

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 SUB COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 5 JUNE 2024

Attendees:

Committee Members:	Councillors English, Springett (Chairman) and Trzebinski
---------------------------	---

51. APOLOGIES FOR ABSENCE

There were no apologies.

52. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

53. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Springett be elected as Chairman for the duration of the meeting.

54. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

55. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

56. EXEMPT ITEMS

RESOLVED: That all items on the agenda be taken in public as proposed.

57. APPLICATION TO VARY A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR YALDING SUPERMARKET, BENOVER ROAD, YALDING, MAIDSTONE, KENT, ME18 6EJ

The persons participating in the hearing were identified as follows:

1. Chairman – Councillor Springett
2. Sub-Committee Members – Councillors English and Trzebinski
3. Senior Licensing Officer – Lorraine Neale
4. Legal Advisor – Helen Ward
5. Democratic Services Officer – Jordan Ifield

6. Representative of the Applicant – Frank Fender
7. The Applicant - Dhanushan Mahendran
8. Interested Party – Councillor Dee Ann Stead of Yalding Parish Council
9. Interested Party – Angela Gent, Clerk of Yalding Parish Council

All parties confirmed that they were aware of the sub-committee hearing procedure and that they had each received a copy of the hearing procedure document.

The Sub-Committee Members confirmed that they had read the papers regarding the hearing. The Chairman explained that:

- The Sub-Committee would allow all parties to put their case fully and make full submissions within a reasonable time frame.
- The procedure would take the form of a discussion led by the Sub-Committee and they would usually permit cross-examination within a reasonable timeframe.
- Any person attending the hearing who behaved in a disruptive manner may be directed to leave the hearing by the Sub-Committee (including temporarily) after which, such person may submit to the Sub-Committee any information which that person would have been entitled to give orally had the person not been required to leave the meeting. If this was not possible, they may be permitted to speak at the Chairman's invitation.

The Senior Licensing Officer introduced the report, referencing the application received in Appendix 1 of the report, the objection from Yalding Parish Council received in Appendix 3 of the report, and the current licence and plans of the premises in Appendices 4 to 6 of the report.

The Representative of the Applicant was invited to make their opening remarks and stated that the Applicant had taken over the premises in September 2023. The premises had previously operated as a public house with a garden area attached to the premises, and the current premises licence allowed for the supply of alcohol until 01:00 a.m. on a Friday and Saturday, and 00:00 a.m. during the rest of the week. It was proposed to vary the licence to supply alcohol on the premises from 11:00 a.m. to 11:00 p.m. and off the premises from 07:30 a.m. to 11:00 p.m. Patrons would be served alcohol on premises from a serving hatch and patrons could consume the alcohol in the garden area.

In response to questions from the panel, the Representative of the Applicant stated that the garden area was not included in the current premises licence, and that it had been included in the proposed premises licence plan to avoid ambiguity. Patrons would be charged more for alcohol purchased on the premises and consumed in the garden, and only those patrons would be allowed in the garden area. The Applicant confirmed that during peak trade hours during the summer months, five members of staff would be on the premises, including the serving hatch. It was clarified that to access to the garden, patrons would have to pass the serving hatch which would be monitored by a member of staff. The

Applicant further stated they would be open to reducing the sale of on-sale alcohol and conclude at 10:30 p.m.

In response to concerns from the Interested Parties that it would be difficult to manage non-patrons accessing the garden area, the Representative of the Applicant stated that members of staff would enforce a patron only policy in the garden and that signage in the garden area would manage the expectations of patrons.

The Interested Party, Angela Gent, was invited to make their case and stated that while the current premises licence included a provision for the supply of alcohol off the premises, in practice a small minority of patrons of the former public house would purchase alcohol to drink off the premises. It was highlighted that the premises was within a conservation area and the sale of alcohol off the premises could encourage anti-social behaviour.

The Interested Party, Councillor Dee Ann Stead, was invited to make their case and stated that light, noise and litter pollution had increased since the Applicant had taken over the premises.

In response to questions from the Representative of the Applicant, the Interested Parties stated that the litter was comprised of construction debris and general rubbish outside the premises, and that cars had been parking outside the premises on double yellow lines. The Representative of the Applicant stated that the Applicant would clean the construction debris when the works had been completed. It was highlighted that the Applicant had been operating the premises under temporary events notices for the previous month, and there had been no reports of anti-social behaviour in that time.

In making their closing remarks, the Representative of the Applicant reiterated their reasons for the application for the licence, and the Interested Parties stated they had supported the Applicant since they had taken ownership of the premises but had concerns about the licence variation.

The Chairman advised that the Sub-Committee would retire for deliberation with the legal advisor present. The meeting was adjourned between 11:20 a.m. to 11:56 a.m.

The Sub-Committee returned and the Chairman stated that having considered the evidence presented, representations made and the relevant legislation and guidance, the decision was made to grant the application as applied for, subject to an amendment that the sale of alcohol on premises would cease by 10:30 p.m. The application would be subject to an additional condition that the premises would operate an external area management plan, which would include regular patrols of the garden when in use, and that records of patrols will be kept.

It was confirmed that a written decision notice would be provided.

The hearing closed at 11:58 a.m.

RESOLVED: That the application be granted, subject to an amendment that the sale of alcohol on premises would cease by 10:30 p.m. and an additional condition that the premises would operate an external area management plan which would

include regular patrols of the garden when in use, and that records of patrols will be kept.