THE DPS AT THE PREMISES

5 To sell alcohol

- a person must be a aged over 21
- b have more than 2 years experience
- c have been authorised by the DPS
- d aged over 18

6 What is the meaning of challenge 25 ? .....ANYONE WHO LOOKS UNDER 25  
SHOULD BE ASKED FOR ID

7 Circle from the list below what you will accept as proof of age

a photographic ID card

b current passport

c birth certificate

d credit card

e photo driving licence

f student union photo ID

g pass accredited photo ID

8 If you are in any doubt what must you do ? .....REFUSE THE SALE!

9 Where must you record details of any refusals ?

...REFUSALS REGISTER

10 Who must you tell about the refusal and when ?

.....DPS/DUTY MANAGER - AS SOON AS POSSIBLE

11 Which of the following can indicate somebody may be drunk?

a) Flushed face

b) Bloodshot eyes

c) Cough

d) Slurring words

12 What may happen if you sell alcohol to somebody who is under 18 ? .....£90  
FIXED PENALTY NOTICE/REVIEW OF THE PREMISES LICENCE/POSSIBLY  
LEADING TO CLOSURE

Premises Name:

Staff Name:

Date: .....

Staff name:.....

Premises:.....

I am over 18 years of age and confirm that I have been trained in the sale of alcohol and alcohol products. I am fully conversant with my obligations in the sale of these products and the penalties that will apply if I serve a customer illegally. These range from a fixed penalty notice of £90 to a criminal conviction with an unlimited fine and/or 6 months imprisonment.

I warrant that:

1. Once authorised I can only sell alcohol during the hours specified on our Licence Summary as displayed on the premises
2. Alcohol sales are only allowed for consumption (delete as appropriate)
  - off the premises and I will not allow consumption on the premises
  - on the premises and I will not allow consumption off the premises
  - on and off the premises
3. I confirm that I will not sell alcohol to anybody under the age of 18
4. I confirm that I will challenge anybody attempting to purchase alcohol who appears to be under the age of 25 to prove that they are over 18 by producing acceptable proof of age
5. I will only accept a Passport, a Photo Driving Licence or a PASS accredited card as proof of age such as the Validate card or the Citizens card
6. I will not sell alcohol to anybody who I believe is purchasing to supply somebody under the age of 18
7. I will not sell alcohol to anybody who is, or appears to be drunk
8. I will not sell alcohol to anybody who I believe is purchasing for somebody who is, or appears to be drunk
9. If I am in any doubt on the above I will refuse to make the sale
10. I will record all incidents of refusals in the refusals book noting the date and time, plus a description of and name of the person if known together with a note of the product refused
11. I will advise my supervisor of the refusal as soon as possible and certainly no later than at the end of my shift
12. I acknowledge that I am not authorised to sell alcohol unless I comply with all of the above at all times

Staff Name (print):

Signature:

Date:

DPS Name (print):

Signature:

Date:

# UNDER 25?

Please be  
prepared to show  
proof of age when  
buying alcohol



[DRINKAWARE.CO.UK](http://DRINKAWARE.CO.UK)





Alcohol Sales Questionnaire for (Staff Name):.....

Please answer the following questions putting a ring around multiple choice answers:

1 Name the designated premises supervisor (DPS) for these premises

.....  
.....

2 What are the hours you are allowed to sell alcohol from these premises?

.....  
.....

3 Circle who from the list below who you must refuse to serve with alcohol

- a someone who appears to be drunk
- b someone who appears to be under 25 without ID
- c someone under 18
- d someone purchasing for somebody else who is drunk
- e someone purchasing for somebody who is under 18
- f someone you do not know

4 Who has to authorise you to sell alcohol otherwise you are not allowed to do so ?

.....  
.....

5 To sell alcohol

- a person must be aged over 21
- b have more than 2 years experience
- c have been authorised by the DPS
- d aged over 18

6 What is the meaning of challenge 25 ?

.....  
.....

7 Circle from the list below what you will accept as proof of age

a photographic ID card

b current passport

c birth certificate

d credit card

e photo driving licence

f student union photo ID

g pass accredited photo ID 8

If you are in any doubt what must you do ?

.....  
.....

9 Where must you record details of any refusals ?

.....

10 Who must you tell about the refusal and when ?

.....

