

## **MAIDSTONE BOROUGH COUNCIL**

### **Licensing Act 2003 Sub Committee**

#### **MINUTES OF THE MEETING HELD ON TUESDAY 7 OCTOBER 2014**

**Present:**     **Councillor B Mortimer (Chairman), and  
Councillors Mrs Grigg, B Mortimer and Perry**

1.     **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

2.     **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

3.     **EXEMPT ITEMS**

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

4.     **REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES -  
APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE  
LICENSING ACT 2003, MADE BY KENT SCOUTS ACTIVITY CENTRE, LOWER  
GRANGE FARM, GRANGE LANE, SANDLING, MAIDSTONE, KENT ME14 3DA**

The Chairman requested those present to introduce themselves, explained the procedures and Members confirmed that they had read all the papers.

Mrs Bolas explained that the hearing was to consider an application for a Premises Licence to be granted under the Licensing Act 2003, made by Kent Scouts Activity Centre, Lower Grange Farm, Grange Lane, Sandling, Maidstone, Kent ME14 3DA for live and recorded music to take place during the hours of 12:00 to 23:59 Monday to Sunday in the Kentish Barn.

It was noted that one representation had been received from an other person who was a neighbour, Mr. R. Shepherd. Mr. Shepherd was not present but Members considered that there was enough evidence before them to consider for the hearing to continue.

Mr. Foulsham, the applicant, stated in his opening remarks that he had been the Centre Manager since April 2013 and that the Kent Scout Activity Centre had been hiring out the Kentish Barn for weddings and barn dances mainly at weekends during the Summer months. However, they had been applying for Temporary Event Licences for each event and felt that it would be less expensive and time-consuming to formalise the process and apply for a Premises Licence instead.

Mrs Shepherd arrived at 10.08 a.m. and apologised for being late as she had been stuck in traffic, she asked for Members to allow her to speak as the objector. Members agreed that Mrs Shepherd could stay and speak on her husband's behalf as the objector. A few minutes later Mr. Shepherd arrived and indicated that he was happy for his wife to speak on his behalf as the objector.

Mr. Foulsham repeated his evidence for the benefit of Mrs Shepherd and then continued with his opening remarks. He confirmed that various initiatives had been introduced which included a noise limiter, which had been fitted inside the Kentish Barn, noise monitoring was carried out by a member of staff from three locations within the boundaries of the Centre and guests were asked to leave in a quiet and respectful manner.

He also advised Members that from May 2013 there had been 12 events and no complaints had been received either from neighbours or Maidstone Borough Council.

Mrs Shepherd was asked if she wanted to ask any questions of Mr. Foulsham.

Mrs Shepherd asked how the Centre inform their neighbours about any events due to be held and what precautions are put in place to restrict the noise levels.

Mr. Foulsham stated that some events at the Activity Centre are advertised on local notice boards and through the Parish Council. He believed that prior notification of events such as weddings and barn dances were sent out to neighbours by post but this probably had not happened for a while.

In terms of controlling the noise levels, Mr. Foulsham explained that a member of the Scouts staff is on site for the duration of the event and monitors noise levels from three locations on site at specific intervals and if the noise level goes above 65 decibels then they would request the music provider to turn the sound down.

In addition to this, as a further effort to reduce the noise, the barn doors and windows are shut at 10.30 p.m.

There is capacity for 120 people to sit down for a meal in the barn and for 200 people for the evening. There is also a marquee at the rear of the Kentish Barn. If people need to exit the barn they do so by a small door rather than the large main barn doors.

Mrs Shepherd asked if there was any control in place to avoid the music travelling from the barn.

Mr. Foulsham confirmed that there was not anything in place, other than not using the barn doors whilst music is playing.

Mrs Shepherd asked if there was anyone in charge when people are having a cigarette outside.

Mr. Foulsham advised that chairs are put out for guests at the rear of the Kentish Barn and the use of the benches on the other side of the site are not encouraged for use by guests. Again should the location of where guests are smoking is causing a nuisance or a health and safety risk, the designated person on site from the Scouts would speak to the guests concerned.

Mrs Shepherd asked if the guests are given any guidelines when leaving the event, especially in terms of the car park area.

Mr. Foulsham advised that the guests are asked not to keep their engines running and not to flash their headlights. The car park does have directional signs around it to encourage everyone to go out the same way. There are floodlights in the car park but these are not used unless there are keep fit sessions being carried out.

Mrs Shepherd asked if Mr. Foulsham was aware of any accidents that had happened or where people were drunk at events.

Mr. Foulsham stated that he was not aware of any incidents of that nature.

Mrs Shepherd then relayed an incident where her dog's paw was severely cut by broken glass from a beer bottle being thrown over her fence.

Members were then given the opportunity to ask questions.

In response to whether the Scouts Activity Centre sold alcohol at events, Mr. Foulsham confirmed that all events would hire in a private mobile bar and therefore the alcohol is sold through a third party.

