

AGENDA

LICENSING ACT 2003 SUB COMMITTEE MEETING



Date: Tuesday 15 November 2016
Time: 10.00 am
Venue: Maidstone Room, The Hazlitt
Theatre, Earl Street, Maidstone

Membership:

Councillors Joy, J Sams and Springett

Page No.

1. Disclosures by Members and Officers
2. Disclosures of Lobbying
3. To consider whether any items should be taken in private because of the possible disclosure of exempt information
4. Report of the Head of Housing and Community Services - Application for a premises licence to be varied under the Licensing Act 2003 for Bredhurst Village Hall 1 - 83

Continued Over/:

Issued on Monday 7 November 2016

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Poppy Brewer on 01622 602242**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

Agenda Item 4

Agenda Item No: 1 - Summary of Report

Licence Reference 16/02883/LAPRE

Report To: LICENSING SUB – COMMITTEE
(UNDER THE LICENSING ACT 2003)

Date: 27 OCTOBER 2016

Report Title: BREDHURST VILLAGE HALL
HURSTWOOD ROAD
BREDHURST
GILLINGHAM
KENT
ME7 3JZ

Application for: A premises licence to be varied under the Licensing Act 2003

Report Author: Lorraine Neale

- Summary:
1. The Applicant – Bredhurst Village Hall Committee
 2. Type of authorisation applied for: To vary a premises licence under the Licensing Act 2003. (Appendix A)
 3. Licensable Activities and hours:

		Current Hours		Hours: New Application	
A)	Plays (Indoors)	Mon - Sun	09:00-23:30	Mon - Sun	09:00-23:30
E)	Live Music (Indoors)	Mon - Sun	09:00-23:30	Mon - Sun	09:00-23:30
F)	Recorded Music (Indoors)	Mon - Sun	09:00-23:30	Mon - Sun	09:00-23:30
G)	Performance of dance (Indoors)	Mon - Sun	09:00-23:30	Mon - Sun	09:00-23:30
H)	Anything of a similar nature to (e),(f) or (g) (Indoors)	Mon - Sun	09:00-23:30	Mon - Sun	09:00-23:30
M)	Supply of alcohol (On & Off the premises) Extend licence on the 31st December to sell alcohol until 12:30 on January 1st.	-	-	Mon – Thurs Fri Sat Sun	19:00-22:00 18:00-23:30 11:00-23.30 11:00-22:30
O)	Opening Hours To be open until 01:00 on January 1st (following New Year's Eve)	-	-	Mon - Sun	08:00-24:00

The variation application also asks to vary the name of the licence holder to: Bredhurst Village Hall Management Committee. However, this requires an application for a transfer which may be made separately.

Also the removal of the following conditions from the Premise Licence.

A new Fire Equipment Certificate shall be forwarded to this office prior to or on the date of expiry of the current Certificate on 31 October 2005, and thereafter each year on the anniversary of this date.

A new Electrical Certificate shall be forwarded to this office prior to or on the date of expiry of the current Certificate on 1 December 2005, and thereafter each year on the anniversary of this date.

A new Emergency lighting Certificate shall be forwarded to this office prior to or on the date of expiry of the current Certificate on 1 December 2005, and thereafter each year on the anniversary of this date.

Affected Wards: Boxley

Recommendations: **The Committee is asked to determine the application and decide whether to vary the premises licence.**

Policy Overview: The decision should be made with regard to the Secretary of State's Guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and that such departure be supported by proper reasons.

Financial Implications: Costs associated with processing the application are taken from licensing fee income.

Other Material Implications: **HUMAN RIGHTS:** In considering this application it is appropriate to consider the rights of both the applicant and other parties, such as “**responsible authorities**” and/or “**other persons**” (objectors). The procedure for determining licences has a prescribed format to ensure fair representation of the relevant facts by all parties.

LEGAL: Under the Licensing Act 2003 the **Licensing Authority** has a duty to exercise licensing control of relevant premises.

Background Papers: Licensing Act 2003
DCMS Guidance Documents issued under section 182 of the Licensing Act 2003 as amended
Maidstone Borough Council Statement of Licensing Policy

Contacts: Mrs Lorraine Neale at: lorraineneale@maidstone.gov.uk – tel: 01622 602028

Agenda Item No. 1

Report Title: Bredhurst Village Hall Committee, Hurstwood Road, Bredhurst, Gillingham, Kent, ME7 3JZ

Application to: Vary a premises licence under the Licensing Act 2003.

Purpose of the Report

The report advises Members of an application to vary a Premises Licence under the Licensing Act 2003,(Appendix A), made by Bredhurst Village Hall Committee for Bredhurst Village Hall, Hurstwood Road, Bredhurst, Gillingham, Kent, ME7 3JZ in respect of which 11 responses have been received from other persons, 7 of which are objections and 4 showing support (Appendices C & D).

Issue to be Decided

Members are asked to determine whether to:

Grant the application as applied for, or

Grant the application and modify conditions of the licence, or

Reject all or part of the application

Background

1. The relevant sections are Part 3 S13 and 34 – 36 of The Licensing Act 2003 and section 4 of The Licensing Act 2003 in particular the Licensing Objectives:
 - The prevention of crime and disorder;
 - Public Safety
 - The prevention of public nuisance; and
 - The protection of children from harm
2. The application has been correctly advertised in the local press and notices displayed on the premises for the required period.
3. There were no representations received from responsible authorities.
4. 11 responses were received from other persons 7 against and 4 in support.

The table below illustrates the relevant responses which have been received

Responsible Authority /Interested Party	Licensing Objective	Associated Documents	Appendix
Objections			
Pamela Newman	Public Nuisance	E-mail	C
Mr Martin Jones	Public Nuisance	E-mail	C

Mr Jim Chalmers	Public Nuisance Public Safety	E-mail	C
Mr Stephen P Page LL.B	Public Nuisance	E-mail	C
David & Gerarda Olver	Public Nuisance	E-mail	C
Bredhurst Parish Council – Bex Ratchford (Clerk)	Crime & Disorder Public Nuisance Public Safety Children from Harm	E-mail	C
Graham & Evelyn Elford- Knox	Public Nuisance	E-mail	C
Support			
Mrs Mary Gough	In Support	Online	D
Mr John Sanders	In Support	E-Mail	D
Alan Rose – Trustee BVH	In Support	E-Mail	D
Alan Tuff – Trustee BVH	In Support	Online	D

There appear to be concerns that the requested hours and the addition of alcohol to the licence will potentially contribute to noise nuisance and unsociable behaviour 7 days a week, The objectors believe it will have a detrimental effect by noise, anti-social behaviour, increasing traffic and parking problems in a quiet rural area which would affect the Village Hall's closest neighbours, the majority of which are elderly. However the variation application does not increase the terminal hours of the licensable activities, the only exception being the opening hours of the premises.

