

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building  
Gibson Drive  
Kings Hill, West Malling  
Kent ME19 4LZ  
West Malling (01732) 844522

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**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Committee Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

19 March 2015

To: MEMBERS OF THE LICENSING AND APPEALS PANEL  
(Copies to all Members of the Council)

**NB ONLY MEMBERS  
OF THE PANEL MAY  
PARTICIPATE**

Dear Sir/Madam

Your attendance is requested at a meeting of the Licensing and Appeals Panel to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Friday, 27th March, 2015 commencing at **10.00 am**

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

### PART 1 - PUBLIC

1. Apologies for absence
2. Declarations of Interest

### **Decisions to be taken under Delegated Powers**

3. Application for a Review of a Premises Licence at The Bull Hotel, Bull Lane, Wrotham 5 - 34

4. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive

5. Exclusion of Press and Public

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information

### **PART 2 - PRIVATE**

6. Urgent Items - Part 2

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## **MEMBERSHIP**

Cllr Mrs F A Kemp (Chairman)

Cllr Mrs P Bates

Cllr Mrs C J Woodger

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### LICENSING & APPEALS COMMITTEE

27 March 2015

Report of the Director of Central Services and Chief Monitoring Officer

#### Part 1- Public

#### Delegated

#### 1 APPLICATION FOR A REVIEW OF A PREMISES LICENCE AT THE BULL HOTEL, BULL LANE, WROTHAM, SEVENOAKS, KENT, TN15 7RF

##### 1.1 Introduction

- 1.1.1 The Licensing & Appeals Committee sitting as a Panel is asked to consider an application for the review of a premises licence made under Section 51 of the Licensing Act 2003 in relation to the premises known as The Bull Hotel, Bull Lane, Wrotham, Sevenoaks, Kent, TN15 7RF.
- 1.1.2 The premises known as The Bull Hotel has the benefit of a premises licence under the provisions of the Licensing Act 2003, which authorises the carrying out of licensable activities for the sale of alcohol, performance of dance, Films, Live Music, Recorded Music, Plays and late night refreshment . A copy of the current licence is shown at **Annex 1**.
- 1.1.3 An application for a review of the premises licence with supporting documentation has been received from Mrs R Buehrlen, an immediate neighbour. A copy of the Review application is shown at **Annex 2**.
- 1.1.4 The Licensing Authority placed a pale blue A4 notice up at the premises for a period of 28 days running from the 13 February 2015 until the 12 March 2015. In addition a notice was placed on the Council's website and at the notice boards at Kings Hill and the Castle, Tonbridge.
- 1.1.5 At any stage, during the 28 day public consultation period, a responsible authority, or an interested party, may make representations in connection with any of the four licensing objectives namely:-
- Prevention of crime and disorder
  - Prevention of public nuisance
  - Public safety
  - Protection of children from harm

Provided that the grounds for the application for review are relevant to the promotion of the licensing objectives and, in the case of applications by interested

parties, are not vexatious, frivolous or repetitive, a hearing must be held to review the licence.

- 1.1.6 The 2003 Act requires the Council to publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The Council adopted its Statement of Licensing Policy on 14 December 2004. As required by Section 5 of the Act a revised policy was published on 2 November 2010 to last for three years. The Policy will be available at the meeting, for reference purposes.
- 1.1.7 Under the 2003 Act, it is the duty of all licensing authorities that, in carrying out their functions, they must have regard to Guidance issued by the Secretary of State under section 182. The Guidance cannot anticipate every possible scenario or set of circumstances that may arise. Provided that the licensing authority has properly understood and considered the guidance, it may depart from it when it has reason to do so. However, as the licensing authority is under a duty to have regard to the Guidance, it will need to give full reasons for any departure from it. The Guidance will be made available at the meeting for reference purposes.

## 1.2 The Application

- 1.2.1 The applicant is Mrs R Buehrlen, an immediate neighbour, living at Bishops Lodge, The Square, Wrotham, Sevenoaks, Kent CT15 7AH. The application, which was received on the 11 February 2015 is shown at **Annex 2**.
- 1.2.2 A map showing the Bull Hotel in relation to Mrs R Buehrlen's property is show in **Annex 4**
- 1.2.3 The grounds for the review are based on the following licensing objectives:
- The prevention of crime and disorder
  - The prevention of public nuisance
  - The protection of children from harm

### 1.2.4 Representations received from statutory consultees:

Police	has no objections to make
Trading Standards	has made no comments
Social Service	has made no comments
Environmental Health	has made no comments
Health & Safety	has made no comments
Planning	has made no comments

1.2.5 The licensing department has received the following representations from interested parties:

- Additional Information received from the applicant on the 12 March 2015 – **Annex 3**. In addition a memory stick was submitted containing some AV clips.
- Representations received from the Bull Hotel arrived at the Council offices and were date stamped 13 March 2015. These were received after the 28 day consultation period and have been unable to be shown in this report. These Representations will be available for inspection at the Licensing Hearing on the 27 March 2015 if all parties agree.

