

Agenda Item No:

Licence Reference **WK/202208793**



Report To: **LICENSING SUB COMMITTEE**

Date: **9TH 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

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Agenda Item No.

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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; 14th 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:

Supply of alcohol (Off and On sales)	Monday – Sunday (inclusive) 10:00 -21:00
Hours premises open to the public*	Monday – Sunday (inclusive) 10:00 – 21:00
Late night refreshment N/A	N/A
Live music/Recorded music/Performance of dance/Anything of similar description N/A	N/A
*Seasonal variations N/A	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			
The Tudor Peacock, Tudor Lodge The Square, Chilham, Canterbury, England, CT4 8BY			
Post town	ULVERSTON	Postcode	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 – YES | 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)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Current residential address if different from premises address					
Daytime contact telephone number					
E-mail address (optional)					
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)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
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	
Daytime contact telephone number					
E-mail address (optional)					

(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 Tudor Lodge The Square, Chilham, Canterbury, England, CT4 8BY
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

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<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> (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				<u>Please give further details here</u> (please read guidance note 4)	
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<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> (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<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> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<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> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)			
Thur						
Fri			<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> (please read guidance note 6)			
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur					
Fri			<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> (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<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> (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) 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	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<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> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<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> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for <u>consumption – please tick</u> (please read guidance note 8)	On the premises	
Day	Start	Finish		Off the premises	
				Both	
Mon	10:00	21:00	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Tue	10:00	21:00			
Wed	10:00	21:00			
Thur	10:00	21:00	<u>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</u> (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):

Name Jeanine Mogford	
Date of birth	██████████
Address ██████████ ██████████ ██████████	
Postcode	
Personal licence number (if known) ██████████	
Issuing licensing authority (if known) 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

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	10:00	21:00	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 (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

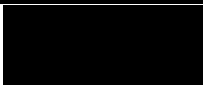
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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.**

Declaration	<ul style="list-style-type: none"> [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). 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)
Signature	
Date	17/12/22
Capacity	Authorised Agent

For joint applications, signature of 2nd applicant or 2nd 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

