

MAIDSTONE BOROUGH COUNCIL

Licensing Act 2003 Sub Committee

**MINUTES OF THE MEETING HELD ON MONDAY 16 NOVEMBER
2015**

Present: Councillors Mrs Blackmore, Mrs Joy and Springett

15. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Joy disclosed that she knew objector Mary Wheeler socially but had not discussed the application.

16. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

17. TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION

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

18. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - APPLICATION TO VARY A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR QUEEN ANNE PUBLIC HOUSE, 11 QUEEN ANNE ROAD, MAIDSTONE, KENT ME14 1HA

The Chairman requested all those persons participating in the hearing to identify themselves as follows:

- Councillor Joy – Chairman of the sub-committee
- Councillor Blackmore – sub-committee member
- Councillor Springett – sub-committee member
- Robin Harris – legal advisor
- Poppy Collier – committee clerk
- Catherine Button – representing the applicant
- Valerie Gooding - Signatory to a petition regarding the application for variance of licence from residents of Friars Court, Queen Anne Road.
- Mary Wheeler – Signatory to a petition regarding the application for variance of licence from residents of Friars Court, Queen Anne Road.
- L Ceesay – Signatory to a petition regarding the application for variance of licence from residents of Friars Court, Queen Anne Road.

The sub-committee Members confirmed that they had pre-read all the papers, and the applicant and objectors stated that no draft conditions had been agreed for the sub-committee to consider.

Catherine Button of Admiral Taverns, representing the applicant, provided opening remarks on the application. Miss Button advised that the closure of offices around the pub had impacted on trade, as had a change in drinking habits. The application for later hours at the weekend would allow special events to be held on a monthly basis. Due to the Lesbian, Gay, Bisexual, Transgender (LGBT) nature of the establishment, events tended to be flamboyant and cost more to put on, and so the variance in opening hours would maximise takings from an event. Longer opening hours during the week would allow for competitions and other events to be held. The purpose of the application for variance of opening hours was to negate the need to apply for Temporary Event Notices (TEN) each time an event was organised. No objections had been received from the Police, Environmental Health or licensing authorities, and no correspondence had been received from nearby residential properties.

The other interested parties present were invited to ask questions of Miss Button.

In response to questions Miss Button advised that:

- The Night Net scheme had not been used since the Queen Anne took up membership and so was not required.
- There were signs asking for customers to be quiet whilst leaving and that staff assisted in dispersing customers after the premises had closed.
- There was no information held on what form of transport customers used to vacate the area. It was confirmed that there was a car park situated nearby but if customers were drinking they should not be driving.
- With regard to whether the applicant was aware that a nearby car park was being developed into residential accommodation, Miss Spooner replied that the applicant aware of it, but it was difficult to assess what effect it would have at this early stage.

There were no further questions from other interested parties, and questioning was opened up to the sub-committee Members.

In response to questions from Members, Miss Button confirmed that:

- The Queen Anne was not the only LGBT identified premises in Maidstone, but it had the longest history of those in Maidstone.
- Events would be planned to take place once monthly. In this way a desirable act could be engaged, and takings could be maximised from this.
- No complaints had been received regarding the events that had been held over the previous year using TENs.
- There was an agreement in place with a taxi firm, whose phone number was on display on the premises.

There were no further questions from the sub-committee Members. The other interested parties were invited to provide their opening remarks.

Mrs Gooding provided her reasons for objecting to the application, advising that the Queen Anne public house was situated in a residential area which included the Fryers Court retirement flats of which Mrs Gooding was a resident. To the north was vacant land for development, and former offices on Albion Place and the DVLA building had applied for change of use to become residential properties. Mrs Gooding explained her concerns that extended opening hours would create more noise disturbance such as shouting, swearing and arguing. Mrs Gooding clarified that there was not a proven link between the Queen Anne public house and the current noise disturbances, but stated that there were no other public houses in the vicinity. Mrs Gooding was concerned that issues such as overflowing bins and broken spirit bottles in the street would occur more often if alcohol consumption increased.