In response to a question about what is the normal course of events for a wedding, Mr. Foulsham stated that weddings were very much a family affair and people came for the whole day, they decorate the barn themselves and come back the next day to take it all down.

In response to whether the Scouts had a business plan in place, Mr. Foulsham stated that this was being worked on.

In response to a Member's question on how do you control noise levels. Mr. Foulsham confirmed that a member of staff from the Scouts is always on site during any events. Someone lives on site now and will be responsible for ensuring noise levels are kept within limits and that there is no disruption. He confirmed that this person was not qualified in the prevention of crime and disorder but the Scouts had spoken to Police Officers and received some advice.

Mr. Foulsham explained that following an incident where there was an unacceptable noise level, if it was due to the music, they would speak to

the music provider to request that it be turned down, or if it was in relation to the guests themselves, then the Supervisor on site would speak to them, failing that would speak to family members from the wedding party.

In response to a question as to why the Scouts were applying for a Premises Licence now rather than applying for Temporary Event Licences, Mr. Foulsham explained that the Scouts had to pay £32 for each occasion and coupled with the paperwork required felt that it would be more expedient to formalise the holding of events by applying for a Premises Licence instead.

It was noted that guests are drawn to the policy on the protection from harm for children when they book an event and there is a link on the website.

In response to a Member's question asking if it is expected that the music stops at 23.59 and all go home. Mr. Foulsham said that the organisers are asked to leave and come back in the morning to tidy up to avoid guests leaving late.

In responding to a Member's question about whether the finish time could be brought forward, Mr. Foulsham stated that he would be happy to consider a finish time of 11 or 11.30 p.m.

The objector, Mrs Shepherd was asked to put forward her evidence.

Mrs Shepherd started by referring to the incident where her dog was hurt by broken glass where a bottle had been thrown over the fence during an event.

Mrs Shepherd had asked the Scouts to put up a higher fence so her dogs and children were kept safe. This did not happen so she had a fence put up herself.

Mrs Shepherd stated that sometimes the Scouts children are not always well supervised as they run up and down the fence line provoking the dogs.

Sometimes at weekends the wedding party are still outside at 5/6 a.m. in the morning where they have stayed the night in the tents etc.

Mrs Shepherd stated that her husband works weekends and in the Summer due to the late finishing of the events, there have been people outside shouting and screaming at 2 a.m. On two occasions Mrs Shepherd informed the Panel that she had resorted to staying away at a friend's home as her children had an important competition the next day and did not want a disturbed night's sleep due to the loud music from the event being held at the Scout Centre.

The Applicant was then given the opportunity of asking questions of the objector.

Mr. Foulsham asked the applicant if she would agree that the motorway noise is of a similar level to the noise levels of events held within the Barn.

Mrs Shepherd stated that she did not agree, the noise levels from the Barn when music is played is much more louder, especially when the Barn door keeps opening, the base level of the music is booming which is so loud, she is prevented from opening her windows in the Summer months.

Mr. Foulsham asked if signs were put up in the car park asking guests to not switch on their car engines or lights until they are ready to leave would help.

Mrs Shepherd said that this would possibly help but the logistics of 200 people descending on a car park all at once, coupled with the engine noises and the car lights could be a health and safety issue. She suggested that changing the flow in the car park might be more beneficial.

She also suggested that guests are asked to keep their children away from the car park during events as this was adjacent to her property.

Members were given the opportunity to ask questions of the objector.

A Members asked Mrs Shepherd if when she purchased her home in 2009 and the Scouts purchased the Kentish Barn, Stable Block and White Cottage that Mr. Shepherd and herself were aware that the Scouts would be holding events such as weddings and barn dances at their Activity Centre.

Mrs Shepherd said that the County Commissioner, Kelvin spoke to both her and her husband at the outset and said that the Scouts intended to build an Activity Centre. However, she felt that this had escalated into a full scale business now.

A Member asked Mrs Shepherd if it would help if the amount of days for events were reduced.

Mrs Shepherd said that it was the unsocial behaviour of the guests attending that was really the problem and with a few weddings, some stay overnight, therefore the event effectively goes on for two days.

Another Member asked Mrs Shepherd if she receives any communication from the Scouts about events that are coming up.

Mrs Shepherd stated that letters do not always get delivered as there is a problem with her postal address as it has been changed.

Mr. Foulsham advised that an Environmental Health Officer had been out to site and Mr. Foulsham showed him the noise limiter they have installed in the Barn and at the same time Mr. Foulsham said that he signed up to a noise reduction scheme with the Environmental Health.

Mrs Shepherd said she was happy for more communication with the Scouts but also felt that there was not enough qualified staff on the premises during events and that the business was growing out of their control.

She felt a prisoner in her own home and suffered a lot with stress which had culminated with a heart attack three years ago.

Mr. Foulsham confirmed that the Scouts wanted to be a good neighbour and thought they had got that in place. They would be happy to relook at procedures to improve the situation.