### 1.3 Reasons for referral

1.3.1 The Licensing Authority must under the Licensing Act refer any application for a Review Hearing to the Licensing Sub- Committee. The Licensing Authority received a valid review application and documentation from an Interested Party, namely Mrs R Buehrlen, an immediate neighbour which is show at **Annex 2**.

1.3.2 Members are reminded that representations are only relevant if they relate to one or more of the four licensing objectives.

1.3.3 The Licensing Authority has advertised the application for a review as required. The application has been advertised for 28 days and a copy has been sent to all the responsible authorities. The purpose of this advertising is to enable other interested parties or responsible authorities to make any valid representations.

1.3.4 The Licensing Authority placed a pale blue A4 notice up at the premises for a period of 28 days running from the 13 February 2015 until the 12 March 2015. In addition a notice was placed on the Council's website and at the notice boards at Kings Hill and the Castle, Tonbridge.

1.3.5 The applicant and other persons that have made representations have been invited to attend the hearing.

### 1.4 Policy Considerations

1.4.1 The following provisions of the Secretary of State's Guidance apply to this application:

Chapters 3 – The licensing objectives

Chapter 8 – Applications for premises licences

Chapter 10 – Conditions attached to Premises Licences

Chapter 11 – Reviews

1.4.2 The following paragraphs of the Councils' Statement of Licensing Policy apply to this application:

Sections 1.8 to 1.13 – These sections set out the Council’s approach with regard to licensing and details other mechanisms to deal with potential problems.

Sections 2 – 6 – These sections set out the four licensing objectives and identifies matter that may be relevant to the promotion of each licensing objective.

## **1.5 Legal Implications**

1.5.1 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

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

1.5.3 Having regard to the application and any relevant representations, the Licensing Authority must take such of the steps mentioned below as it considers appropriate for the promotion of the licensing objectives (section 52 of the Licensing Act). The steps are

- (a) To modify the conditions of the licence\*;
- (b) To exclude a licensable activity from the scope of the licence;
- (c) To remove the designated premises supervisor;
- (d) To suspend the licence for a period not exceeding 3 months;
- (e) To revoke the licence

\*Modification of the conditions of the premises licence can include the alteration or omission of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place

1.5.4 The applicant, the holder of the premises licence or any other person who has made a relevant representation in relation to the application all have a right of appeal to the Magistrates Court against the decision of the Sub Committee. A determination of an application does not have effect until the time allowed for appeal has elapsed, or where an appeal is made, until the appeal has been disposed of (Section 52 (11).).



1.5.5 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant and those making representations, against decisions of the Licensing Authority to the Magistrates Court.

## **1.6 Financial and Value for Money Considerations**

1.6.1 None unless there is an appeal about the Panel decision to Magistrates' Court which proves to be successful and which could therefore result in costs being awarded against the Council.

## **1.7 Risk Assessment**

1.7.1 Departure from the Guidance and Policy could lead to an increased risk on an appeal. Similarly if any decision made is not evidence based and proportionate.

## **1.8 Equality Impact Assessment**

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

## **1.9 Recommendations**

1.9.1 That members determine the application carefully, considering the application along with any other representations made and takes such steps as the Sub-Committee consider appropriate for the promotion of the licensing objectives.

1.9.2

Background papers:

- Licensing Act 2003
- Tonbridge and Malling Borough Council  
Statement of Licensing Policy
- LA 2003 October 2014 Guidance

contact:

Anthony Garnett  
Katie Rigg

Adrian Stanfield  
Director of Central Services and Monitoring Officer

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## Schedule 12 Part A

### Premises Licence Tonbridge & Malling Borough Council

#### Regulation 33,34

#### Premises Licence Number

14/01528/PREM issued 3rd December 2014

#### Premises Details

#### Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

The Bull Hotel  
Bull Lane  
Wrotham  
Sevenoaks  
Kent  
TN15 7RF

**Telephone number** 01732 789800

#### Where the licence is time limited the dates

Not applicable

#### Licensable activities authorised by the licence

Sale of Alcohol  
Performance of Dance  
Films  
Live Music  
Recorded Music  
Plays  
Late Night Refreshment

#### Times the licence authorises the carrying out of licensable activities

<b>Sale of Alcohol</b>	Monday to Sunday	09:00 - 02:00
<b>Performance of Dance (Inside)</b>	Monday to Sunday	09:00 - 02:00
<b>Films (Inside)</b>	Monday to Sunday	09:00 - 23:00
<b>Live Music (Inside)</b>	Monday to Sunday	09:00 - 00:00 (Midnight)
<b>Recorded Music (Inside)</b>	Monday to Sunday	09:00 - 01:30
<b>Plays (Inside)</b>	Monday to Sunday	09:00 - 23:00
<b>Late Night Refreshment (Indoor)</b>	Monday to Sunday	23:00 - 02:00