There have also been submissions of support for the application by residents who believe that the Hall and its current Committee can only improve the facilities there for the benefit of the village. Further documentation has been submitted by Alan Rose, Trustee of Bredhurst Village Hall. These documents relate to a Parish Council meeting held on 17.10.2016. Bredhurst Parish Council submitted questions to Bredhurst Village Hall Management Committee and it was those responses that were discussed at that meeting. Bredhurst Parish Council would wish to see the application to vary not approved but request consideration of a list of conditions should Members be minded to approve.

5. The premises has a current licence, Appendix E. The current licence holder is the applicant.
6. The current licence hours are as per the licence attached at appendix E and set out at 3 of the summary above. The embedded conditions 3-5 are requested to be removed and there have been no objections to this. Condition 6. Should also be removed as no longer applicable.
7. **Members are advised that applications cannot be refused in whole or in part, or conditions attached to the licence unless it is appropriate to do so to promote the licensing objectives.;**
8. **Relevant sections of The Guidance issued under section 182 of The Licensing Act 2003;**

Chapters 8 (8.42 onwards) & 9 Premises Licences & Determining Applications

Chapter 10 Conditions.

Relevant policy statements contained in the Licensing Authority's Statement of Licensing Policy:

Relevant policy statements contained in the **Licensing Authority's Statement of Licensing Policy:**

- 17.9. Prevention of Crime and Disorder**
- 17.16. The Promotion of Public Safety**
- 17.19. Prevention of Public Nuisance**
- 17.23. Protection of Children from Harm**

17.9 CONDITIONS TO PROMOTE THE PREVENTION OF CRIME AND DISORDER.

Under the Act the Licensing Authority has a duty to promote the licensing objectives, and, a further duty under the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the borough.

- 17.10 The applicant will be expected to detail in their operating schedule how they will prevent crime and disorder on and close to the premises. Such detail should reflect the licensable activities on offer, location and character of the area, the nature of the premises use and the range of customers likely to use the premises.

These may include, but are not limited to, the following:

- Prevention of disorderly conduct and anti-social behaviour
 - Prevention of underage drinking
 - Prevention of sales of alcohol to intoxicated customers
 - Prevention of drunkenness both on and in the vicinity of the premises
 - Prevention of drug use and drug dealing
 - Restriction to responsible drinks promotions
 - Use of safety glass
 - Inclusion of a wind-down time following alcohol sales period
 - Adequate seating to discourage "vertical drinking"
 - The offer of food and snacks or other entertainment or occupation to discourage persistent drinking
- 17.11 In busier premises the Licensing Authority would usually expect to see a short (e.g.30 mins) 'wind down' or 'drinking up' period allowed for after the cessation time of entertainment and alcohol sales as this is effective in assisting in a reduction in noise and exuberance of customers before leaving the premises.
- 17.12 Applicants will be expected to seek advice from the Police and the Licensing Authority will give appropriate weight to requests by the Police for premises to be protected by SIA registered door staff subject to the provision of relevant evidence. Where the Licensing Authority determines after consultation with the police that a

premises is one that warrants additional security and monitoring it would expect applicants to include the provision of SIA approved door staff at the premises at appropriate times. Relevant premises are usually those used mainly for drinking alcohol, have later opening hours and are situated within the Town Centre night time economy area.

- 17.13 Where appropriate, applicants for licences in the Town Centre areas providing mainly alcohol, music and dancing would be expected to consider inclusion of a provision of safety glasses to prevent a risk of injury on the rare occasion that a glass may be used as a weapon.
- 17.14 The use of CCTV should be considered where appropriate or on the advice and recommendations of the Police and to a quality and standard approved by the Police for evidential purposes. Licensees will be expected to fully comply with the requirements of the Information Commissioners Office and the Data Protection Act 1998 in respect of any surveillance equipment installed at a premises.
- 17.15 In any application resulting in hearing the sub-committee will consider each application on its individual merits and determine the imposition of conditions that are appropriate to promotion of the licensing objectives.

17.16 CONDITIONS TO PROMOTE PUBLIC SAFETY.

The applicant will be expected to show how the physical safety of persons attending the premises will be protected and to offer any appropriate steps in the operating schedule to promote this.

- 17.17 Such steps will not replace the statutory obligation on the applicant to comply with all relevant legislation under the Health and Safety at Work etc. Act 1973 or under the Regulatory Reform (Fire Safety) Order 2004.
- 17.18 Applicants will be expected to have carried out the necessary risk assessments to ensure safe occupancy levels for the premises. Where a representation from the Fire Authority suggests that for the promotion of the Public Safety objective a maximum occupancy should be applied, the Licensing Authority will consider adding such a limit as a licence condition.

Where appropriate an operating schedule should specify occupancy limits for the following types of licensed premises:

- (i) High Volume Vertical Drinking e.g. premises that provide mainly stand up drinking facilities with limited seating/table space and the primary activity is the sale of alcohol
- (ii) Nightclubs
- (iii) Cinemas
- (iv) Theatres
- (v) Other premises where regulated entertainment is likely to attract a large number of people.
- (vi) Where conditions of occupancy have arisen due to representations received.

17.19 CONDITIONS TO PROMOTE THE PREVENTION OF PUBLIC NUISANCE.

The applicant will be expected to detail any appropriate and proportionate steps to prevent nuisance and disturbance arising from the licensable activities at the premises and from the customers using the premises.

17.20 The applicant will be expected to demonstrate that they have considered the following and included steps to prevent public nuisance:

- (i) Proximity of local residents to the premises
- (ii) Licensable activities proposed and customer base
- (iii) Hours and nature of operation
- (iv) Risk and Prevention of noise leakage from the premises from equipment, customers and machinery
- (v) Prevention of noise from customers leaving the premises and customer pick up points outside premises and from the Car Park.
- (vi) Availability of public transport to and from the premises
- (vii) Delivery and collection times and locations.
- (viii) Impact of external security or general lighting on residents.
- (ix) History of management of and complaints about the premises.
- (x) Applicant's previous success in preventing Public Nuisance.
- (xi) Outcomes of discussions with the relevant Responsible Authorities.
- (xii) Impact of location, noise and contamination from outside smoking areas on neighbours and other customers
- (xiii) Collection of litter arising from the premises

17.21 Steps to prevent public nuisance may include a range of options including noise limiting devices, sound insulation, wind down periods, acoustic lobbies, management of smoking areas etc.

17.22 Steps will differ depending on the individual premises and activities and it is for the applicant to ensure that reasonable, effective and appropriate steps are included within the operating schedule.

17.23 CONDITIONS TO PROMOTE THE PROTECTION OF CHILDREN FROM HARM.

Applicants will be expected to detail any appropriate and proportionate steps to protect children at the premises from any harm. The Licensing Authority recognises the right of licensees (serving alcohol) to allow accompanied children into their premises. The Licensing Authority would not seek to restrict access by children (above that specified in the Act) unless it is necessary for the prevention of physical, moral or psychological harm.