There were no further questions of clarification.

The Committee advised that they would now have a short adjournment to consider some conditions and would reconvene in 20 minutes to go through the conditions with both parties to see if these were felt appropriate.

The Hearing adjourned at 11.35 a.m. and reconvened at 12.15 p.m.

Mrs Bolas, the Council's legal representative read out the proposed conditions for issuing the licence:-

1. Grant the licence for 8 events April to September and one per month October to March, none of which should be on consecutive weekends and none on Sundays;
2. There should be no glass taken beyond 2 metres;
3. To have 2 members of staff in attendance at events with specific tasks – one to be inside and around the Kentish Barn (doors to be closed) and people to only go in and out of the small door, the other to take noise checks at 30 minute intervals and to look after the car park;
4. Music to stop at 11 p.m. and car park to be cleared by midnight for licensed events;
5. Signs should be erected to ask guests to shut off engines and lights until they are ready to go;
6. A programme of events to be given to neighbours;
7. All windows and doors would be closed at 10.30 p.m. and all guests should go in and out through the small door; and
8. All safety, public nuisance and protection from harm for children to be published; and

9. Consideration should be given to relocate the exit for the car park.

The hearing was adjourned for 10 minutes to enable the applicant and objector to consider these conditions and come back with any comments.

The hearing was reconvened after 10 minutes.

The Applicant stated that he agreed in principle to the conditions but wanted to point out that they had already taken bookings for August next year where there were some consecutive weekends.

Mrs Shepherd felt that the conditions should start from when the hearing finishes today.

The Committee then retired to consider the application and

**RESOLVED:** That the Premises Licence be granted with the following conditions:-

Members decided the licence should be granted and considered it appropriate and proportionate to promote the licensing objectives of prevention of public nuisance, public safety and protection of children from harm to condition the licence in addition to mandatory conditions and those consistent with the operating schedule.

Members were aware that no responsible authorities, including environment health, objected to this application. However, they heard evidence from a neighbour concerning noise from weddings and other licensable events that they suffer, causing disturbance to their home life caused by music in the Kentish Barn and the attendant guests and car parking. There had also been an incident where a dog was injured by glass thrown from the premises and concerns about insufficient staffing to control events, being one for up to 200 guests.

Members were also aware of the monitoring of noise levels and types of events and staffing by the Centre Manager or member of staff. They were also aware that no incidents had occurred at licensable events but felt that the likelihood of nuisance, public safety issues and the need for protection of children required conditions to ensure those objectives are promoted. Members considered exiting by the rear doors only but did not believe that to be proportionate in view of the lack of pathway and lighting and need to access toilet facilities. The applicant will be aware that should the objectives not be promoted, a review of the premises licence can follow and are encouraged to seek to restore communications with the objector where possible.

1. Licensable events shall be limited to no more than 8 during the months April to September each year.

SAVE FOR – 2015 when 3 events will be permitted in August BUT no more than 7 for the 6 month period April to September.  
Consecutive weekends (Friday/Saturday) will be allowed once in

August 2015 as an exception but not thereafter.

2. Licensable events shall be limited to no more than 1 per month during the months October to March in successive years.
3. No licensable event shall take place on a Sunday.
4. No licensable events shall be held on consecutive weekends (Fri/Sat) (save for the exception at 1 above).
5. An event is constituted by licensable activity on one day.
6. Licensable activities shall cease at 23:00 hours for each event.
7. Closing hours for the barn and clearance of the car parking used for the licensable activity shall take place by 23:59 hours.
8. No glass bottles or glasses shall be taken beyond 2 metres from the external walls of the Kentish Barn during opening hours for a licensable event.
9. A programme of licensable events or notice of a licensable event will be provided to neighbours at Lower Grange Farmhouse as soon as possible before a licensable event and in any event at least 2 weeks before commencement.
10. There will be two persons on site during the licensable event, employed by Kent Scouts or others instructed by them, specifically tasked, one to be in or near the Kentish Barn to ensure doors and windows are correctly closed and glasses do not go beyond the conditioned area; the second to carry out noise monitoring at 3 places, including on the boundary to the objector's land and near the current car parking exit, at 30 minute intervals, to ensure a reasonable level to avoid public nuisance and to ensure the car park is controlled to minimise disturbance by guests at events.
11. Signs shall be erected in the car park instructing those parking to extinguish their lights and shut off their engines as soon as possible when parked.
12. Doors and windows in the Kentish Barn shall be shut at 22:30 hours and entry and exit shall be via the small doors to the building only.

**Informatives:**

- The applicant and objector should be aware that a review of the premises licence can be brought at any time should there be any issues relating to licensable activities and the licensing objectives.
- The applicant should consider redirecting exiting traffic away from neighbouring premises if planning consent is possible.



- The applicant should be aware that all noise issues can be considered by Environmental Health Officers and should be reported to them if necessary.

5. DURATION OF MEETING

10.00 a.m. to 2.00 p.m.