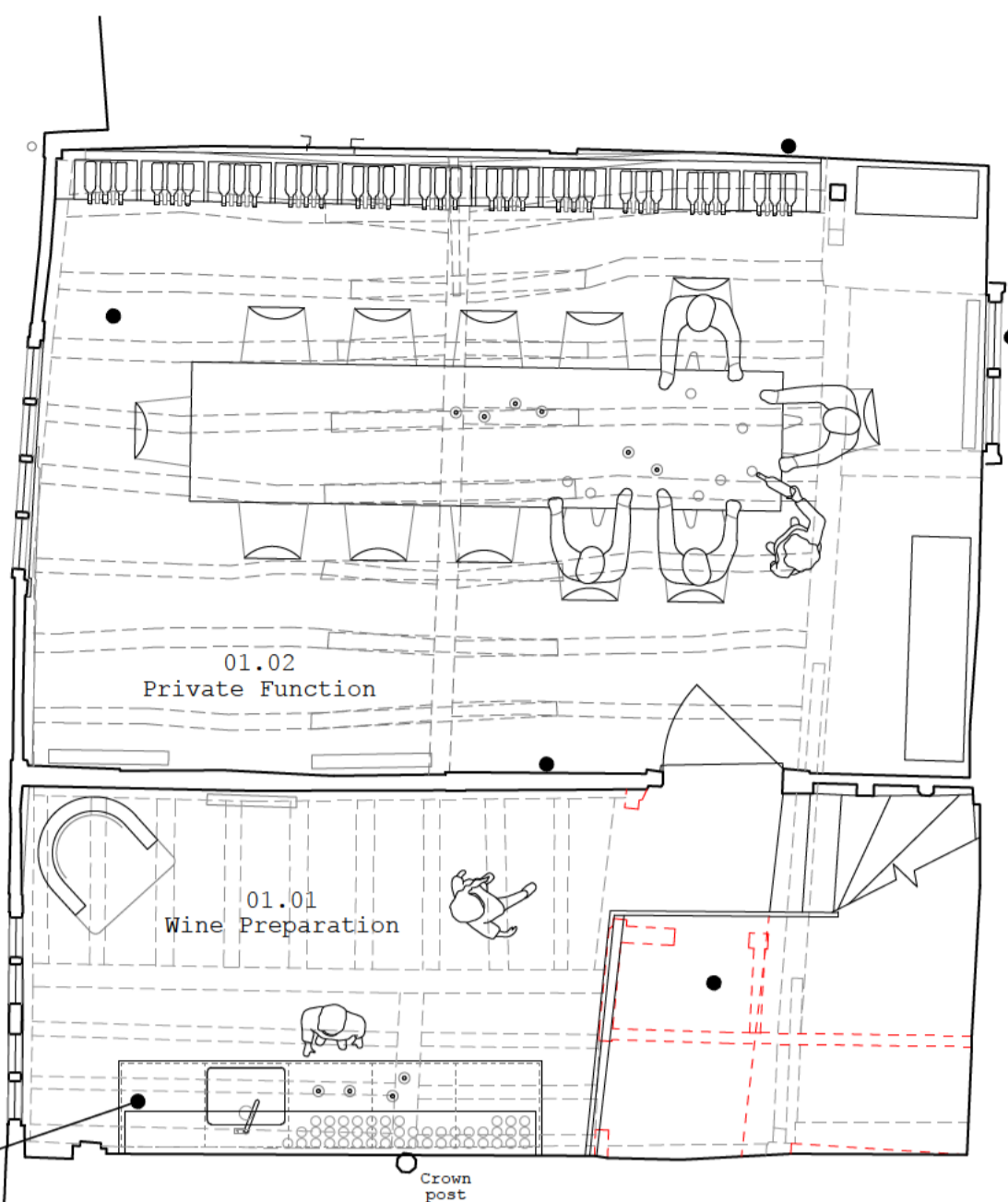
As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