<b>The opening hours of the premises</b>	Monday to Sunday	09:00 - 02:00
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<b>Where the licence authorises supplies of alcohol whether these are on and / or off supplies</b>	Alcohol is supplied for consumption on the Premises
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<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b>	The Postillion Uk Ltd 2 Shepherds Row Redbourne St Albans AL3 7BT
Premises Licence holder Telephone Number	01732 789800

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

Registered Business Number           6225857

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

Mr Martin Deadman  
The Bull Hotel  
Bull Lane  
Wrotham  
Kent  
TN15 7RF  
Designated Premises Supervisor Phone No       01732 789800

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

Party Reference: TM/PER/06/00746

Licensing Authority: Tonbridge &amp; Malling Borough Council

**Annex 1 – Mandatory conditions****Sale of Alcohol**

1

- 1) No supply of alcohol may be made under the premises licence-
  - (a) At a time when 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.

2

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

3

- 1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
  - (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to
    - i. Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - ii. Drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
    - i. The outcome of a race, competition or other event or process, or
    - ii. The likelihood of anything occurring or not occurring;
  - (e) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or

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glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

- 4 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

- 5
- 1) The premises licence holder or club premises certificate holder shall ensure that an a verification policy applies to the premises in relation to the sale or supply of alcohol.
  - 2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

- 6
- 1) The responsible person shall ensure that–
    - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–
      - i. beer or cider: ½ pint;
      - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
      - iii. still wine in a glass: 125 ml; and
    - (b) customers are made aware of the availability of these measures.

**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(a);
  - 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 rate 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 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) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(b).



**Films**

- 1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where-

- (a) the film classification body is not specified in the licence, or
- (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question; admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section- "children" means persons aged under 18; and "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

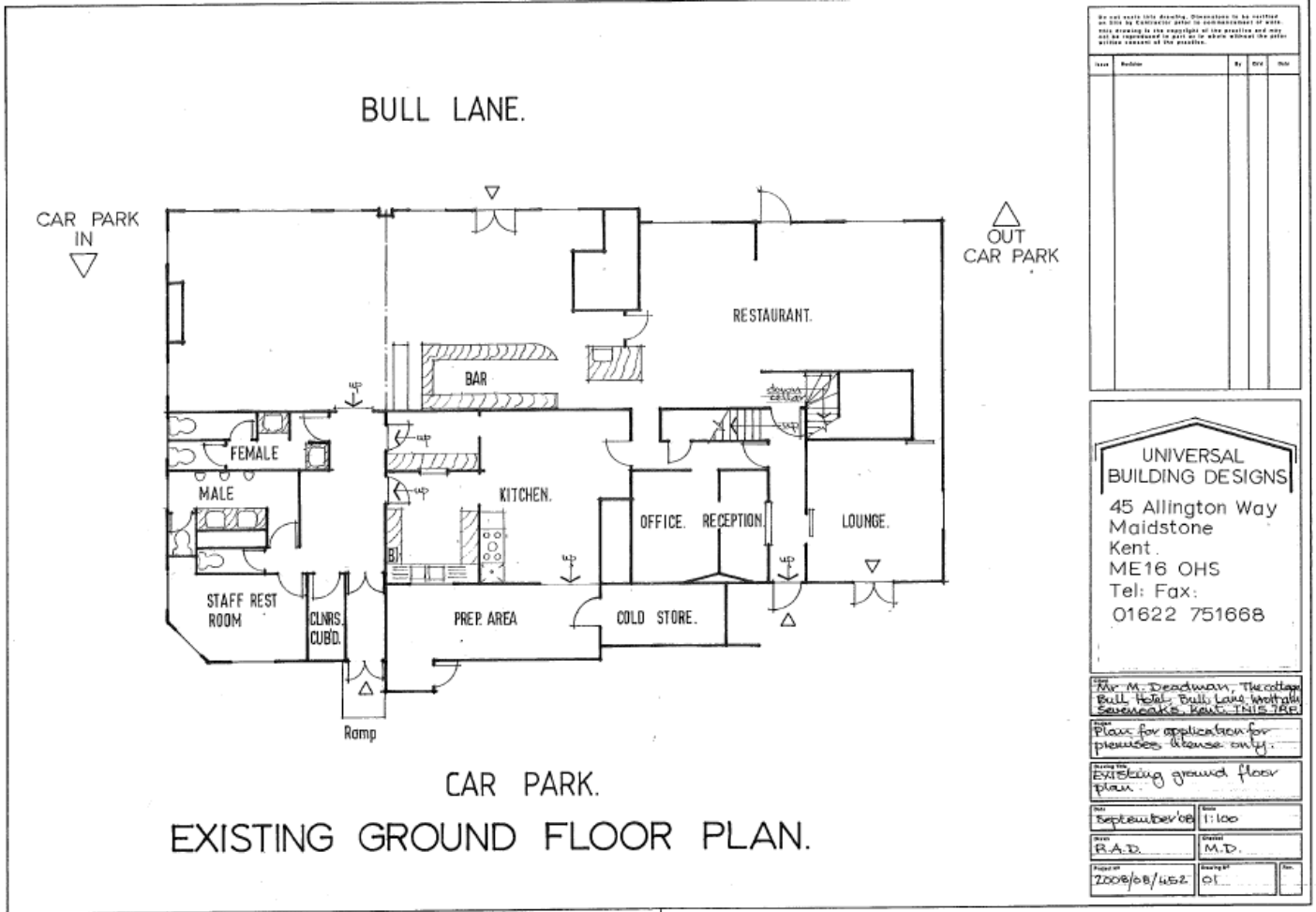
**Annex 2 – Conditions consistent with the Operating Schedule**

