



A G E N D A

LICENSING SUB-COMMITTEE

Tuesday 16 August 2022 at 10.00 am
Committee Room A, Town Hall, Royal Tunbridge Wells, TN1 1RS

Members: Councillor Hill (Chair), Councillors Bailey and Hayward

Quorum: 3 Members

- 1 Chairman's Introduction** (Page 3)
Announcement on procedural matters.
- 2 Apologies for Absence** (Page 4)
Apologies for absence as reported.
- 3 Declarations of Interest:** (Page 5)
To receive any declarations of interest by members in items on the agenda. For any advice on declarations of interest, please contact the Monitoring Officer.
- 4 Determination of an objection to a Temporary Event Notice** (Pages 6 - 26)

Democratic Services Team

Town Hall
ROYAL TUNBRIDGE WELLS
Kent TN1 1RS
Tel: (01892) 554413

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Members of the public are encouraged to participate and may speak to the Council directly on any item on the agenda for up to 3 minutes. Members of the public (and any members of the Council who are not members of the committee) will need to register with Democratic Services in advance. Please see the agenda item titled **Notification of Persons Registered to Speak** for more details.

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Chair's Introduction

For Licencing Sub-Committee on Tuesday 16th August 2022

Procedural Item

Announcement on procedural matters.

Apologies for Absence

For Licencing Sub-Committee hearing on Tuesday 16th August 2022

Procedural Item

To receive any apologies for absence.

Declarations of Interest

For Licencing Sub Committee hearing on Tuesday 16th August 2022

Procedural Item

To receive any declarations of interest by members in items on the agenda in accordance with the Members' Code of Conduct. For any advice on declarations of interest, please contact the Monitoring Office before the meeting.

Determination of an objection to a Temporary Event Notice – Auction Hall, Tunbridge Wells, TN2 5QL

For Licensing Sub Committee on 16 August 2022

Summary

Lead Member: Councillor Luke Everitt

Lead Director: Paul Taylor, Director of Change and Communities

Head of Service: Gary Stevenson, Head of Housing, Health, and Environment

Report Author: Trevor Horner, Licensing Officer

Classification: Public document (non-exempt)

Wards Affected: Pantiles and St Marks

Approval Timetable	Date
Licensing Sub Committee	16 August 2022

Recommendations

Officer / Committee recommendations as supported by the Portfolio Holder:

1. That Members determine the notice and take such steps as the Sub-Committee consider necessary for the promotion of the licensing objectives, giving appropriate weight to:
 - The merits of the notice;
 - The representations and supporting information presented by all parties;
 - The Guidance issued by the Home Office under Section 182 of the Licensing Act 2003;
 - The Council's Statement of Licensing Policy.

1. Purpose of report and executive summary

- 1.1 This report sets out details of a Temporary Event Notice notifying the Local Authority of an event to be held at a premises.
- 1.2 Under the provisions of section 100 of the Licensing Act 2003 (hereinafter the Act), an individual, known as the premises user, may give notice of their proposal to carry on licensable activities on a temporary basis at a premises by submitting a Temporary Event Notice (TEN). There are two types of TEN; standard and late. This report concerns a standard TEN as the Act makes separate provisions for dealing with late TENs.
- 1.3 Under the provisions of section 104 of the Act relevant persons (the police or Environmental Health) have a period of three working days from when they are given a standard TEN to object to it on the basis of any of the four licensing objectives, namely:
 - Prevention of crime and disorder
 - Prevention of public nuisance
 - Public safety
 - Protection of children from harm
- 1.4 Where an objection notice is given, there is provision under section 106 of the Act for the relevant persons to agree with the premises user to modify the TEN.
- 1.5 If the objection notice is not withdrawn, the Licensing Authority must hold a hearing to consider the objection.