11 Which of the following can indicate somebody may be drunk?

a) Flushed face

b) Bloodshot eyes

c) Cough

d) Slurring words

12 What may happen if you sell alcohol to somebody who is under 18 ?

.....  
.....

Premises Name:

Staff Name: .....

Date: .....

Staff name:.....

Premises:.....

I am over 18 years of age and confirm that I have been trained in the sale of alcohol and alcohol products. I am fully conversant with my obligations in the sale of these products and the penalties that will apply if I serve a customer illegally. These range from a fixed penalty notice of £90 to a criminal conviction with an unlimited fine and/or 6 months imprisonment.

I warrant that:

1. Once authorised I can only sell alcohol during the hours specified on our Licence Summary as displayed on the premises
2. Alcohol sales are only allowed for consumption (delete as appropriate)
  - off the premises and I will not allow consumption on the premises
  - on the premises and I will not allow consumption off the premises
  - on and off the premises
3. I confirm that I will not sell alcohol to anybody under the age of 18
4. I confirm that I will challenge anybody attempting to purchase alcohol who appears to be under the age of 25 to prove that they are over 18 by producing acceptable proof of age
5. I will only accept a Passport, a Photo Driving Licence or a PASS accredited card as proof of age such as the Validate card or the Citizens card
6. I will not sell alcohol to anybody who I believe is purchasing to supply somebody under the age of 18
7. I will not sell alcohol to anybody who is, or appears to be drunk
8. I will not sell alcohol to anybody who I believe is purchasing for somebody who is, or appears to be drunk
9. If I am in any doubt on the above I will refuse to make the sale
10. I will record all incidents of refusals in the refusals book noting the date and time, plus a description of and name of the person if known together with a note of the product refused
11. I will advise my supervisor of the refusal as soon as possible and certainly no later than at the end of my shift
12. I acknowledge that I am not authorised to sell alcohol unless I comply with all of the above at all times

Staff Name (print):

Signature:

Date:

DPS Name (print):

Signature:

Date:

# LICENSING MANUAL

Licensing Act 2003

All Staff Document

# **Premises Licence and Site Operations** **Training Manual**

This Premise Licence Operation and Training Manual contains instructions and guidance covering policies and procedures for the premises. The intention of this manual is to:

- assist staff training and awareness.
- act as an 'aide memoire' for all staff
- referencing important information quickly and easily
- providing guidance to staff as part of their on-going training and development.

## **The Training Regime**

All on-site staff must read the training material provided and then satisfactorily pass the subsequent written test before being allowed to sell alcohol. It is important that all of this information is fully understood, should a staff member not satisfy the Designated Premises Supervisor (DPS) that they understand all of this then the DPS will not authorise that staff member.

## **You are at risk of prosecution for making unauthorised sales.**

Refresher training must be undertaken at least on six-monthly basis, to sell alcohol and a number of refresher quizzes should take place to help in testing all staff and their knowledge.

## **Due Diligence Measures**

- Staff to satisfactory undertake questionnaire - all questions to be answered correctly.
- Training Statement, to be signed by staff member and countersigned by Designated Premises Supervisor (DPS).
- Staff Authorisation sheet, to be signed by staff member and countersigned by Designated Premises Supervisor (DPS).

The Premises Licence holder may also consider putting staff members forward to sit the APLH - Award for Personal Licence Holders exam if there is a likelihood of them becoming a DPS in the future.

For further details please contact Easylicences.

All staff training must be recorded as well as individual staff authorisations to sell alcohol. You should complete both the alcohol training statement sheet and the authorisation record sheet.

All staff should be issued with their own confirmation of having received their initial training, whether under this regime or any alternative proprietary system, keeping the originals for your own records. All your current staff should be listed on the authority record and it should contain their signature as proof of their understanding of the training they have received and the responsibilities that they hold in the sale of alcohol. Subsequently as they are re-authorized to sell alcohol on a regular basis this should form part of the refresher training and they are indicating by signing the authority sheet again that they are still fully conversant with the rules relating to the sale of alcohol. New staff should then be added as they join, subsequently signing again on a regular basis thereafter, after each refresher. The alcohol training and authority sheets are designed for quick reference by any of the authorities which may visit your store, and for you to identify and maintain all training requirements.

## **Premises licence – Licensable Activities**

You can only carry out the sale of alcohol off the premises during the licensable hours of the premises licence. The penalty for selling outside permitted hours is substantial - max £20,000 fine and/or six months imprisonment plus a possible licence review.