17.24 Steps to protect children from harm must be carefully considered for inclusion where:

- (i) There is entertainment or services of an adult nature provided.
 - (ii) There have been previous convictions for under age sales of alcohol.
 - (iii) There has been a known association with drug taking or dealing.
 - (iv) There is a significant element of gambling on the premises.
 - (v) There is a presumption that children under 18 should not be permitted entry such as to nightclubs (apart from when specific events are held for under 18's).
 - (vi) Outcomes of discussions with relevant Responsible Authorities suggest such steps are applicable.
- 17.25 Nothing in the Licensing Act prevents licensees from excluding children from a licensed premises and no condition can be added to require the admission of children.
- 17.26 Where there are no matters that give rise to concern in respect of children at premises the Licensing Authority would expect to see the relevant box on an application form completed to specify NONE.

9. Options

Legal options open to members -

Grant the variation application as applied for., or

Grant the variation and modify conditions of the licence, or

Reject all or part of the application.

Members of the Licensing Act 2003 – Licensing Sub – Committee are reminded of their duty under section 17 of the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the Licensing Authority's responsibility to co – operate in the reduction of crime and disorder in the Borough

Section 17 of the Crime and Disorder Act 1988 states:

"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can prevent, crime and disorder in its area".

12. Implications Assessment

The decision should be made with regard to the Secretary of State's Guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal/challenge is increased.

13. Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 – Right to respect for private and family life
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to Fair Hearing
- Article 10 – Freedom of Expression

The full text of each Article is given in the attached Appendices

14. **Conclusion**

Members must ensure that the application is considered on its merits, as well as against the relevant guidance, policy and statutory framework.

15. **List of Appendices**

Appendix A	Application Form
Appendix B	Plan of Premises
Appendix C	Representations –Other persons
Appendix D	Letters of Support – Other persons
Appendix E	Existing Premises Licence
Appendix F	Plan of area
Appendix G	Human Rights Articles
Appendix H	Order of Proceedings

16. **Appeals**

The applicant or any other person(objector) may appeal the Licensing Act 2003 Sub Committee’s decision within 21 days beginning with the day on which the Appellant is notified. All/any appeals must be lodged with the Magistrates’ Court. Parties should be aware that they MAY incur an Adverse Costs Order should they bring an appeal.

Contact: Email:	Senior Licensing Officer lorryneale@maidstone.gov.uk
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Donna Thorne

From: Uniform_Service_Request_Connector-Licensing@sevenoaks.gov.uk
Sent: 21 September 2016 11:50
To: Licensing
Subject: UNI-form LI Connector: Transfer Licensing application notification



A UNI-form Licensing application is received for Transfer sent by the Licensing Connector server.

Application Reference Value: 16/02883/LAPRE Application Type:

Application Proposal:

Application Address: Bredhurst Village Hall Hurstwood Road Bredhurst Gillingham Kent ME7 3JZ

Created: 21/09/2016 00:00:00

Message sent from host name WKIP-SOAP-14 by user 32bit Classic at 21/09/2016 11:50:15.

You have been sent this message because your address is defined as a contact address in the Uni-form Licensing Connector configuration. Contact your UNI-form systems administrator if you no longer wish to receive this message.

The Licensing Partnership

Application to vary a Premises Licence

Sevenoaks District Council, Tunbridge Wells Borough Council and Maidstone Borough Council have a Licensing Partnership to process and issue licensing applications.

Licensing Officers are located at each local licensing authority, together with admin support to deal with people visiting the Gateways and Tunbridge Wells Town Hall.

Thank you for using the Licensing Partnership self service. Before completing the form, please be aware of the following information:

Form Submission:-

When you have completed the application form please submit it. When you submit the application, you will receive an electronic response which will be sent directly to the email address provided in the application.

Payment:-

If you are submitting an application which requires a payment, please have your credit or debit card to hand as payment can be made upon submitting your application form. Applications requiring a payment will only be validated once payment is confirmed.

General Information:-

If you have any problems with completing the form please contact licensing@sevenoaks.gov.uk

For Official Use Only

Title	Customer Name	Form Filename	
	Bredhurst Village Hall Committee	Form Reference	Bredhurst Village Hall Committee/
DOB	NINO	Notes	Caps Reference
TEL	07950797325		
Email	tim@bredhurstvillagehall.co.uk		
Customer Address	Bredhurst Village Hall Hurstwood Road Bredhurst Gillingham Kent ME7 3JZ		
Date Form Started	21/09/2016 10:13:17		
Date of E-signing			
Date Submitted			
Validation Ref			
Occupancy type			
Advisor Name (who started form)			
Advisor Department			
Self-Service			

Licensing Authority: *The Licensing Partnership*

Licensing Partnership
P.O. Box 182
Sevenoaks
Kent TN13 1GP

Ref:

Application to vary a Premises Licence under the Licensing Act 2003

Please read the following instructions first

Before completing this form please read the guidance notes at the end of the form.

Use the blank page at the end of the form to provide further details if necessary.

When it is complete you can submit the form directly to us - click on the Submit Form button.

You may wish to print and keep a copy of the completed form for your records.

For help information about filling in this type of electronic form, click on the help information button.

I/We being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Maidstone Borough Council

[Click here for licence lookup](#)

Premises licence number

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Bredhurst Village Hall
Hurstwood Road
Bredhurst
Gillingham
Kent
ME7 3JZ

Post town

Post code

Telephone number at premises (if any)

Non-domestic rateable value of premises

Part 2 - Applicant Details

Title

Surname

Firstnames

Daytime contact telephone number

Email address
(optional)

Current postal
address
if different from
premises address

Post Town

Postcode

13

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

We would like to extend the licence to allow the sale alcohol at the premise.

We would like certain embedded conditions removed from the licence conditions as per below.

We would like to vary the name of the licence holder to: Bredhurst Village Hall Management Committee.

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

To complete this part, choose this option on Page 4

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for performing plays (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

To complete this part, choose this option on Page 4

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			
			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

To complete this part, choose this option on Page 4

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performance of live music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

To complete this part, choose this option on Page 4

G

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will the entertainment take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

To complete this part, choose this option on Page 4

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment be <u>indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).</u>	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption please make selection with an "x" (please read guidance note 7).	On the premises	X
Day	Start	Finish		Off the premises	
Mon	19:00	22:00			
Tue	19:00	22:00	State any proposed seasonal variations for the supply of alcohol (please read guidance note 4) The hall isn't open to the general public, only those that hire the hall, their delegates and guests (invited). The Bar would be a function bar only for the use of hirers.		
Wed	19:00	22:00			
Thur	19:00	22:00			
Fri	18:00	23:30			
Sat	11:00	23:30	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) We would like an extended licence on the 31st December so alcohol could be sold until 12:30 on the 1st Jan.		
Sun	11:00	22:30			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

none

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)	
Day	Start	Finish		
Mon	08:00	24:00	The hall isn't open to the general public, only those that hire the hall, their delegates and guests (invited). The Bar would be a function bar only for the use of hirers.	
Tue	08:00	24:00		

L

Wed	08:00	24:00	<p>Non standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p style="text-align: center;">We would like the hall to be open until 01:00 on the 1st January (following new years eve).</p>
Thur	08:00	24:00	
Fri	08:00	24:00	
Sat	08:00	24:00	
Sun	08:00	24:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

We would like the following embedded conditions removed from the licence conditions:

3. A new Fire Equipment Certificate shall be forwarded to this office prior to or on the date of expiry of the current Certificate on 31 October 2005, and thereafter each year on the anniversary of this date.

