

MAIDSTONE BOROUGH COUNCIL

Licensing Act 2003 Sub Committee

MINUTES OF THE MEETING HELD ON FRIDAY 3 JUNE 2016

Present: Councillor Springett (Chairman), and
Councillors Hinder and Joy

7. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

8. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

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

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

10. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES -
APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT
2003 FOR HARRIETSHAM VILLAGE HALL, CHURCH ROAD, HARRIETSHAM,
KENT, ME17 1AP

The Chairman invited all participants at the sub-committee hearing to identify themselves. The attendance was as follows:

Councillor Hinder	- Member for Boxley Ward
Councillor Joy	- Member for High Street Ward
Councillor Springett	- Chairman and Member for Bearsted Ward
Jayne Bolas	- legal advisor
Poppy Collier	- committee clerk
Mr Carey Jack	- Spokesperson for the applicant and Chairman of the Harrietsham Village Hall Trust
Mrs Susie Jack	- Applicant and Treasurer of the Harrietsham Village Hall Trust

The objector to the application was not in attendance and no information on attendance had been received. The panel decided to proceed with the hearing as the objector's representations were included in the papers and it was not necessary in the public interest to adjourn the hearing for attendance.

The Chairman explained the sub-committee procedure and ensured that each party had a copy of the hearing procedure document.

The panel confirmed that they had pre-read all the papers and any other documents contained in the report regarding the hearing.

It was noted that no draft conditions had been agreed between the applicant and any of the other parties.

Mr Carey Jack confirmed that he would act as the spokesperson for the application.

The legal advisor provided a brief outline of the application and all representations received.

Mr Jack was invited to provide opening remarks on the application. The panel heard that the Harrietsham Village Hall Trust took on the Village Hall in order to preserve it as a village asset. Investment into the Hall by the Trust, such as a refitted bar area and other improvements, had led to an increase in demand for use as a party or wedding venue, and regular events such as film clubs. Since the Trust took on the Hall temporary event notices had been used up to twelve times. Only two representations were received to this application and one was withdrawn after discussion. A meeting was offered to the second objector but was refused. The Hall was used for many events that were beneficial to children including roller discos, reduced hire rate for children's parties, and a regular children's film club. It was stated that there had not been an issue with litter or noise disturbance or with the Police and no complaints had been received. Mr Jack explained that the additional hour for sale of alcohol on weekend evenings would ensure that the Trust members and volunteers who manned the bar in the Hall would not breach licensing requirements by selling alcohol past 11.00 p.m.

The Chairman invited the hearing panel to ask questions of the applicant. In response to questions Mr and Mrs Jack stated that:

- It was expected that the number of events held in the Hall would increase in line with demand. However due to number of regular, recurring events there was a limited number of spaces left for additional events. These would mainly be Friday and Saturday as week nights are used by clubs.
- Having an on licence would provide the venue with greater control over the consumption of alcohol.
- No decisions regarding the venue were made outside of the Trust's committee, and all complaints were discussed at committee.
- There were residential properties near the venue but the Trust had not received a complaint regarding noise disturbance. The Hall was fitted with double doors to minimise noise. The Hall did not receive many visitors by car save for a few events, and where a number of vehicles were expected the Hall had access to an overflow car park.

- Outside events allowed guests to bring alcohol. Since the bar was refitted the Hall have charged £50 to man the bar and the customer would provide the alcohol, however the venue had to cover clean-up costs. An on licence would allow the Hall to make money from the bar.
- All events at the Hall would stop at 11.00 p.m. The extension of the licence to 00.00 a.m. would lengthen drink up time and ensure that any sales made after 11.00 p.m. were still within licensing regulation.

In response to a question the legal advisor provided clarification that a late night refreshment licence would be required to serve hot drinks as well as alcohol.

In response to further questions Mr Jack advised that:

- There were twelve members of the Trust, four of whom were active. Trust members and volunteers ran the bar, but external events could hire outside facilities and would not require a manned bar.
- The bar would not be in use outside of a pre-booked event.
- There was a contact number displayed on the Hall, and published in the village magazine, should anyone need to get in contact with the Trust or make a complaint.

In closing Mr Jacks expressed thanks to the senior licensing officer who had dealt with the application.

There were no further questions from the sub-committee, and no further matters to be raised or resolved before the hearing could be closed.

The panel retired to private session to consider the application at 10.40 a.m. and reconvened in public at 11.33 a.m. to declare the sub-committee's determination.

RESOLVED:

That the application be granted subject to modified conditions appropriate for the promotion of the licensing objectives:

Conditions:-

- Conditions consistent with the operating schedule and mandatory conditions from the Licensing Act 2003

Conditions imposed by Members:-

- 1) The sale of alcohol on the premises is permitted only to accompany an event involving regulated entertainment permitted by the licence and/or as part of a pre-booked event.
- 2) All doors and windows shall remain closed whilst amplified music and/or voice is being played and during any licensable activity after 23:00 hours.
- 3) Clearly visible signs shall be displayed at all exits from the premises asking hall users to leave quietly and respect neighbours.

Informatives:-

All parties should be aware that if issues arise during the operation of the licence, which are related to licensable activities at the premises and the promotions of the licensing objectives, application may be made for review of the premises licence, in accordance with the Licensing Act 2003.

Reasons for determination:

Members carefully considered the application and submissions from the applicant in this case together with the representations from Mr Lingard at appendix D of the agenda.

Having heard the nature of the operation at the premises Members were satisfied that primarily events at the hall are pre-booked clubs and events where regulated entertainment will cease at 23:00 hours. The village hall committee have in place contacts for any complaints. There is a residential area close to the hall but only one representation was received and no responsible authority representations from police or environmental health. There was no evidence of public nuisance or protection of children issues arising during operation of the current licence, or previous complaints or any real likelihood that this will occur in future operation. Members were mindful that the intention is to allow wind down time between 23:00 hours and 00:00 hours but did not consider it appropriate or proportionate to restrict that time as regulated entertainment will cease at 23:00 hours.

In view of the location however, it was considered appropriate and proportionate to modify conditions to control noise escape and noise from users leaving and to ensure alcohol is linked to events and not to general opening for alcohol only.

11. DURATION OF MEETING

10.03 a.m. to 11.38 a.m.