1. All licensable activities to take place indoors only.
2. When functions are underway or music is on, ensure that windows and doors are shut, thus reducing noise.
3. Providing signage to encourage customers to considerate neighbours when leaving the hotel.
4. No under 18's to be allowed on the premises unless accompanied by an adult.

**Annex 3 – Conditions attached after a hearing by the licensing authority**

None

Annex 4 – Plans



[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

<b>ADMIN/LEGAL SERVICES</b>	
11 FEB 2015	
PASS TO	FOR INFO FOR DIST FOR ACTION

**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 MRS R BUEHRLIN  
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>			
THE BUTTERY THE BULL HOTEL BULL LANE WROTHAM SEVENOAKS KENT			
<b>Post town</b>	SEVENOAKS	<b>Post code (if known)</b>	TN15 7RF

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
THE BUTTERY THE BULL HOTEL WROTHAM TN15 7RF

<b>Number of premises licence or club premises certificate (if known)</b>
14/01528/PREM

**Part 2 - Applicant details**

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

BUEHRLLEN

**First names**

ROZ

**I am 18 years old or over**Please tick ✓ yes  
**Current postal  
address if  
different from  
premises  
address**BISHOPS LODGE  
THE SQUARE  
WROTHAM  
SEVENOAKS  
KENT**Post town**

SEVENOAKS

**Post Code** TN15 7AH**Daytime contact telephone number**

[REDACTED]

**E-mail address  
(optional)**

[REDACTED]

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

Please state the ground(s) for review (please read guidance note 2)

THE STATEMENT OF LICENSING POLICY STATES IT SEEKS TO FORMULATE REASONABLE CONTROLS & APPROPRIATE GUIDANCE, PUBLIC SAFETY, THE PREVENTION OF PUBLIC NUISANCE, THE PROTECTION OF CHILDREN FROM HARM. YOU HAVE CONSULTATION PERIODS, VIEWS OF RESIDENTS ARE TAKEN IN TO ACCOUNT. I ALSO NOTE THE POLICY STATES TO ENCOURAGE A MORE FAMILY FRIENDLY PREMISES, DEVELOP A THRIVING CULTURAL MIX & PROTECTION FOR LOCAL RESIDENTS.

MY REQUEST FOR A REVIEW IS THAT THE BUTTERY IS OFTEN DRUNKEN PARTIES PUMPING MUSIC THROUGH MY HOUSE, CHUCKING RUBBISH IN TO MY GARDEN & ARGUMENTS THAT SPILL IN TO THE STREET WHERE IT IS THE LOCAL RESIDENTS THAT DEAL WITH THE AFTERMATH. IT IS NOT CULTURE, IT IS DRINKS, DRUGS & LOUD MUSIC IN A UNSOUNDPROOFED OUTHOUSE ATTACHED TO MY HOUSE THAT HAS A LATE NIGHT LICENSE TO DO THIS 7 DAYS A WEEK. THERE HAS NEVER BEEN ANY CONSULTATION PERIOD.

ON AN EVENT EVENING AFTER THE MUSIC STOPS THERE IS A HIGH LEVEL OF NOISE & CONVERSATIONS. WHEN THE EVENT FINALLY COMES TO A CLOSE THE STAFF CLEAR UP WHICH IS DRAGGING FURNITURE ACROSS THE FLOOR, PACKING EQUIPMENT UP ETC. THE WHOLE PROCESS CAN TAKE ROUGHLY AN HOUR AFTER THE EVENT FINISHES.

THE EFFECTS OF LIVING NEXT TO THIS NIGHTMARE IS REALLY STRESSFUL, AS SOON AS I START HEARING ANY MUSIC FROM THE BULL I AM FILLED WITH ANXIETY AS I KNOW THE REPETATIVE BEAT CAN GO ON FOR 8 HOURS OR MORE. IT HAS A MASSIVE IMPACT ON OUR LIVES, OUR SLEEP IS OBVIOUSLY AFFECTED WHICH HAS A DIRECT IMPACT ON OUR WORKING WEEK. MY CHILDREN ARE AT THE EXAM TAKING AGE AND WE ALL WORK WHERE CONCENTRATION IS ESSENTIAL.