2. Introduction and background

- 2.1 On 2 August 2022 a standard Temporary Event Notice, in the name of Mr Aubrey Knight, was received by the Licensing Partnership at Sevenoaks District Council Offices. The event is to be held at the Auction Hall, Linden Park Road, Tunbridge Wells. The Temporary Event Notice is attached at **APPENDIX A**.
- 2.2 The TEN describes the event as “Wedding celebrations. Serving food, drinks and DJ” and gives notice of proposals to carry out the following licensable activity:
 - Sale by retail of alcohol
- 2.3 The duration of the event:

- From 21:00 hours on Saturday 27 August 2022 to 01:00 hours on Sunday 28 August 2022.
- 2.4 An objection notice to the TEN was received on Friday 5 August 2022 from a responsible authority, namely Environmental Health. The objection notice is attached at **APPENDIX B**. The objection is based on the following licensing objective:
- Prevention of public nuisance
- 2.5 The Auction Hall already benefits from a premises licence under the name of The Old Auction House. A copy of the current premises licence is attached at **APPENDIX C**.
- 2.6 The objection from Environmental Health refers to complaints received on 21st May 2022, 22nd May 2022 and 30th July 2022. On cross checking these dates with the licensing database, Temporary Event Notices were not in place on these dates.

3. Available options

- 3.1 To take no action and permit the event in the manner described in the TEN.
- 3.2 To issue a counter notice (i.e.: refuse the event) under section 105 (2) (b) of the Act if the sub-committee considers it appropriate for the promotion of a licensing objective to do so.
- 3.3 Not issue a counter notice but impose conditions from the existing premises licence if the authority considers it appropriate for the promotion of the licensing objectives, and the conditions would not be inconsistent with the carrying out of the licensable activities under the TEN.

4. Preferred Option and Reason

- 4.1 That Members consider the objection, and take such steps as the Sub-Committee consider necessary for the promotion of the licensing objectives, giving appropriate weight to:
- The steps that are appropriate to promote the licensing objectives.
 - The objections and supporting information presented by all parties;
 - The Guidance issued by the Home Office under Section 182 of the Licensing Act 2003.
 - The Council's Statement of Licensing Policy.
- 4.2 Paragraph 1.17 further advises that each application must be considered on its own merits and that conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate

5. Consultation on Options

5.1 Other than the statutory consultation described in Part 1 of the report above, no other consultation is required by the Licensing Act 2003.

6. Implementation

6.1 The Chairman will announce the Sub-Committee's decision prior to the conclusion of the hearing.

6.2 The premises user and Environmental Health will subsequently receive written confirmation of the decision.

6.3 A copy of the Decision Notice will be placed on the Council's website.

6.4 Where the Licensing Authority gives a counter notice under section 105(3) of the Act, the premises user may appeal the decision. Appeals must be made to a Magistrates' Court within twenty-one days from the date on which the appellant receives notification of the decision from the Licensing Authority. No appeal can be brought later than five working days prior to the day of the planned event.

7. Appendices and Background Documents

Appendices:

- Appendix A: TEN Notice
- Appendix B: Objection Notice
- Appendix C: Current premises licence

Background Papers:

- Revised Guidance issued under Section 182 of the Licensing Act 2003
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>
- TWBC Statement of Licensing Policy
https://tunbridgewells.gov.uk/_data/assets/pdf_file/0006/394593/Ratified-Statement-of-Licensing-Policy-V1-2021-2026.pdf
- LGA Licensing Act 2003 – Councillors handbook (England and Wales)
<https://www.local.gov.uk/publications/licensing-act-2003-councillors-handbook-england-and-wales>

8. Cross Cutting Issues

A. Legal (including the Human Rights Act)

Licensing Act 2003

The Licensing Act 2003 at section 4(1) requires the Licensing Authority to carry out its functions with a view to promoting the Licensing Objectives which Section 4(2) sets out as:-

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) The protection of children from harm

The Sub-Committee is permitted under Section 105 of the Licensing Act 2003, having had regard to the objection notice, to give the premises user a counter notice if it considers it appropriate for the promotion of the licensing objectives.