## **Staff Authorisation**

Under the terms of the grant of the premises licence: It is an offence for a person to serve alcohol to anybody unless you have been authorised to do so by a personal licence holder. It is an offence to sell alcohol to anybody from premises without a premises licence and/or without a named Designated Premises Supervisor who is in possession of a personal licence.

## **Underage Sales**

It is an offence to sell alcohol to anyone under the age of 18, or to anyone purchasing alcohol on behalf of someone under the age of 18. It is an offence for any person under the age of 18 to buy or attempt to buy alcohol. It is an offence for anybody under 18 to sell alcohol unless authorised to do so by a responsible person. Responsible person are defined as:

- The holder of the premises licence
- The Designated Premises Supervisor (DPS) if any, for the Premises Licence
- An individual aged over 18 authorised (ideally in writing) to sell alcohol for consumption off the premises by either the Premises Licence Holder or the Designated Premises Supervisor.

It is an offence to allow alcohol to be served to someone under 18 if the staff member could have prevented it. If a Challenge 25 scheme is adopted as a condition of the licence then each customer wishing to purchase alcohol who is unknown to the cashier serving as a person who is over 18 years of age must be asked for satisfactory identification to prove their age. If they cannot or are not asked then the cashier may be committing an offence should the condition wording be specific in this regard.

If a customer looks under 25 they **Must** be challenged to prove that they are over 18 by producing photographic proof of age which must include a photograph and state the full date of birth of the customer. The only forms of proof of age that we will accept are:

- A passport
- A photographic new style driving licence
- A PASS accredited Proof of Age ID card such as: the Citizen Card

### **Do not accept any other form of ID under any circumstances**

**Note: the penalty for the member of staff selling alcohol to an under aged person ranges from a fixed penalty notice to a criminal conviction and a substantial fine. You must ensure that you are completely satisfied as to the customer's age BEFORE you make the sale.**

**Do not ask staff members or 'take someone's word' that, they are over 18 and always use CHALLENGE 21 / CHALLENGE 25.**

### **DUE DILIGENCE PROCEDURE**

All staff are to be regularly briefed on the following topics:

- ii Test purchasing
- iii Age restricted products
- iv How to check proof of age
- v Follow the guidelines
- vi What the law says
- vii Due diligence procedure

### **Protection of Children from Harm**

To protect children from harm and comply with the law, the vast majority of retailers take under age sales very seriously. There can be serious consequences for businesses, licensees AND individual members of staff. Penalties for breaking the law include substantial fines, loss of licences, even imprisonment. Individual members of staff can be taken to court and prosecuted. They could also lose their job.

Trading Standards & Police are amongst the Responsible Authorities who are consulted on licence applications under the Licensing Act 2003. If a licensee and the staff are not



following the guidelines outlined in this booklet then these matters may be raised during the licensing process. Any evidence of underage sales can also trigger a review which could lead to loss of the Licence.

### ***Test purchasing***

Trading standards and the Police (sometimes together) check that the law is followed and can carry out test purchases of all age restricted products as part of their enforcement duties. The test purchases are made with volunteer young people who are to look their age.

These test purchases follow procedures supported by the government. They are allowed as evidence of underage sales. Following these guidelines and asking for proof of age and receiving appropriate proof (asking by itself is not a defence), should make sure that you don't make an illegal sale. Samples of 'proof of age' are shown on the photocards poster in the support material

### **Age restricted products – age restrictions**

Alcohol Products . . . . 18

Cigarettes and tobacco products. 18

By following the rules regarding age related products it will help you show you are taking 'all reasonable precautions and exercising all due diligence'. This is legal-speak to say that you must have behaved in a way that can provide a defence in law if an illegal sale takes place. You must be able to show that you are doing all that you possibly can to make checks. This is what the courts would look at should an illegal sale take place.

### **How to check proof of age ?**

If a customer who looks under 25 asks to buy an age restricted product, ask for one of the prescribed forms of proof of age and check it. If appropriate proof of age cannot be produced you must refuse the sale and make an entry in the refusals register. You must only accept proof of age with date of birth and a photo. Remember to check that the photo matches the customer and that you can see their face clearly, including asking them to remove hoods and caps.