I AM DESPERATE FOR A REVIEW OF THIS LICENSE AND ABOVE ALL THE APPALING NOISE TO STOP. THE NOISE LEVELS ARE ABSOLUTELY UNREASONABLE, IRRISONSIBLE & COMPLETELY ANTISOCIAL.

I WOULD URGE THE COUNCIL TO CONSIDER MY POSITION ON A PERSONEL LEVEL. IF A PROPERTY NEXT TO YOUR HOUSE ATTAINED A LATE NIGHT LICENSE FOR MUSIC 7 NIGHTS A WEEK WOULD YOU FEEL COMFORTABLE?

PLEASE REVIEW THE LATE NIGHT LICENSE.



**Please provide as much information as possible to support the application (please read guidance note 3)**

A LATE NIGHT LICENSE WAS ISSUED TO THE BULL HOTEL IN WROTHAM SHORTLY AFTER WE MOVED INTO THE HOUSE IN 2007. WE HAD MOVED FROM A DIFFERENT COUNTY WITH 3 SMALL CHILDREN THAT NEEDED ADJUSTING TO NEW SCHOOLS & WITHIN A FEW MONTHS SECONDARY SCHOOL APPLICATIONS & THE 11+. I WAS NOT AWARE TO CHECK THE STREETS FOR LICENSING APPLICATIONS THAT WOULD DIRECTLY AFFECT MY HOUSE. AT PURCHASE THE COUNCIL SEARCHES DID NOT SHOW ANY LATE NIGHT LISENCE, I WOULD NOT HAVE BOUGHT THE HOUSE IF IT HAD. I DO NOT WANT TO LIVE NEXT TO A NIGHTCLUB, THE VENUE IS ATTACHED TO MY HOUSE.

IN THE FIRST FEW YEARS WE WERE OBVIOUSLY TOO TOLLERENT BUT EVENTUALLY DID SUGGEST TO THE LANDLORD TO TURN THE MUSIC DOWN. IT WAS SO LOUD THAT IT SHOOK THE HOUSE & RATTLED THE WINDOWS. THIS GOING ON PAST 2 IN THE MORNING MAKES FOR AN IMPOSSIBLE NIGHTS SLEEP. WHEN TALKING TO PEOPLE AT MY FRONT DOOR I HAVE HAD TO SHOUT OVER THE NOISE. THE OTHER 2 PUBS IN THE VILLAGE HAVE HAD MUSIC EVENTS WHERE YOU CAN ONLY JUST HEAR THE MUSIC RIGHT OUTSIDE THEIR WINDOWS. THE NOISE FROM THE BULL CAN BE HEARD STREETS AWAY. DRIVING BACK HOME AFTER WORK IS ALWAYS FILLED WITH "ARE THEY GOING TO HAVE AN EVENT TONIGHT?"

I HAVE BEEN INTOUCH WITH THE COUNCIL FOR AROUND 4 YEARS & I HAVE KEPT INCIDENT RECORDS THAT THE COUNCIL HAVE, THE COUNCIL HAVE MADE ONE NOISE RECORDING. I HAVE VARIOUS AUDIO RECORINGS FOR THE COUNCIL TO LISTEN TO. I HAVE SPOKEN TO THE LANDLORDS MANY TIMES. THEY HAVE ONLY RECENTLY MADE A LITTLE EFFORT IN TURNING THE NOISE LEVEL TO A QUIETER VOLUME ON SOME OCCASIONS. THIS IS DUE TO THE COMUNICATION WITH MR. THOMASON. IT IS ECEPTIONLY UNPLEASANT TO HAVE TO ASK THE BULL TO TURN THE NOISE DOWN AND INDEED HIS STAFF HAVE MADE IT CLEAR THAT I AM KNOWN BY CERTAIN NAMES. I HAVE ASKED ON MANY OCCASIONS TO BE INFORMED WHEN EVENTS ARE BEING HELD AS I TRY AND STAY AWAY & OBVIOUSLY I AM UNABLE TO HAVE ANY SOCIAL EVENTS MYSELF AS THEY HAVE BEEN RUINED IN THE PAST. THE BULL DO NOT LET ME KNOW ALL THE EVENTS THAT THEY ARE HAVING. THEY HAVE ALSO STATED THAT THEY WILL KEEP MUSIC EVENTS TO AROUND 12 PER YEAR BUT COSISDERING THEY HAD NEARLY 12 EVENTS IN DECEMBER ALONE THEY ARE NOT GOING TO KEEP TO THEIR WORD. IT WAS AGREED THAT MRS DEADMAN WOULD VISIT MY HOUSE ON AN EVENT NIGHT, UNFORTUNATLY IT WAS A CHILDRENS PARTY AND WAS COMPLETELY UNREPRESENTATIVE, IT WAS AGREED TO VISIT AGAIN ON A NORMAL EVENT NIGHT WHICH WAS NOT UPHELD. IT WAS A COMPLETELY UNSATISFACTORY VISIT AND I AM AT A LOSS TO UNDERSTAND ANYONE THAT CAN BE SO UTTERLY ANTISOCIAL TO INDIVIDUALS. IT WAS MADE VERY CLEAR TO ME THAT THE LANDLORDS WOULD NOT FORGO THE FINANTIAL GAINS THAT THE VENUE OFFERS. I CONCLUDE THAT THEIR EFFORTS ARE ONLY TO SATISFY THE SAFETY OF THEIR LICENSE & NOT TO BE CONSIDERATE TO THEIR SURROUNDINGS. THEY HAVE OTHER BUILDINGS THEY CAN HOLD THESE EVENTS IN.