4. A new Electrical Certificate shall be forwarded to this office prior to or on the date of expiry of the current Certificate on 1 December 2005, and thereafter each year on the anniversary of this date.

5. A new Emergency Lighting Certificate shall be forwarded to this office prior to or on the date of expiry of the current Certificate on 1 December 2005, and thereafter each year on the anniversary of this date.

A fire equipment certificate, an electrical certificate and emergency lighting certificate will continue to be obtained and its completion will be continued to be reported by the Halls Trustees.

Please make selection with an "x"

I will enclose the premises licence with the declaration

I will enclose the relevant part of the premises licence with the declaration

Neither of above

If checking this box please fill in reasons for not sending the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General - all four licensing objectives (b,c,d,e) (please read guidance note 9)

Over the many years the Hall has been open, hirers have been making their own bar and alcohol arrangements. The hall would now like to offer a licensed function bar service to its hirers. The committee feel this would retain a strong element of control over licensable activity within the hall. Having a committee member or hall/bar representative on site during a function, will give benefit to the hirer and help a function to operate smoothly. The hall has offered a bar service under temporary event notices for a number of years and are pleased to say that all matters relating to the licensing objectives have been without any known problems.

b) The prevention of crime and disorder

The hall operates with zero tolerance to anything illegal and that is a crime or disorder. The Hall operates a deposit system where all hirers are required to provide the Hall with a substantial deposit that will be retained by the Hall in the event of any breakages, damages or crime/disorder incidents. Hall representatives working the bar will be given training and support to assist them dealing with any crime or disorder whilst the bar is open. There is lighting installed all around the Hall, covering every area of the exterior.

c) Public safety

Hirers are given terms & conditions of hire, also displayed at the hall stating the maximum persons allowed. The Hall complies with fire controls, has fire exits with illuminated signs, and fire prevention and extinguishing equipment which is maintained and inspected. First aid equipment is available and regularly maintained. A regular risk assessment is conducted, checking for damage and potential risks. Gas safety and electrical checks are completed by qualified contractors at required intervals. An accident book is used to keep record of incidents and reviewed at committee meetings so procedures and improvements can be implemented. The Hall has public liability insurance. The Hall is on one level with a dedicated disabled WC. The Hall has a hirer's guide which is informative showing how to use the hall in a safe way; this gives instruction on using all apparatus and gives guidance on how to remain safe. The Halls heating and cooling system is controllable by the hirer.

d) The prevention of public nuisance

A sound limiter is installed. The Hall has one main door to the front and rear, both are accessed via a lobby. Bins are throughout and an enclosed bin store is at the furthest point from neighbours. A sign asks hirers to respect neighbours and leave quietly. The terms of hire will state that hirers must not use fireworks or lanterns and the garden cannot be used after 11pm, hirers would be allowed to use only the rear garden as an exterior space, restricting users to inside the building and the rear garden. The grounds are enclosed by landscaping, the Hall is detached and has no on looking buildings. The car park is private. The terms of hire state that the hirers must not block any driveways or the highway. Residents of the village are invited to the AGM where a Question & Answer session gives an opportunity to discuss any concerns, action points are created and duly attended to. Contact details of Hall representatives are readily available.

e) The protection of children from harm

When the function bar is to be open, a sign is displayed detailing the Halls Challenge 21 policy, which put simply means that if the person asking to be served doesn't look at least 21, they will be asked to provide appropriate Identification (passport, driving license, citizen card). All Hall representatives that work the bar will have adequate training to help them deliver this policy with confidence. A refusal book is to be maintained by all Hall representatives and reviewed at each committee meeting. There are no gambling machines in the hall and the hall has no intention to install any. The Hall's committee does not allow hired use to contain anything of an adult or sexual activity. The Hall isn't allowed to be hired by anyone under the age of 18 and if hired for a party for someone under the age of 18, adult supervision is insisted upon.

Please make selection with an "x"

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- 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 NOTIFICATION

Part 5 - Declaration (please read guidance note 10)

Confirmation of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11) **If confirming on behalf of the applicant please state in what capacity.**

Confirmation

Name Date

Capacity

For joint applications confirmation of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12) **If confirming on behalf of the applicant please state in what capacity.**

Confirmation

Name Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Name

Address

Post Town

Postcode

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

For Official Use Only

Form Filename:

Submission Ref:

Applicant Name: **Bredhurst Village Hall Committee/**

24

Date Submitted:

Use this page if there is any other information that you think we should know about.
Information entered on this page will be sent to us, along with the data on the rest of the form when you use the "Submit" option.

[Empty text area for additional information]

Consent of individual to being specified as premises supervisor

Timothy John Gough

I
[full name of prospective premises supervisor]

of

148 Lonsdale Drive,
Rainham
Kent
ME8 9HX

.....
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

License Variation

.....
[type of application]

by

Bredhurst Village Hall Management Committee

.....
[name of applicant]

relating to a premises licence

MAID0185/LPRM/1525
.....
[number of existing licence, if any]

for

Bredhurst Village Hall
Hurstwood Road
Bredhurst Village
Kent
ME7 3JZ

.....
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Bredhurst Village Hall Management Committee

[name of applicant]

concerning the supply of alcohol at

Bredhurst Village Hall
Bredhurst Village
Hurstwood Road
Kent
ME7 3JZ

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

Medway/16/00050/PERS

[insert personal licence number, if any]

Personal licence issuing authority

Medway Licensing Unit, Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR
01634 337107

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

Timothy John Gough

Date

21/09/2016

Lorraine Neale

From: Bredhurst Parish Council [REDACTED]
Sent: 19 October 2016 12:40
To: Lorraine Neale; licensing@sevenoaks.gov.uk
Subject: Fw: Premises Licence - Bredhurst Village Hall
Attachments: Application Alcohol Licence Village Hall.docx

Bex Ratchford (Clerk)
Bredhurst Parish Council

[REDACTED]
<http://www.bredhurstpc.kentparishes.gov.uk/>
<https://www.facebook.com/BredhurstParishCouncil/>

From: pamela newman [REDACTED]
Sent: 18 October 2016 21:21
To: Bex
Subject: Premises Licence - Bredhurst Village Hall