Proof of age cards need to carry a PASS hologram to show that they are part of an approved scheme and have been correctly issued. When you see a genuine PASS logo you can be more confident that it is valid proof of age, however there are good forgeries in circulation. Please see over page for checks.

#### **• *Always follow these checks***

1. Check that the PASS hologram is genuine and flush with the body of the card.
2. Check that the photo matches the person using it and that it is printed on the card, not just stuck on top of it. Ask them to remove helmets, hoods and sun glasses if you are not sure.
3. Check that the date of birth is properly printed on the card and that you have calculated the date of birth correctly.
4. Check that the card has not been tampered with in any way.
5. Check the person. If you are unsure about any of the above you must, and have the right to, refuse the sale.

• **Acceptable proof of age includes**

- 10 year passport
- Photo driving licence
- Citizencard
- "PASS " accredited proof of age card scheme

There are fake proof of age cards about so if you are unhappy with a card for any reason, refuse the sale. Items such as birth certificates and national insurance cards are not good enough. They carry no photo so can be passed between friends. Legally you have the right to refuse to sell to anyone, whether over or under age, if you are unhappy with the sale in any way.

**REMEMBER – If in doubt .....refuse the sale**

- Don't try to judge ages. Only accept approved proof of age cards with photos and date of birth.
- Follow either the 'Challenge 25 Rule' and ask for proof of age from anyone who does not look over 25. Remember, if you guess wrong you could end up in court!
- Make sure notices (e.g. 'It is an offence to sell cigarettes to persons under 18') are on display.
- Know when dates of birth will be correct. Are they 18 yet? Just having today's date with the relevant year of birth will do!
- Fill in a 'refusals book' each time a refusal takes place. The DPS should check entries regularly to make sure all staff are using the register.
- Be careful should young people wearing school uniforms request to purchase age related products.
- Do not sell to an adult you suspect of buying for under age young people. It is an offence for an adult to buy alcohol on behalf of someone under 18. This is called proxy selling.
- Support colleagues when they refuse sales. It can be difficult to say 'no.'

**Alcohol**

The age at which product alcohol can be legally served and bought is 18. Do not sell to over 18s who you think may be purchasing for under 18s. Both the owner of the business and the seller may commit a criminal offence if alcohol is sold to an under 18. If you are found guilty of selling alcohol to a person under 18 the premises licence to sell alcohol is at risk.

Under 18s cannot legally purchase alcohol. Always ask for proof of age before you serve and check the details. You can face prosecution and a criminal record or alternatively the police can issue on the spot fine of £90 if under age sales are made.

**Cigarettes and tobacco products**

The age at which cigarettes can be legally bought is 18.

Under 18s who say they are buying for an adult must be refused.

It is illegal to split packets of cigarettes or to sell singly.

Do not sell to adults who you think may be purchasing on behalf of under 18s (proxy selling). A notice must be displayed about sales to under 18s.

Always ask for proof of age before you sell.

**Checking Proof of age**

When you ask somebody to produce proof of age in order to complete a purchase you must ensure that only an approved form of identification is accepted and that you

check it correctly: Only accept -

- a valid passport
- a European style photo driving licence
- a PASS accredited cards such as a Citizen card

### **Always ask for the identification to be handed to you for authentication purposes**

Check that

#### **i. Passport**

- not altered in any way
- the passport date - it is valid
- the photograph - it belongs to the customer
- date of birth - the customer is old enough to complete the purchase

#### **ii. European style driving licence**

- not altered in any way
- the licence date - it is valid
- the photograph - it belongs to the customer
- date of birth - the customer is old enough to complete the purchase

#### **iii. PASS cards**

- not altered in any way
- the card is completely flat with no raised edges around the photo or PASS logo - ***reject the card if it is not flat***
- the PASS logo hologram 3D effect is working
- the card date - it is valid
- the photograph - it belongs to the customer
- date of birth - the customer is old enough to complete the purchase

#### **iv. The customer**

- matches the photograph on the card
- is not acting suspiciously
- has not altered the card offered in any way

If you are in any doubt about the validity of the identification offered or the age of the customer even with the identification

**you MUST refuse the sale and record the details in the refusals book**

### **What to watch out for regarding the ID of a person who is possibly under the influence of alcohol.**

#### **Signs of Intoxication**

There are many signs that a person may display as they become intoxicated. As blood alcohol levels rise; differences can be noticed in coordination, appearance, speech and behaviour.