I CANNOT RELY ON ANY STATEMENT THAT THE LANDLORDS MAKE AS THEY ARE NEVER UPHELD. MY FAMILY IS CONSTANTLY FOBBED OFF AND IT RUINS OUR LIFE.

IN THE DEAD OF NIGHT WHEN THE AMBIENT SOUND IS STILL & QUIET THE PULSATING EFFECT OF THE MUSIC THROUGH THE HOUSE IS WRETCHED. IT HAS BROKEN MY FAMILY & MY HOME.

PLEASE REVIEW THE LATENIGHT LICENSE.

Please tick ✓

yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

**If you have made representations before relating to the premises please state what they were and when you made them**

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

8.02.15

Capacity

.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
MRS R BUEHRLIN BISHOPS LODGE THE SQUARE WROTHAM KENT	
<b>Post town</b>	<b>Post Code</b> TN15 7AH
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**10.03.2015**

**Additional information for license 14/01528/PREM review: The Buttery, The Bull Hotel, Bull Lane, Wrotham. TN15 7RF.**

**Applicant: Mrs Buehrlen, Bishops Lodge, The Square, Wrotham. TN15 7AH**

**I understand this is a late night license for 7 nights a week until 1 am. The worst case scenario would be Monday through to Sunday. Indeed, in early December we had three events in a row including Sunday night and Monday night in succession.**

**Following a number of approaches to the Bull and notices to the council, The Bull has reduced its activities by stopping music at about 12 am. It takes about a further half an hour for the events to wind down. Crowds disperse around 12.30 am, with the staff at the Bull clearing up, including moving tables about, until around 1 am.**

**My family starts to get up around 6 am and start leaving for school at 7.15 which gives us about 5 hours sleep. When late night events take place it is not conducive to a normal family life.**

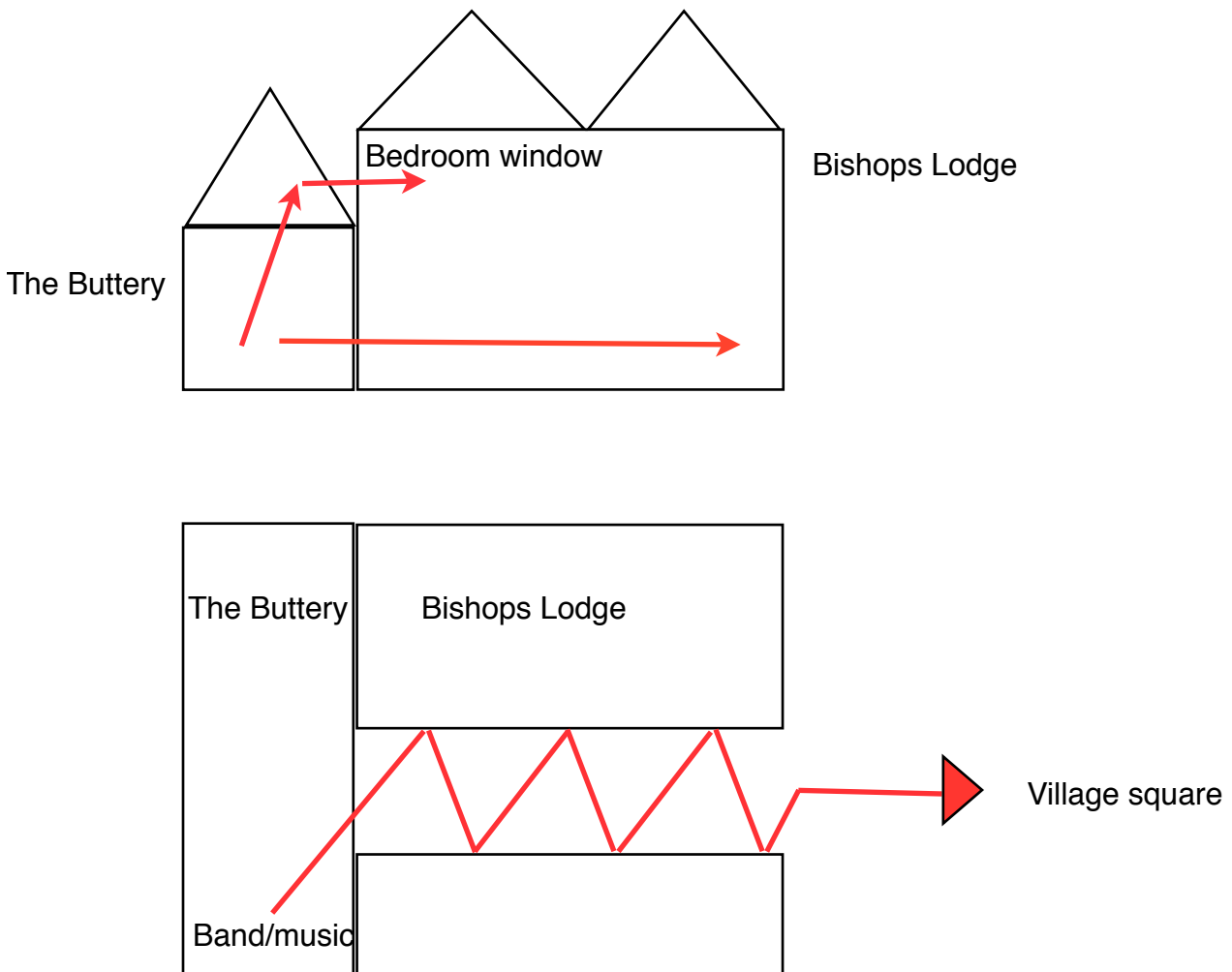
**There are day time events that also use amplified music and speakers such as lectures, keep fit & some kind of bingo where the amplified sound has been unnecessary as every word can be heard in our house without amplification. Wrotham is a very small and relatively quiet village.**