Section 106A of the Licensing Act 2003 allows a Licensing Authority to impose one or more conditions on a standard Temporary Event Notice if they consider it appropriate for the promotion of the licensing objectives and the conditions are also imposed on a premises licence that has effect in respect of the same premises and the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published statement of the Licensing Policy and any guidance issued by the Secretary of State under section 182

Each application that comes before the Sub-Committee must be treated on its own merits, and the Sub-Committee must take its decision based upon:

- a) The merits of the application
- b) The promotion of the four licensing objectives
- c) The policy of the Licensing Authority
- d) The Guidance issued under Section 182 of the Licensing Act 2003
- e) All valid representations made

Agenda Item 4

Whilst the applicant, responsible authorities or persons making representations all have a right of appeal to the Magistrates Court dependant on the decision of the Sub Committee, the decision made takes immediate effect.

Human Rights Act

Article 1 of the First Protocol is concerned with the protection of property and provides that every person is entitled to peaceful enjoyment of his possessions. The term 'possessions' is given a broad definition and includes a licence.

Article 8 is concerned with the right to respect for private and family life. It states that Everyone has the right to respect for his private and family life, his home and his correspondence. 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. The Council has had the proper regard for Article 8.

Article 6 relates to the right to a fair hearing. The applicant has seen this report prior to this hearing and is aware of the reason why the Sub-Committee is considering this application.

Helen Ward, Lawyer, Contentious, Mid Kent Legal, 09.08.2022

B. Finance and Other Resources

No implications

Trevor Horner, report author, 09.08.2022

C. Staffing

No implications

Trevor Horner, report author, 09.08.2022

D. Risk Management

No implications

Trevor Horner, report author, 09.08.2022

E. Environment and Sustainability

No implications

Trevor Horner, report author, 09.08.2022

F. Community Safety

If the application is granted, the extra services offered are not unique to Tunbridge Wells
Section 17, Crime and Disorder Act 1998

17(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Terry Hughes, Community Safety manager, 09.08.2022

G. Equalities

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users

No implications

Trevor Horner, report author, 09.08.2022

H. Data Protection

Article 5, General Data Protection Regulation 2016

- 1. Personal data shall be:*
- (a) processed lawfully, fairly and in a transparent manner in relation to the data subject;*
 - (b) collected for specific, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;*
 - (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;*
 - (d) accurate and, where necessary, kept up to date;*
 - (e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;*

(f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

No implications.

Trevor Horner, report author, 09.08.2022

I. Health and Safety

No implications

Trevor Horner, report author, 09.08.2022

J. Health and Wellbeing

No implications

Trevor Horner, report author, 09.08.2022

The Licensing Partnership Temporary Event Notice

Sevenoaks District Council, Tunbridge Wells Borough Council, Maidstone Borough Council and London Borough of Bexley have a Licensing Partnership to process and issue licensing applications.

Licensing Officers are located at each local licensing authority, together with admin support to deal with people visiting the Gateways and Tunbridge Wells Town Hall.

Thank you for using the Licensing Partnership self service. Before completing the form, please be aware of the following information:

Form Submission:-

When you have completed the application form please submit it. When you submit the application, you will receive an electronic response which will be sent directly to the email address provided in the application.

Payment:-

If you are submitting an application which requires a payment, please have your credit or debit card to hand as payment can be made upon submitting your application form. Applications requiring a payment will only be validated once payment is confirmed.

General Information:-

If you have any problems with completing the form please contact licensing@sevenoaks.gov.uk