***An intoxicated person may typically show some of the following signs:***

**i. Behaviour and Physical Signs**

Becoming loud, boisterous and disorderly Dropping possessions, rambling conversation  
Becoming argumentative Fumbling and difficulty in picking up change Loss of train of  
thought e.g. forgot to pay for goods Annoying other customers and staff Swaying and  
staggering Difficulty in paying attention Becoming incoherent, slurring or making  
mistakes in speech Difficulty walking straight Not hearing or understanding what is being  
said

Becoming physically violent Bumping into fixtures/other customers Drowsiness, dozing  
or sleeping while in premises becoming bad tempered or aggressive Glassy/bloodshot  
eyes and lack of focus Observe customers in difficulty lighting cigarettes whilst outside  
the premises using offensive language. Falling down. Vomiting Exhibiting inappropriate  
sexual behaviour Flushed face Dishevelled clothing Person smells of alcohol

**DUTY TO REFUSE SERVICE**

It is your duty to refuse to serve under 18s and also you must refuse to serve a person  
if they are or appear to be drunk.

***How to refuse a sale***

Sometimes refusing a sale will make the customer angry. Here are some tips to help  
you handle difficult refusals.

**Ask for proof of age.** This helps the situation as it is not a direct refusal. It says that  
you will make the sale if they can produce valid proof of age. Only accept proof of  
age with a photo, and only if you are happy it is correct.

**Refuse politely.** If necessary repeat your refusal clearly.

**Keep calm.** Don't get into an argument.

**Explain briefly why you cannot sell.** Try saying

- 'I'm sorry; if I serve you I might be breaking the law.'
- 'We have a policy of `no proof of age, no sale.'
- 'Our company policy is not to sell these products to young people.'

**Show customers notices, posters and stickers** that indicate you will not serve  
alcohol to under 18s or sell other age restricted products.

**Be positive in your refusal.** Have a firm tone of voice, be confident and use direct  
eye contact. The law is on your side and you are doing the right thing.

**Call your supervisor or manager for support if necessary.**

**Record details** in your premises' refusal register.

David Howarth

Re. Licence application 'The Tudor Peacock', revised submission 4<sup>th</sup> February 2023

Dear Sir,

I own the property immediately adjacent to the premises the subject of this licence application.

I am writing to set out reasons why I believe the current licence application by The Tudor Peacock should be rejected by the Sub-Committee.

This application is to operate a licensed premise for on and off sale of alcohol at Tudor Lodge, The Square, Chilham.

Subject to this submission being accepted by the Sub-Committee I withdraw my previous submission.

First I would like to state that I fully support the concept of a wine tasting room, wine bar and off-licence promoting local produce and providing local employment. However, the Tudor Lodge is a totally inappropriate property in which to locate such a business and as such should not be licensed for the purpose of operating a wine bar or wine tasting rooms.

I note that the business owners have engaged qualified and well respected consultants (24Acoustics) to undertake noise studies and provide advice regarding measures that can be taken to reduce the impact on my property.

I note the business owner's recent submission regarding full compliance with all Planning Conditions, which include requirements for the tasting rooms and wine bar to operate on an appointment only basis, and the requirement to implement the measures detailed in the 24Acoustics report.

I note the Planning Officer's report at Page 21 item e) highlights that the business is seeking a Licence that is not consistent with the Planning Condition:

*e) Whilst the current planning consent limits the use of the bar and wine tasting facilities to prior booking only, therefore only allowing the shop to be open without prior booking, this Licensing Act application conversely seeks to limit only the first floor and basement areas to prior booking.*

That said, I note the Licensing Officer's further comments at Page 21 item e) regarding Planning Permission and Planning Conditions. The fact that Planning Permission has been granted and the Conditions that are associated with that Planning Permission should not fetter the decision of the Sub-Committee when determining whether this application meets the requirements of the Licensing Act objectives.

This submission focuses on Licensing Objective – Prevention of Public Nuisance

I note the following comments at Page 23 in the Licensing Officer's report to the Sub-Committee.