Hi Bex,
Please could you forward my letter of objection re the above. I don't know where it has to be sent, sorry.
Many thanks,
Pamela Newman

Arran Bank Farm,
Dunn Street, Bredhurst,
Gillingham, Kent.
ME7 3ND

18th October 2016

**Application to Vary Premises Licence at Bredhurst Village Hall, Hurstwood Road,
Bredhurst, Kent. ME7 3ND**

Ref: 16/02833/LAPRE

**Variation to current Premises Licence to allow the sale of alcohol 7days a week
namely:-**

Mondays to Thursdays	19.00hrs - 22.00hrs
Fridays	18.00hrs - 23.30hrs
Saturdays	11.00hrs - 23.30hrs
Sundays	11.00hrs - 23.30hrs
New Year's Eve	Extension of Licence to 00.30am

I have no objections to the provision of an Alcoholic Licence being granted for weekends to cover various events such as weddings and entertainment. Although I do think Sundays should remain a family day for those living in close proximity and may not appreciate their lives being interrupted by the obvious disturbance this would bring.

I appreciate that the Chairman and the Committee are endeavouring to find ways of earning money for the upkeep of the Hall but surely there is a limit to what one should expect those living close by to put up with. Especially those living in the old folks homes opposite the village hall. I have been told of one incident where an elderly lady living alone was quite frightened when two inebriated males were fighting on the green outside these homes. Additional hours can only bring more incidents of this kind and grossly unfair to those who live there.

As most week days and evenings have clubs already using the hall not requiring alcoholic I do not see an overriding need for the provision of such. Therefore I object most strongly to the additional hours of Monday to Thursday.

As you are probably aware, by my address, I do not live in close proximity to the hall but it does play a big part in my life and in the past been closely involved with it as my husband was the Chairman at the time the hall was built and even then had to fend off persons who would have seen the hall become a drinking place instead of a community hall serving the residents of Bredhurst and those nearby. I for one would not like to see our Village Hall change in this way. Although the present Chairman/Committee may well have the best interests of the hall at heart we do have to think that in the future others may have a different agenda.

I must say on closing, that it does not bode well for ones confidence in the Chairman /Committee that they were unable to attend the Meeting on 17th October to personally face the queries that residents wished to put to them. I also have concerns that there is a conflict of interest with the Chairman running his bar business "That's the Spirit" from the village hall.

Pamela Newman

Lorraine Neale

From: Bredhurst Parish Council [REDACTED]
Sent: 19 October 2016 12:40
To: Lorraine Neale; licensing@sevenoaks.gov.uk
Subject: Fw: BVH Variation to Licensing Application - 16/02883/LAPRE

Bex Ratchford (Clerk)
Bredhurst Parish Council

[REDACTED]
<http://www.bredhurstpc.kentparishes.gov.uk/>
<https://www.facebook.com/BredhurstParishCouncil/>

From: Martin Jones [REDACTED]
Sent: 19 October 2016 07:14
To: [REDACTED]
Subject: BVH Variation to Licensing Application - 16/02883/LAPRE

Dear Bex

Please acknowledge receipt of this and forward my comments to MBC.

Dear Sir/Madam

I strongly object to the variation to the Bredhurst Village Hall license. I think the hours and days requested are excessive. It is also sad that BVH trustees did not have the courage to attend the recent BPC meetings in person to answer the questions raised by concerned residents.

I, and many others, walk our dogs in the Village Hall field on many summer evenings in what is now a pleasant and quiet area. I do not wish to see or hear people sitting on the BVH patio possibly drinking to excess and making a noise potentially 7 evenings a week.

BVH have stated that the hall is booked solidly from Monday to Thursday by various clubs who have used the facility for a long time, so why are they applying for a licence to sell alcohol on these days? Do they anticipate any changes? Admittedly, it gives BVH more flexibility but is that worth the resentment the application has caused and the ill feeling the charity is creating for itself?

It will be very difficult for BVH to prevent hirers taking their drinks into the village hall field where unsupervised children play. Indeed, despite assurances from BVH that this never occurs, last year their own Facebook page showed adults from a wedding reception drinking and standing on the toddlers play equipment.

I, like other residents in Bredhurst, have concerns about the Chairman of a charity running his company from BVH and profiting. It appears to be to his own financial benefit for this application to succeed. If BVH

think their request is going to generate more functions and presumably greater profit for the charity and the Chairman should there be a competitive tender?

A concern I did have last year when the initial application from BVH was considered by BPC was the comment made by a trustee. When Tim Gough was asked how much the charity received of the bar takings another trustee suggested that Tim should not answer because it was "commercial in confidence". Aren't charity's meant to be open and transparent? Tim Gough eventually, but reluctantly, had the good grace to confirm it was 10%. The remaining 90% was retained by Tim's company, I appreciate that costs have to be deducted from that but the profit to Tim still seems excessive.

I imagine the Licensing Authority is not concerned about profits or conflicts of interest but should there be a need to tender for bar services at BVH are you still able to agree the application given that Tim Gough may not end up being the designated Personal Licence Holder?

I attended the BPC meeting on 17th October to discuss the application. I was surprised to see 19 residents. For Bredhurst that is a very high turnout and evidence of the considerable interest in the application. From what I could judge there appeared to be only 2/3 people who strongly supported the application. One of those was Tim's mother who did her best to answer questions which was appreciated by those present. I think many of the audience would have been happier if the application had been for Friday's and Saturdays only. This would allow a potential 104 occasions for fund raising events to be held at which the bar could be open. This compares very favourably to the current maximum 15 under the TENs procedure. Surely BVH should be content with that?

Please allay the concerns of many Bredhurst residents and reject this application as it stands or at least restrict it to Friday's and Saturdays.

Yours

Martin Jones
Bredhurst Resident

Lorraine Neale

From: Bredhurst Parish Council [redacted]
Sent: 19 October 2016 12:41
To: Lorraine Neale; licensing@sevenoaks.gov.uk
Subject: Fw: Bredhurst Village Hall licence application

Bex Ratchford (Clerk)
Bredhurst Parish Council

[redacted]
<http://www.bredhurstpc.kentparishes.gov.uk/>
<https://www.facebook.com/BredhurstParishCouncil/>

From: Jim Chalmers [redacted]
Sent: 19 October 2016 09:50
To: Bredhurst Parish Council
Subject: Bredhurst Village Hall licence application

Bex,
Would you please forward this letter to Maidstone Borough Council to the licence application from Bredhurst Village Hall.