The applicant's representative, Miss Button, was invited to ask questions of the other interested parties.

Miss Button sought to clarify whether the incidents involving broken spirit bottles and litter had been linked to the Queen Anne public house, to which Mrs Gooding replied no. Miss Button explained that the route past the Queen Anne public house led from the town centre, and asked whether the disturbances could be caused by people walking home from town centre premises. Mrs Gooding affirmed that this was possible.

The sub-committee then asked questions of the other interested parties.

In response to questions from Members Mrs Gooding explained that:

- Complaints regarding the Queen Anne were submitted to the licensing authority when the application was received.
- There was very little traffic on Queen Anne road and the noise disturbances were caused by people.
- The petition submitted (at appendix C) had been signed by Fryers Court residents only, and not the wider area.

Robin Harris, the legal advisor, requested confirmation as to whether the noise disturbances were generated from inside the premises, or outside on the street, to which Mrs Gooding replied that the noise was on the street.

Councillor Springett asked whether music could be heard coming from inside the public house. Mrs Gooding explained that several years ago there had been lots of noise, but a complaint was made to the premises and the loud music ceased.

Mr Harris asked whether the late night events held by the Queen Anne over the previous year had caused any nuisance. Ms Ceesay stated that there had been the sound of a group of females shouting in September, and as the Queen Anne was the only pub in the vicinity it was assumed that the noise had come from there. Mrs Wheeler added that there were pubs in the nearby streets Union Street and Wheeler Street.

Closing speeches were then invited, first from the interested parties.

Mrs Wheeler expressed surprise that there was demand for an extension in the opening hours. Mrs Gooding confirmed that there were no further comments.

In closing, Miss Button re-stated the need for the Queen Anne public house to be able to ensure it had the opportunity to maximise profits from events.

With regard to the applicant's desire to withdraw from the Night Net scheme, Councillor Joy asked Miss Button whether this could be reconsidered, to which Miss Button agreed that it was open for consideration.

Mr Harris asked whether takeaway food was sold on the premises. Miss Button advised that it was provided but customers did not regularly use this service.

The Chairman adjourned the hearing at 12.35 p.m. and declared that the sub-Committee would retire to private session to consider the application.

The hearing was reconvened at 1.14 p.m.

RESOLVED:

That the application be granted in respect of the variation of hours, but refused in respect of the removal of the condition to be a member of night-net or equivalent scheme within Maidstone.

Conditions:-

- Mandatory conditions from the Licensing Act 2003

Conditions imposed by Members:-

- N/A

Informatives:-

- The Sub-Committee noted that there were a number of concerns regarding this application and wanted to reassure residents that in the event of problems arising as a result of this variation any responsible authority or other person could ask for a review of the licence, after a reasonable period of time.
- All parties may appeal against the sub-committee's decision with 21 days beginning with the day on which the appellant is notified of the Licensing Authority's written determination. Appeals must be lodged with the Magistrates' Court. Parties should be aware that the

Magistrates Court may make an order with respect to costs on any appeal.

Reasons for determination:

Prevention of Crime and Disorder

Reasons (state in full):

The Sub-Committee noted that there was no representation from the Police regarding this application. Further, the Sub-Committee was not satisfied on the basis of the evidence received and heard today that the requested variation would impact on this objective.

Promotion of Public Safety

Reasons (state in full):

There were no representations in respect of this objective.

Prevention of nuisance

Reasons (state in full):

The Sub-Committee had regard to all the evidence submitted and the representations made today. The Sub-Committee noted that there was no representation from Environmental Health with respect to this application. The Sub-Committee was not satisfied on the evidence heard that the incidents of nuisance were attributable to the premises.

Protection of Children from Harm

Reasons (state in full):

There were no representations in respect of this objective.

19. DURATION OF MEETING

12.03 p.m. to 1.16 p.m.