- *The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.*
- *Public nuisance is not narrowly defined in the 2003 Act and retains its broad common law meaning for the Act's purposes. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity of other parties living and working in the area of a licensed premises. Public nuisance may also arise as a result of artificial light, dust, odour and insects or where its effect it's prejudicial to health.*

My contention is that the operation of a wine bar and tasing room in this property will:

- Have an unreasonable effect on anyone living or working (noting the large increase in people working from home) in Tudor Cottage
- Have an unreasonable effect on anyone attempting to sleep in Tudor Cottage during the proposed operating hours. In this category I include essential service workers on shift work (including Doctors / Surgeons undertaking lifesaving procedures during the night), babies / very young children and the elderly
- Have an unreasonable effect on anyone seeking a tranquil lifestyle in Tudor Cottage, e.g. a quiet retirement, reading and listening to quiet music
- Cause a public nuisance as in its broad common law meaning. I note the 24Acoustics report details reduction in noise transmission between the two properties and not elimination of the noise transmission. The resultant will be a nuisance that may well be low-level, should the 24Acoustics recommendations be implemented in full, but will impact the living and working amenity of anyone in Tudor Cottage.

I note that with regard to Licensing Objective – Prevention of Public Nuisance, the Applicant at Page 43/44 d) only note the following:

*No music or amplified sound shall be generated within the Premises so as to give rise to nuisance within neighbouring dwellings; no music or amplified sound shall be played externally.*

In my view this is a clear representation of the importance the Applicant places on this particular Licensing Objective and is another reason this application should be rejected.

Regards,

David Howarth

**THE TUDOR PEACOCK PREMISES LICENCE - 9th FEBRUARY 2023**

**AND WITH REFERENCE TO**

**Planning Applications 22/00652/AS & 22/00653/AS which were a re-application of 21/00135/AS & 21/00136/AS (with some changes) which was refused by Ashford Borough Council on February 3rd 2022. I note that the address has been changed from Tudor Lodge Gift Shop to Tudor Lodge Antiques.**

**The address shouldn't be confused with Peacock Antiques, which is the adjacent property and in need of some renovation.**

**To the members of the Sub Committee,**

**We question that The Tudor Peacock has always been a community project. It is a private business with two Directors who have ordinary shares and complete control. Preference Shares were offered to some likely investors, who won't be able to take part in the decision making. The main body of investors don't reside or own properties in Chilham, in fact a large number don't even reside in Kent, and out of the small number who live in the Parish of Chilham only a few live in The Square. The Same also goes for the 92 supporters, many of which don't have a connection to The Square and were canvassed to support the wine bar.**

**The 5 objectors mentioned in in the supporting letter all have properties in The Square and would be directly affected by the wine bar. There were also other objectors from outside the village and Environmental Protection were very vocal about it's concerns over the project and asked for conditions to be applied.**

**We think it's worth rectifying some misconceptions about The Square and the properties therein.**

**Many of the supporting documents refer to there being empty and derelict properties in The Square, particularly Tudor Lodge Gift Shop. We have lived in The Square for 22 years and the only empty property we know of is Peacock Antiques, which is in need of some renovation.**

**Tudor Lodge Gift Shop (Tudor Lodge Antiques) had been a successful business for decades until the present owners acquired it. It has now lain empty for approximately 2 1/2 years. In the past it always seemed to be in good order and the selling agents description and photographs would seem to be at odds with It being "derelict" or "falling down". The same photographs can be viewed in the applicants Design & Access Statement.**

The Square is predominately residential and has been for many years.

Going back decades, The Square was a mix of residential properties and some shops servicing the needs of the residents e.g. Post office, antique shop, tea rooms and a public house. The Square was never “built for commercial use”. The houses were originally built in the 16th and 17th centuries for the Chilham Castle workforce. Tudor Lodge, along with Peacock Antiques, was a Hall House and a residential property. It is also the oldest building in The Square, predating the other houses by a few hundred years.

The continuance of Tudor Lodge as a commercial / residential property is preferred as it would maintain the balance between business and residential. The Gift Shop was the perfect type of business as it serviced the requirements of the locals and tourists, both young and old, and suited any pocket. Apart from the Post Office and garage, all the other businesses close to The Square are either drinking establishments or eateries. We don't feel that another drinking establishment is essential to The Square. The wine bar / wine tasting venue wouldn't bring any benefits to the local community and tourists, (jobs being taken by the owners and shareholders of the business) and is not essential to the future of The Square. The emphasis of the business model seems to be on supporting the wine industry with little regard for the residents of The Square.