For official use only

<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Title</td> <td style="width: 15%;"><input type="text"/></td> <td style="width: 15%;">Customer Name</td> <td style="width: 55%;"><input type="text"/></td> </tr> <tr> <td></td> <td>Mr</td> <td></td> <td>Aubrey, Knight</td> </tr> <tr> <td>DOB</td> <td><input type="text"/></td> <td>NINO</td> <td><input type="text"/></td> </tr> <tr> <td>TEL</td> <td colspan="3"><input type="text"/></td> </tr> <tr> <td>Email</td> <td colspan="3"><input type="text" value="info@oldauctionhouse.uk"/></td> </tr> <tr> <td>Customer Address</td> <td colspan="3" style="border: 1px solid black; padding: 5px;"> Auction Hall Linden Park Road Royal Tunbridge Wells Kent TN2 5QL </td> </tr> <tr> <td>Date Form Started</td> <td colspan="3"><input type="text" value="02/08/2022 16:30:09"/></td> </tr> <tr> <td>Date of E-signing</td> <td colspan="3"><input type="text"/></td> </tr> <tr> <td>Date Submitted</td> <td colspan="3"><input type="text"/></td> </tr> <tr> <td>Data Validation Ref</td> <td colspan="3"><input type="text"/></td> </tr> <tr> <td>Occupancy type</td> <td colspan="3"><input type="text"/></td> </tr> <tr> <td>Advisor Name (who started form)</td> <td colspan="3"><input type="text"/></td> </tr> <tr> <td>Advisor Department</td> <td colspan="3"><input type="text"/></td> </tr> </table>	Title	<input type="text"/>	Customer Name	<input type="text"/>		Mr		Aubrey, Knight	DOB	<input type="text"/>	NINO	<input type="text"/>	TEL	<input type="text"/>			Email	<input type="text" value="info@oldauctionhouse.uk"/>			Customer Address	Auction Hall Linden Park Road Royal Tunbridge Wells Kent TN2 5QL			Date Form Started	<input type="text" value="02/08/2022 16:30:09"/>			Date of E-signing	<input type="text"/>			Date Submitted	<input type="text"/>			Data Validation Ref	<input type="text"/>			Occupancy type	<input type="text"/>			Advisor Name (who started form)	<input type="text"/>			Advisor Department	<input type="text"/>			<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Form Filename</td> <td><input type="text"/></td> </tr> <tr> <td>Form Reference</td> <td><input type="text" value="Aubrey, Knight"/></td> </tr> <tr> <td>Caps Reference</td> <td><input type="text"/></td> </tr> <tr> <td>Notes</td> <td style="border: 1px solid black; height: 150px;"></td> </tr> </table>	Form Filename	<input type="text"/>	Form Reference	<input type="text" value="Aubrey, Knight"/>	Caps Reference	<input type="text"/>	Notes	
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Licensing Authority: *The Licensing Partnership*

*Licensing Partnership
P.O. Box 182
Sevenoaks
Kent TN13 1GP*

Temporary Event Notice

Please Note: You will need to make a payment of £21.00 before the form submission can be accepted. You will be directed to pay when you submit the form.

Information on the Licensing Act 2003 is available at www.sevenoaks.gov.uk/licensing

Before completing this form **please read the guidance notes at the end of the form.**
You may wish to keep a copy of the completed form for your records.

I, the proposed premises user, hereby give notice under section 100 of the Licencing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

Please select the Council where the premises is situated:

Tunbridge Wells Borough Council

1. Personal Details of Premises User <i>(Please read note 1)</i>		
1. Your name		
Title	Forenames	Surname
Mr	Aubrey	Knight
2. Previous names <i>(if relevant)</i>		
3. Your date of birth	02/06/1987	
4. Your place of birth	Johannesburg	
5. National Insurance Number	SG769055D	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)		
Auction Hall Linden Park Road Royal Tunbridge Wells Kent TN2 5QL		
7. Other contact details		
Telephone numbers		
Daytime	01892341366	
Evening (optional)	01892341366	
Mobile (optional)	07587536070	
Fax number (optional)		
Email address	info@oldauctionhouse.uk	

Licensing Authority: *The Licensing Partnership*

Ref:

8. Alternative address for correspondence (Address for correspondence associated with this application, if different to the previous address)

Auction Hall
Linden Park Road
Royal Tunbridge Wells
Kent
TN2 5QL

9. Alternative contact details (if applicable)

Telephone numbers

Daytime **01892341366**

Evening (optional) **01892341366**

Mobile (optional) **07587536070**

Fax number (optional)

E-Mail address (optional) **info@oldauctionhouse.uk**

2. The Premises

Please select the address of the premises where you intend to carry out the licensable activities. If there is no address please select the street record in the address lookup and supply further details of the location (including ordnance Survey references) (Please read note 2).