Dear Sirs,
I would like to object to the application from Bredhurst Village Hall for unreasonable increased hours to sell alcohol. I have lived in Fir Tree Grove, Bredhurst since 1984 and have enjoyed the advantages of a quiet, friendly village with the amenity of a community hall and dread the effect of frightfully extended bar hours. With TENS we had the control of only 12, or lately 15, usually village events where the sale of alcohol affected the immediate area and now the proposed hours would increase this to the probability of 104 with additional traffic associated. Entry to the hall in Hurstwood Road, with The Bell public house opposite, is directly passed my house and, because this is a cul de sac, will mean users of the hall travelling through early evening and late at night every weekend. This is a dramatic and unreasonable change of environment for all of the elderly living in immediate vicinity. The increased income for the hall cannot justify the effect on the village, in my opinion the only advantage will be to the bar owner who does not even live in the village and his 10 per cent of takings is poor recompense for the disturbance likely to be suffered. I hope that you will reject the application from Bredhurst Village Hall Committee.

Regards,
Jim Chalmers,
21 Fir Tree Grove,
Bredhurst,
ME 7 3 LB

Lorraine Neale

From: Bredhurst Parish Council [REDACTED]
Sent: 19 October 2016 12:42
To: Lorraine Neale; licensing@sevenoaks.gov.uk
Subject: Fw: Bredhurst Village Hall Licence Application

Bex Ratchford (Clerk)
Bredhurst Parish Council

[REDACTED]

<http://www.bredhurstpc.kentparishes.gov.uk/>
<https://www.facebook.com/BredhurstParishCouncil/>

From: SPP Kent Residential [REDACTED] on behalf of SPP (Kent Residential)

Sent: 19 October 2016 11:14
To: Bex Ratchford - Bredhurst Parish Council
Subject: Bredhurst Village Hall Licence Application

Dear Bex

Please forward my comments below to the relevant department at Maidstone Borough Council:

Dear Sir/Madam

As a resident of Bredhurst, I am writing to express my concern regarding the Village Hall licence application. At the moment, as I understand it, licences are available for up to 15 events during the year under the TENs system. This seems a reasonable arrangement to me as it balances the interests of allowing the Village Hall to procure a reasonable income stream while ensuring that any possible disturbance to neighbours will be limited. My overriding concern is that there is no way of knowing, if the licence were to be granted, the level of disturbance that might be caused to local residents living near to the Village Hall. There is also the danger that the Village Hall then becomes more of a social club than a Village Hall and I would strongly resist this.

Because of the likely increase in disturbance to local residents, if the licence application were accepted in its current form, I object to the application.

Yours faithfully

Stephen P Page LL.B

Lorraine Neale

From: Bredhurst Parish Council [REDACTED]
Sent: 19 October 2016 12:42
To: Lorraine Neale; licensing@sevenoaks.gov.uk
Subject: Fw: Bredhurst Village Hall Licence Application 16/028336/LAPRE

Bex Ratchford (Clerk)
Bredhurst Parish Council

[REDACTED]
<http://www.bredhurstpc.kentparishes.gov.uk/>
<https://www.facebook.com/BredhurstParishCouncil/>

From: David Olver [REDACTED]
Sent: 19 October 2016 11:52
To: clerk@bredhurstpc.co.uk
Subject: Bredhurst Village Hall Licence Application 16/028336/LAPRE

Dear Bex

RE: Bredhurst Village Hall Committee, Licence Application, 16/02833/LAPRE

Please forward my objection to Maidstone Borough Council's licencing department:

I attended last night's parish council meeting and was appalled to learn that not one representative from the board of trustees from the Bredhurst Village Hall committee was in attendance. Residents had specifically asked for a public meeting and I understand that one of the reasons given for their failure to attend was that they felt a similar meeting they attended last year on the same topic was 'hostile'. If they find a few parish councillors and a handful of residents 'hostile' how on earth will Tim Gough, the chairman of the Bredhurst Village Hall charity and owner of 'That's the Spirit', the company providing the bar service to the hall, cope with people who are drunk and possibly argumentative! How ridiculous that they can't face a few residents!

I would also like to know why their application has been kept so quiet with little consultation with residents. They have a website and Facebook page but not one word of their application is mentioned. I thought charities were supposed to be run in an open and transparent manner?

The hours of the licence being requested is unreasonable and will impact on the lives of those living in close proximity to the hall, many of whom are elderly. The playing field to the rear of the hall is heavily used by families at all times but especially at weekends. They should not be subjected to drinkers in the field while trying to enjoy time with their children. Again, if the Bredhurst Village Hall committee cannot face the parish council, how will they cope with telling guests that they may not use or take their alcohol into the playing field on hot summers days.

I do not understand how a chairman of a charity can run his business from the Village Hall and make personal financial gain. This must be a clear conflict of interest and the provision of a bar seems only to serve the chairman's personal interests rather than the charity. A question was also raised last night as to whether the contract for the bar was put out to tender or did the chairman and trustees just decide to award the contract in house?

I strongly object to this application and hope for the sake of residents that it is turned down. It was suggested at the parish council meeting last night that they seek legal advice; a course of action that I hope they pursue.

Yours Sincerely

Lorraine Neale

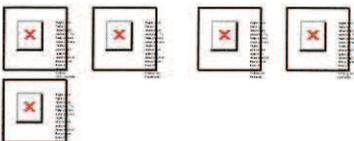
From: Licensing [REDACTED]
Sent: 19 October 2016 13:16
To: Licensing (MBC)
Subject: FW: Bredhurst Village Hall
Attachments: BVH Licence objection.doc

From: Bredhurst Parish Council [REDACTED]
Sent: 19 October 2016 12:39
To: Lorraineneale@maidstone.gov.uk; Licensing
Subject: Bredhurst Village Hall

Dear Lorraine,
Bredhurst Parish Council would like to submit the attached letter regarding the licence application from Bredhurst Village Hall.
I also have submissions from a number of residents which I will forward separately.
I would be grateful if you could confirm receipt.
Regards,

Bex Ratchford (Clerk)
Bredhurst Parish Council

[REDACTED]
<http://www.bredhurstpc.kentparishes.gov.uk/>
<https://www.facebook.com/BredhurstParishCouncil/>

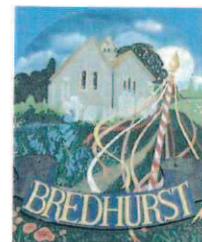


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Visit the Council at WWW.SEVENOAKS.GOV.UK

Bredhurst Parish Council

45 Samuel Drive, Kemsley, Sittingbourne, Kent, ME10 2GB



Licensing Department
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ

18th October 2016

RE: 16/02883/LAPRE

Application to Vary Premises Licence at Bredhurst Village Hall, Hurstwood Road, Bredhurst, Kent ME7 3JZ

Details of variation to current Premises Licence to allow the sale of alcohol 7 days a week, as follows:

Mondays – Thursdays:	19.00hrs – 22.00hrs
Fridays:	18.00hrs – 23.30hrs
Saturdays:	11.00hrs – 23.30hrs
Sundays:	11.00hrs – 22.30hrs
New Year's Eve:	Extension of licence to 00.30am

Decision of Bredhurst Parish Council: Unanimously Oppose the Application

Bredhurst Parish Council initially met on 5th October 2016 to discuss the application. Apologies were given by Bredhurst Village Hall trustees and the reason given was that the parish council meeting clashed with their committee meeting. Many questions were raised at this meeting by members of the public and cllrs which, in the absence of a representative from Bredhurst Village Hall, could not be answered. A member of the public suggested that a full public meeting be held at a later date allowing questions to be put to the village hall committee.