As to the application: Many of the supporters of the application are under the impression that the wine bar, wine tasting area, function rooms and wine shop will be open until the hours of 6pm Sunday - Thursday and until 8pm Friday - Saturday, as is highlighted in the applicants' supporting letter. In fact the application is for the opening hours to be between 10am and 9pm, seven days a week and on bank holidays. We feel that clarity is required on this point.

Having spoken to the licensing department, it was explained to us that the time of 9pm could be extended to 11pm and on occasions to 1am. This throws a completely different light on the impact the wine bar would have on the The Square and the well-being of the residents. Even if the applicants only intend opening until 6pm and 8pm, the door is open for these times to be abused and / or extended should the business be sold in the future or come under new management. It would seem inconceivable that a drinking establishment would close at a time when most will be opening.

We opposed the original planning application because “the proposed change of use would give rise to an unacceptable level of noise and disturbance to residents within the locality which couldn't be adequately mitigated. As a result, the residential amenity of the occupiers of dwellings in the locality would be significantly harmed to



their detriment". ABC upheld this view and the original planning application was refused.

The new application relies on complicated limitations in order to satisfy the Planning Officers requirements. The focus has been on noise, predominantly airborne noise, but still the issue of the passage of noise through to the fabric of the adjoining buildings hasn't been addressed by the applicants agent 24 Acoustics, and it could cause serious disruption to the immediate neighbours. I feel that clarity is required on this point.

During my long career as a sound engineer working in live environments, but mainly in recording studios, the transference of noise through the fabric of a building, particularly a listed building where the limitations are greater, is difficult to eradicate.

The extra sound insulation (not sound proofing) suggested by 24 Acoustics would have a minimal impact on the level of perceived noise, and in their own judgement would only work if all the windows and doors to The Tudor Lodge were kept closed during opening hours (not only when music is being played) and if a second door to a lobby is added to the main entrance. There don't seem to be any plans submitted for this.

I can't imagine that the windows and doors will be kept closed on a hot summers day, particularly with the advent of Covid and the Government advice that windows should be kept open in public buildings to help mitigate the spread of the disease. If air-conditioning were to be installed then there would be the problem of external plant noise. I can envisage multiple complaints which would be a burden to the local authority.

24 Acoustics has highlighted, when discussing pipework, beams and adjoining walls etc, the importance of "careful detailing around the existing structure" but haven't given directions as to how the work should be carried out or the materials to be used. If this isn't planned properly then sound could be transferred to adjacent buildings as opposed to being controlled.

It has also been suggested that a noise limiter should be installed to control the level of music, again with no suggestion of what level it should be set at or who should decide the level. In my experience they are not a satisfactory method of controlling music. The limiter levels can be changed, bypassed, or even switched off.

We note that ABC EHO has allowed the noise level to be set at 55dB instead of the original 43dB but no reason was given for this?

24 Acoustics' assessments are just that, 'Desktop Assessments'. There is a fine line between the results of the assessments being acceptable and the reality being unacceptable. They also assume that all the limitations will be adhered to.

24 Acoustics has not provided any noise readings relating to the impact of noise on the residents facing the proposed wine bar, which are in close proximity to the proposed wine bar. As far as We are aware, their measurements have been limited to the daytime and have not been taken during the evenings when the background ambient noise is considerably lower.

We suggest that there are too many limitations which are not enforceable and so the sound proofing / insulation targets cannot be met.

Another planning condition is that there should be no tables or seating outside, at the front of the venue, and that there should be no service in the square. There was no mention of this in the applicants supporting letter.

Recycling and Foul Sewage: It would appear that no arrangements have been made for the separate storage and collection of recyclable waste and there are no proposals to connect to the existing drainage system.

I would suggest that it would be difficult to dictate delivery times and refuse collection times as guaranteed by the applicant.

Disabled Access: There is no provision for disabled access or disabled toilets. As the internal design of the building is to be changed considerably, We would have thought that these could be provided.

Kitchen noise: ENVIRONMENTAL PROTECTION - "I note the updated proposal now excludes a commercial kitchen, however we would request that this position is secured by means of condition, a suggested wording is as below";

"The premises shall not be provided with a kitchen for the purposes of the preparation and cooking of food".

Reason: In order to protect the amenity of neighbouring properties.

We would like to see the the conditions imposed by the LPA enforced before a premises licence is granted.

Trevor Vallis & Susan Fowler