Auction Hall
Linden Park Road
Royal Tunbridge Wells
Kent
TN2 5QL

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number **22/01321.LAPRE**

Additional address information

Do you intend to use the whole of the premises at this address (Please read note 3)
 (If no, please give a description and details below)

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please describe the nature of the premises below. (Please read note 4)

Cafe, restaurant and bar

Please describe the nature of the event below. (Please read note 5)

Wedding celebrations. Serving food, drinks and DJ

Licensing Authority: *The Licensing Partnership*

Ref:

3. The Licensable Activities

Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on - either double click with the mouse, or press the space bar in the relevant field). (Please read note 6)

The sale by retail of alcohol	X
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	
The provision of regulated entertainment (Please read note 7)	
The provision of late night refreshment	
Are you giving a late temporary event notice? (Please read note 8)	

Please state the date and times on which you intend to use these premises for licensable activities. (Please read note 9) Please give times in 24 hour clock. eg. 19:00. (Please read note 10)

Start Date	27/08/2022	Time	21:00	End Date	28/08/2022	Time	01:00
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Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)

100

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 12)	On the premises only	X
	Off the premises only	
	Both	

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 13)

N/A

4. Personal Licence Holders (Please read note 14)

	Yes	No
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	X	

If "Yes" please provide the details of your personal licence below.

Issuing licencing authority	Tunbridge Wells Borough Council	
Licence number	12/00310/LAPER	
Date of issue	02/02/2012	
Date of expiry		
Any further relevant details		

5. Previous Temporary Event Notices you have given (Please read note 15)

	Yes	No
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	X	

If answering yes, please state the number of temporary event notices you have given for events in that same calendar year

7

	Yes	No
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)		X

Licensing Authority: *The Licensing Partnership*

Ref:

6. Associates and business colleagues *(Please read note 16)*

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period:	Yes	No
a) ends 24 hours or less before; or	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes	No
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:	Yes	No
a) ends 24 hours or less before; or	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

7. Condition *(Please read note 17)*

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

Declaration

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8. Declarations (Please read note 18)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and

(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six (6) months, or to both.

Please tick the box if you agree with the declarations above.

Date	02/08/2022	
Name of Person signing	Mr Aubrey Knight	

For completion by the Licensing Authority**9. Acknowledgement (Please read note 19)**

I acknowledge receipt of this temporary event notice.

SIGNATURE	<i>A. Rehman</i>	DATE	03/08/2022
	On behalf of the Licensing Authority		
Name of Officer Signing	Ali Rehman		

For Official Use

Ref 1 *Aubrey, Knight*

Ref 2

Ref 3

Consultee Comments for Licensing Application 22/02849/LATEN

Application Summary

Application Number: 22/02849/LATEN

Address: Auction Hall Linden Park Road Royal Tunbridge Wells Kent TN2 5QL

Proposal: Temporary Event Notice

Case Officer: Ali Rehman

Consultee Details

Name: Miss Lisa Anderson

Address: Town Hall, Mount Pleasant Road, Royal Tunbridge Wells Tunbridge Wells, Kent TN1
1RS

Email: Not Available

On Behalf Of: TWBC Environmental Protection Team

Comments

MIDKENT ENVIRONMENTAL HEALTH

MEMORANDUM

From: Lisa Anderson

Environmental Protection Team To: Licensing Partnership

Date: 5th August 2022

Our Ref: 22/514946/GENLIC

License Application :

Address: Dreweatt Neate Auction Hall Linden Park Road Royal Tunbridge Wells

I have assessed the above application and have the following comments:

I have looked at the Councils Uniform property database and have noted that the Environmental Protection Section have previously received complaints about the premises namely

22/508464/NAMP 21st May 2022 Details of complaint: I arrived home at 11.40pm and saw/heard a party or disco going on at the Auction House, Linden Park Road on Saturday 21st May.