**The Buttery is an entirely unsuitable building to hold late night music. The proximity of The Buttery is immediate. There is a shared party wall. Where the music is played, towards the north side, the partition is only a wooden rafter with plaster board on the inside. The building is single story with a tiled roof with no soundproofing or ordinary insulation so it is the same as a marquee and is not acoustically fit for purpose.**

**The noise travels directly into my house and through the windows. It also ricochets around my courtyard. There is no prevention of noise leakage from the roof of The Buttery which is simply a tiled roof with an underlay of felt and no sound or heat insulation.**

**Once the music stops we still have a lot of noise during the winding down period, namely, shouting for more music followed by chatting and then the staff clearing up, all of which is still amplified through my house then finally people depart. Group sizes vary and I'm unsure of their maximum capacity, at a guess over a 100.**

**Below is an illustration of the venue known as the Buttery and my adjacent house as well as a plan view illustrating in red where the sound travels:**



**Because Bishops Lodge is a listed building the windows are single glazed. The sound travels through the party wall as well as through the tiled roof and into our single glazed windows. The windows are period windows which rattle when live music is played.**

**As people walk or drive past my house it appears the music comes from my house rather than The Bull which has had a knock on effect on attitudes towards this house as it appears that we have huge amounts of late night parties regardless to the disruption of village.**

**The noises from open air events in the car park are more evenly dispersed. They are normally during the day, quieter & where the ambient daytime sound is louder, even with that it can still be the case of having to raise your voice loudly at our front door to be heard when our neighbor's call. However, I am prepared to accept noisy events including the summer bbqs and occasional afternoon Jazz concerts as these do not disturb evenings or sleep.**

**Only The Buttery in the village makes that level of noise late at night during a music event, The George & Dragon & The Rose & Crown can only be heard when passing by on the occasions when they have musical events.**

**The other pub's events are normally the local band for just a few hours rather 6 hours of pumping beats. As with The George & Dragon & The Rose & Crown the music events held in The Bull Hotel itself can only be heard when passing. It is only in The Buttery where it is so much louder as the building is not fit for holding noise. With regards to noise prevention or leakage a drum still makes a very loud sound and a live band with it louder still. Oddly these are not so noticeable when inside the pubs themselves.**

**We are not overly sensitive to noise, the campanologists that have practiced for years next to our house every Monday until 9 pm have never disturbed us. Noise is very much part of village life. However, the noise of the church bells does not vibrate our windows or reverberate within the house even during prolonged bell ringing events by visiting campanologists.**

**I hope that the Licensing Committee will recognise that The Buttery is not a building fit for holding a late night music license and that it has such an impact on family life and enjoyment of our property. A late night music license should not be given to venues that share a party wall with a domestic residence unless the building is fit for that purpose.**

#### **Alternatives venues available to the Bull**

**The Bull has a large estate with available buildings for the purposes of a music venue including the Bowling Green and a large building, currently used for storage, to the north of the car park adjacent the grave yard. There are no domestic residences sharing party walls with these structures. They are at some distance to private dwelling houses and can be easily converted to venues at relatively little cost. Indeed the bowling club could be used almost immediately.**

**Bowling is a day time activity and as proprietor of the Bowling Green the Bull could make use of the club house as a venue during evenings when there is no bowling.**

**The impact to our family is immense. My children are young to be put through this, struggling through their 11+ and affecting their G.C.S.E's, AS & A Levels. The Buttery are holding late night events more & more during the week and the event 13 May is the night before my son's AS Level, I expect Mr. Deadman would not hold late night events the night before his son's exams.**