Bredhurst Parish Council suggested five different times and dates to Bredhurst Village Hall Committee but again they declined to meet with the council and residents, stating that they found previous meetings to be 'hostile'. They refer to a meeting in 2015 regarding their first licence application in which there were 28 members of the public present, the vast majority of whom were against the application. Although they refused to meet with us this year, they asked that questions from the council and residents be submitted to them in writing. As requested, Bredhurst Parish Council submitted questions but expressed concern that this is not an open or transparent way to deal with this, especially as residents had requested they attend a full public meeting.

Bredhurst Parish Council held an extraordinary meeting on 17th October 2016 to discuss the above application in the absence of any representation from Bredhurst Village Hall Committee. The meeting was attended by 19 residents. At the request of Bredhurst Village Hall Committee, their response to the questions raised by the council and residents was read aloud and residents had the opportunity to comment. Unfortunately, the parish council could not provide answers to many of the questions and it was extremely disappointing that Bredhurst Village Hall Committee declined to attend.

The parish council had been told that one of the main advantages of Bredhurst Village Hall being granted a variation would result in more control over the consumption and sale of alcohol. The second benefit they stated would be the additional revenue raised for the upkeep of the hall.

However, in their recent statement to the council, Bredhurst Village Hall Committee stated that future hirers will not be obliged to use the hall's bar and will still be able to make their own bar arrangements and/or provide free drinks to their guests. They explained that under their new system, bars will not be required to obtain a TEN as the hall's licence will cover all sales of alcohol. They also stated that a member of the committee would not be required to be on site for every event. The concern is that this would result in less control rather than more, as currently, TENs are regulated by Maidstone Borough Council but under the proposed changes, this would be devolved to Bredhurst Village Hall Committee.

Regarding the additional income stream for the hall, the only assured benefit will be 10% of bar receipts with the remaining 90% going to 'That's the Spirit', the company which currently provides the bar/catering services to the hall and will continue to do so under the new arrangements. 'That's the Spirit' is owned by Tim Gough, the Chairman of Bredhurst Village Hall Committee, a registered charity.

Bredhurst Parish Council and members of the public raised concerns that the chairman of a charity is making a financial gain from the charity. Questions were raised as to whether the bar service provided by Tim Gough should have been put out to competitive tender and it was suggested that the parish council should seek legal advice.

In the statement to Bredhurst Parish Council, the village hall committee stated 'Tim already spends a lot of his time at or considering the needs of the hall without payment as a trustee. All of the trustees consider it unfair to expect additional work, the purchase of stock and other procedural issues to be undertaken by "That's the Spirit", an independent trading company, without profit and are happy that there is a fair donation to the hall. The trustees give their assurance that all aspects of the catering arrangements with "That's the Spirit" will be transparent and suggest that turnover and donation to the hall is published in the lobby.' Bredhurst Parish Council would suggest that 10% of bar receipts is not a 'fair donation'.

'That's the Spirit' has been offering bar services to the hall for some years and it is quite possible that guests attend village hall events under the assumption that all takings go towards the upkeep of the hall. This is not the case as the chairman of the charity retains 90% of takings for himself. Bredhurst Parish Council feels that posters advertising events and a statement on the hall's website should clearly indicate the nature of the relationship between Bredhurst Village Hall Committee and 'That's the Spirit' and the arrangement should be open and transparent which we believe it currently is not.

Bredhurst Parish Council's concerns also cover the following issues:

Prevention of Crime and Disorder

- It is of serious concern that if the main licence holder Tim Gough and the Bredhurst Village Hall Committee find the parish council and a handful of residents 'hostile' how will they cope with possible drunken behaviour from village hall guests at events at the hall.

Public Safety

- If this variation is allowed, cars exiting the village hall via Hurstwood Road late at night would coincide with people leaving The Bell, which is located directly opposite the end of Hurstwood

Road only approximately 100m from the village hall. Cars from both venues will attempt to join The Street, which is the main road which runs through Bredhurst.

- There is limited street lighting in The Street and Hurstwood Road and extra traffic could be a hazard for pedestrians leaving both venues at the same time.

Prevention of Public Nuisance

- This is a quiet rural area and noise generated by hall hirers leaving the premises will be alien to the area.
- Bredhurst Village Hall is situated in Hurstwood Road and is immediately opposite six retirement bungalows, managed by Golding Homes. Some residents in these bungalows already suffer late night disturbance at weekends when the hall is hired out for wedding receptions and parties. This disturbance could increase to every day of the week if alcohol is more readily available.
- It is not acceptable to subject residents, many are of whom are elderly, to traffic movements, banging car doors and noise from guests, potentially, **7 nights a week**.
- The hall's application form at Section M) d states: 'the garden cannot be used after 11pm', however, the hall's Terms & Conditions state 'after 9:30pm all doors must be closed and any noise outside the hall must be reduced to an absolute minimum'. There is obviously a discrepancy as to whether hall hirers are allowed to use the outside areas until 9.30 pm or 11pm.
- There are no sound limiters on the rear doors of the hall, which could cause problems for residents in Fir Tree Grove whose houses back onto the rear of the hall.
- The application is for the sale of alcohol both indoors and outdoors. In summer months especially, it will be difficult to confine hall users inside the hall. The availability of alcohol outdoors could see an increase in noisy behaviour **7 nights a week**.
- Bredhurst Parish Council is concerned that Bredhurst Village Hall Committee has done the bare minimum to advertise the application and has not formally consulted with all village residents in regard to their current application. At the meeting of the council on 5th October, members of the public called for a full public meeting with the village hall committee to discuss the application. Bredhurst Village Hall Committee has refused to meet with the council and residents, they have not advertised the application on their own website or their Facebook page and, consequently, many people in the village are unaware of the application or, those who do know about it feel that it is being 'sneaked in' without a full consultation. The hall is an amenity for the whole village and the views of all residents should have been taken into consideration prior to the submission of the variation application.
- Bredhurst Village Hall Committee has not considered the full implications of their request to vary the Premises Licence on current and future residents living in the immediate vicinity of the hall or the wider community. Having an alcohol licence for **7 nights a week** could, in time, change the very nature of the hall. It was built in the 1960s as a community amenity and, until now, its focus has been a meeting place for local clubs and organisations. By granting a full licence, in time it could turn into more of a social club, aimed at more lucrative hall hirers from further afield and may no longer meet the needs of Bredhurst residents. We accept that the current committee stress this will not happen but, over coming years with changes in trustees, new trustees may have different objectives to those of the current committee. We believe a licence may be very difficult to revoke.