22/508464/NAMP 22nd May 2022 Details of complaint: I live on linden road and every Saturday the auction house blasts music for their events. In recent weeks, the noise has been so loud that the flat vibrates. //the level of noise last night was unbelievable. I understand they are extending their licence so very concerned that this will remain unbearable on our road at the weekends.

Appendix B

22/508464/NAMP 30th July 2022 Details of complaint: 1.30pm-7.30pm Sunday 30th July.
Unreasonable amount of noise, consistently every weekend. The premises was supposed to be a deli, not a nightclub. The Old Auction house is surrounded by residential properties, in a way that traps the noise. I should not be able to feel the bass of the music through my body.

Due to the close proximity of residential property to the above site and the extent of the hours requested I believe that the premise is likely to give rise to noise disturbance without the imposition of suitable conditions.

THEREFORE I OBJECT TO THE APPLICATION AS CURRENTLY APPLIED FOR unless they accept the following conditions

Environmental Protection Team (EPT) require the applicant to obtain the services of a suitably qualified acoustic consultant to carry out an acoustic assessment at the premises and provide a suitable plan of mitigation to protect noise sensitive receptors (local residents) from excessive noise caused by music arising from the premises. The mitigation plan would need to be accepted by EPT and then implemented to the satisfaction of the Local Authority.

If the panel are minded to grant the application despite our representation we would request that they consider the condition requested in order to reduce some of the impact of the proposed activities.

Please contact me for further advice or information.

Regards

Lisa Anderson
Environmental Health Officer (Environmental Protection)



PREMISES LICENCE

The Licensing Act 2003
Schedule 12, Part A

Premises Licence Number	22/01321/LAPRE
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Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town & Post Code	
The Old Auction House Linden Park Road Royal Tunbridge Wells Kent. TN2 5QL	
Telephone number	01892 341366

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Sale or Supply of Alcohol

Times the licence authorises the carrying out of licensable activities	
Sale or Supply of Alcohol	
Every Day	08:30 - 23:00

The opening hours of the premises	
Every day	08:30 - 00:00

The non-standard opening hours of the premises
Not applicable

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption both on and off the premises.

Part 2

Name, (registered) address, telephone number and email address (where relevant) of holder of premises licence

Irwin and Owens Ltd
130 Old Street
London. EC1V 9BD

Email address info@oldauctionhouse.uk

Registered number of holder, for example company number, charity number (where applicable)

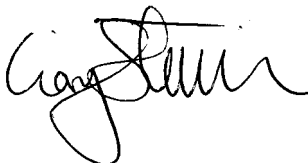
Registered Business Number 13188213

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Aubrey Knight
Basement Flat
41 Dudley Road
Royal Tunbridge Wells
Kent. TN1 1LE

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number: 12/00310/LAPER
Licence Authority: Tunbridge Wells Borough Council



Gary Stevenson
Head of Environment and Street Scene
Tunbridge Wells Borough Council

Annex 1 – Mandatory conditions

The supply of alcohol

- Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

No supply of alcohol may be made under the premises licence -

- (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

- Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory conditions in force from 28 May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) "permitted price" is the price found by applying the formula— $P = D + (D \times V)$

where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

Appendix C

4. - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory Conditions in force from 01 October 2014

1.— (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.— (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must ensure that—

Appendix C

(a)where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i)beer or cider: ½ pint;
- (ii)gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii)still wine in a glass: 125 ml;

(b)these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c)where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

Annex 2 – Embedded conditions

Not applicable

Annex 3 – Conditions consistent with the Operating Schedule

1. CCTV will be installed
2. Alcohol for consumption on the premises will only be sold to persons seated at table.
3. Alcohol for consumption on the premises will only be served by waiter service.
4. Challenge 25 will be in place and any customer who looks under 25 will be asked to provide proof of age.
5. No drinks shall be sold for takeaway or sale outside after 22:00
6. No drinks shall be served outside after 22:00

Annex 4 – Conditions attached after a hearing by the licensing authority

Not applicable

Annex 5 – Plans

Please see attached