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



Red line denotes licensable area

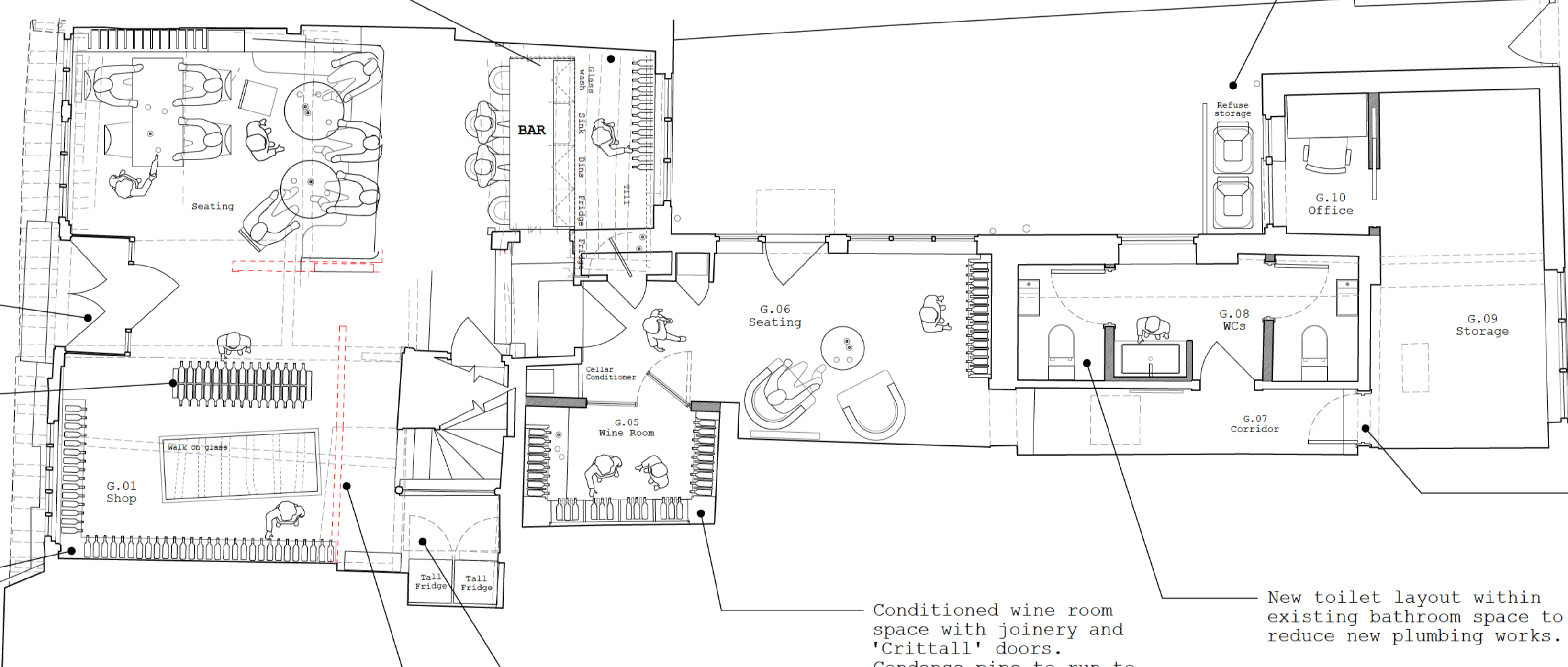
Fire extinguisher

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.

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

Refuse storage.



Existing main fire exit door

Freestanding wine shop joinery.

Wine shop joinery as separate construction to existing wall fabric.

Ground Floor Plan
1:50

Floor opened up above to vault staircase area.

Dividing wall removed.

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

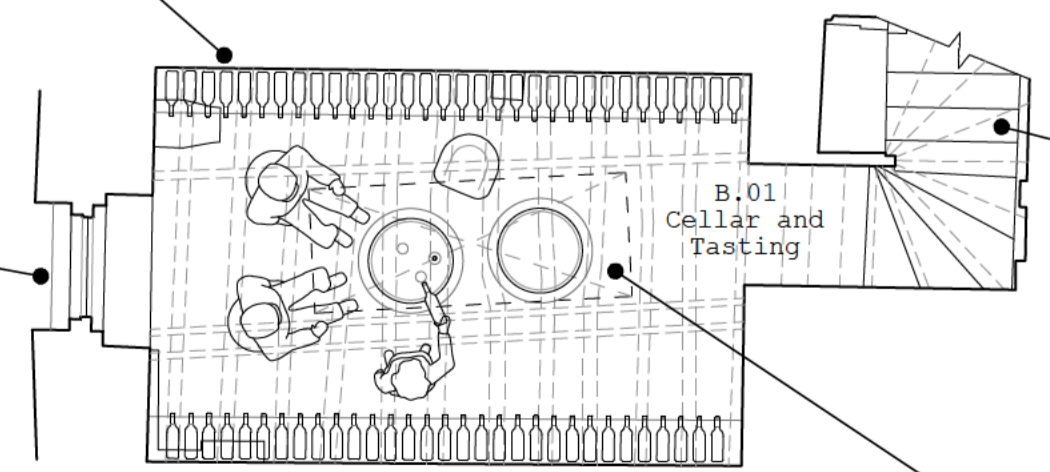
New toilet layout within existing bathroom space to reduce new plumbing works.

New fire rated door.

- 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.

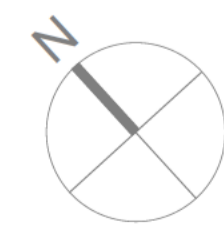
High level window to be refurbished.



Stair area made good as required.

Basement Floor Plan
1:50

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:

Title	Description	Date
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

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

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 14th 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

From: Michael Harrison [REDACTED]
Sent: 16 January 2023 23:28
To: Licensing <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: 19th 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 12th 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.