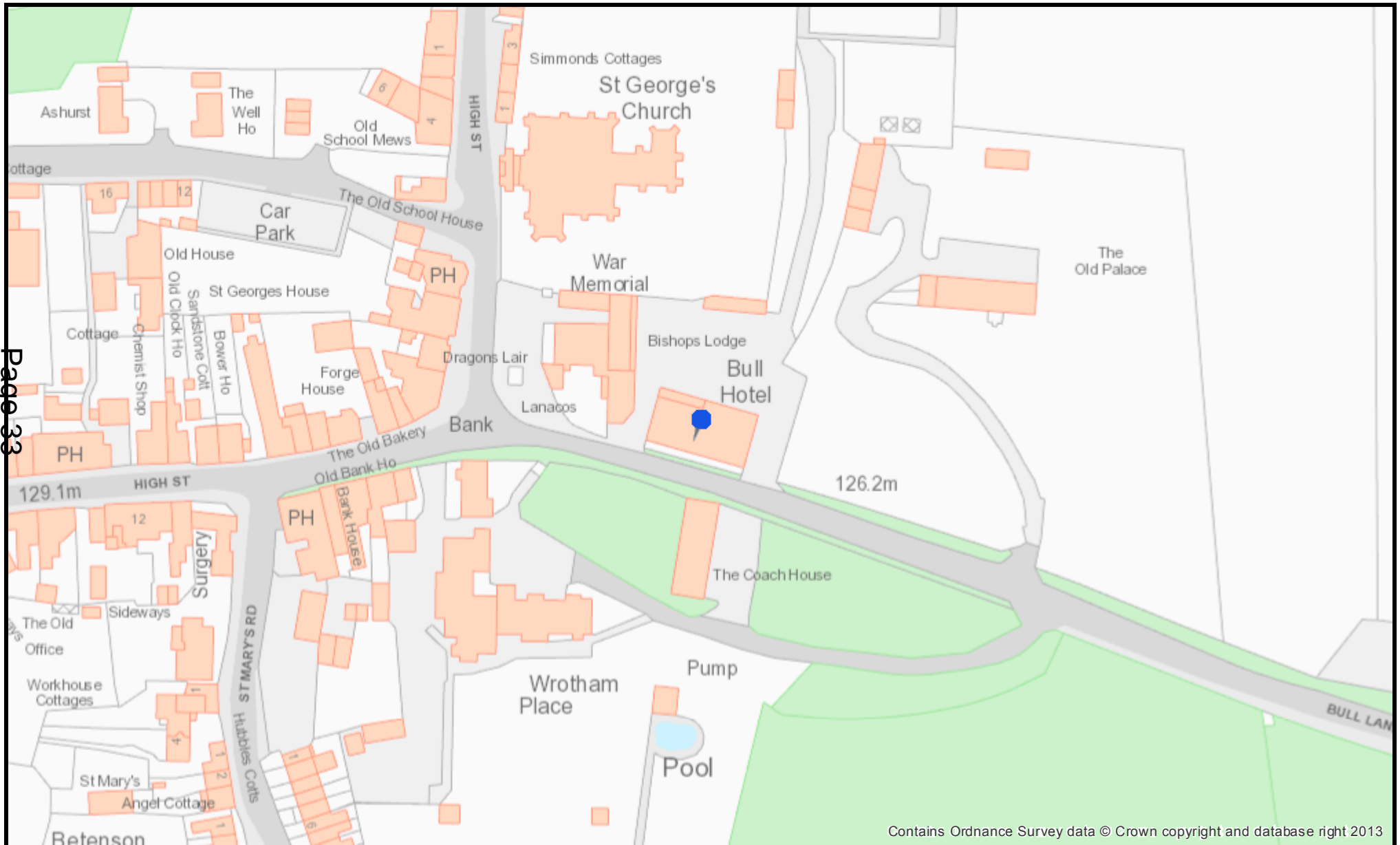
**This does harm my 3 children, their exams & futures. We are currently going forward with tertiary education for my eldest where the UCAS point system is key. The Buttery will affect exams. This will affect the children's future. I do see this as harm to my children and have stressed this point.**

**Removing this license would not inhibit The Bull Hotel's viability going forward as a community pub where it can meet its licensing objectives in a far more responsible manner. There are other places where it can provide party events rather than The Buttery which is little more than a store room, such as the bowling green or the other out house opposite The Bull to the north of the car park. The Bull itself is a far more suitable venue to house these louder than average events & would cause far less anxiety to others.**

**The financial effect on my house for resale purpose's is thousands of pounds if we could sell it at all now with this late night license noose around its neck. We cannot facilitate such a financial loss which I estimate to be approximately £150,000 upwards. We purchased Bishops Lodge for £810,000 and I do not believe anyone considering paying the same again would do so knowing that a late night, 7 days a week, license existed in the building backing onto the whole length of the house.**



# THE BULL HOTEL



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Scale 1:1,250

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Map Dated: 18 Mar 2015

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