- Bredhurst Parish Council is worried about the type of hirers a full alcohol licence at the hall will attract, for example, football club events, which have proved problematic at other venues within the village over many years. It may turn from a village amenity into a social club. If more lucrative hall bookings increase during week nights, our fear is that hall hire charges will increase forcing out the local clubs such as WI, Garden Club and keep fit classes.

Protection of Children from Harm

- Immediately to the rear of the hall is Bredhurst playing field which is managed by the parish council. It has an enclosed area with play equipment for toddlers. There is a sign on the railings stating that the play equipment is for use by children of 12 years of age and under. At the far end of the field, there is play equipment for older children. The equipment and field are used daily by unsupervised children. Bredhurst Parish Council is concerned that it will be difficult to restrict guests to the confines of the village hall. Particularly on warm summer nights, it may be difficult to stop guests from straying with alcoholic drinks onto the playing field area, especially now that trustees have confirmed that they will not be present at all events.
- Bredhurst Parish Council does not feel it is appropriate to have alcohol in the vicinity of the toddlers play area and playing field which children use unsupervised on a daily basis.
- Increased traffic to the village hall car park during the day could cause a hazard for unsupervised children walking or cycling to the village playing field. In addition, children attending evening clubs at the school will also be at risk.

Bredhurst Parish Council respects the hard work, improvements made to the village hall, and dedication of all village hall trustees. We offered and would have welcomed the opportunity to discuss an acceptable compromise with Bredhurst Village Hall Committee but they have declined our invitations to meet.

Bredhurst Parish Council considers their request to vary the Premises Licence so radically misguided and it may, over time and with different trustees, change the village hall into a social club predominately focused on profit making. We do not consider this to be in the best interests of Bredhurst residents.

Bredhurst Parish Council, therefore, wishes to see the application to vary Bredhurst Village Hall's Premises Licence not approved. However, should MBC Licensing Committee be minded to approve the application we suggest the following conditions be taken into consideration:

- The sale of alcohol to be limited to Fridays and Saturdays only
- Alcohol only to be served in plastic glasses
- No alcohol to be served in glass bottles
- Smokers not to be allowed to congregate at the main front entrance to the village hall. This path is the main access to the playing field used by children and to St Peter's Charity Shop
- Hall hirers to be restricted to the confines of the hall
- Hall hirers not to be allowed to take alcohol outside the boundary of the village hall
- Sound inhibitors to be installed to the rear doors leading to the patio area
- At least two members of the Village Hall Committee to be on duty at all times when events involving the sale of alcohol are taking place
- All members of the Village Hall Committee to carry out industry recognised training regarding the sale of alcohol, dealing with difficult/drunken customers and first aid training by an approved recognised body
- Guests attending 'fund raising' events for the hall to be made aware of exactly where the takings from the bar are going. It should be clearly stated on all posters/advertising material

that 10% of bar receipts will be donated to village hall funds and the remaining 90% will be retained by Tim Gough, Chairman of Bredhurst Village Hall Committee and owner of 'That's the Spirit', the company which provides bar/catering services to hall hirers

Yours faithfully,

Bex Ratchford

Parish Clerk

Telephone: [REDACTED]

Email: bredhurstpc@live.co.uk

Lorraine Neale

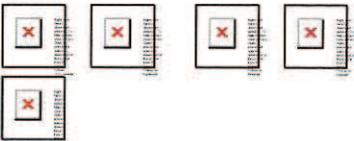
From: Licensing <licensing@sevenoaks.gov.uk>
Sent: 19 October 2016 14:33
To: Licensing (MBC)
Subject: FW: Graham & Eve's Letter
Attachments: Mr & Mrs Elford-Knox objection letter.pdf

From: Bredhurst Parish Council [REDACTED]
Sent: 19 October 2016 14:24
To: Loraineneale@maidstone.gov.uk; Licensing
Subject: Fw: Graham & Eve's Letter

Bex Ratchford (Clerk)
Bredhurst Parish Council

[REDACTED]
<http://www.bredhurstpc.kentparishes.gov.uk/>
<https://www.facebook.com/BredhurstParishCouncil/>

From: Vanessa Kent Residential [REDACTED] on behalf of Vanessa (Kent Residential)
[REDACTED]
Sent: 19 October 2016 12:54
To: Bredhurst Parish Council
Subject: Graham & Eve's Letter



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Tree Whispers
Hurstwood Road
Bredhurst
Kent
ME7 3JZ

19th October 2016

Dear Bex

Please forward our objections to Maidstone Borough Council to the licence application by Bredhurst Village Hall Committee. We live almost opposite the hall and are deeply concerned by the prospect of an increase in drunken users of the hall, the increase of traffic and noise. We have lived here for 37 years and, until my husband retired (in 2000), I was booking secretary to the hall and had held the position for 18 years, during which time we were, with the approval of the village hall committee, able to monitor the situation of the village hall usage and any negative impacts on residents.

We feel it is wrong that the chairman of the charity can profit from the hall. As we live so close, we would have expected to have been asked our opinion but we have not. Why? Because they know we do not support this application and that we think it is totally wrong for the hall and for the community. We urge Maidstone Borough Council to turn this down.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'E. R. Elford-Knox & G. Elford-Knox'.

Mrs Evelyn and Mr Graham Elford-Knox

Appendix D

From: publicaccess@sevenoaks.gov.uk
Sent: 11 Oct 2016 17:32:33 +0100
To: Licensing
Subject: Comments for Licensing Application 16/02883/LAPRE

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 5:32 PM on 11 Oct 2016 from Mrs mary gough.

Application Summary

Address: Bredhurst Village Hall Hurstwood Road Bredhurst Gillingham Kent ME7 3JZ

Proposal: Premises Licence

Case Officer: Lorraine Neale

[Click for further information](#)

Customer Details

Name: Mrs mary gough

Email: [REDACTED]

Address: 9 Kemsley Street Road, Bredhurst, Kent ME7 3LR

Comments Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Licensing Application

Reasons for comment: - No Objection.

Comments: 5:32 PM on 11 Oct 2016 As a village resident, the Halls cleaner and regular hirer of Bredhurst Village Hall, I am fully in agreement with the license variation application and favour the benefits.

Having this variation in place will ensure control over the retail of alcohol, where currently hirers are able to consume alcohol on the premise without any supervision. Therefore, if the hall is granted such variation, the clear set of guidelines and licence objectives will be embraced.

As a hirer of Bredhurst Village Hall, I myself conduct a risk assessment of the interior, exterior and when needed the play area before each hire, and have procedures in place. I am pleased to record this has always been to my satisfaction. With the proposed variation I am confident this will continue.

Over many years I have attended and very much enjoyed the social events laid on by the Hall committee, I feel the variation of license will help events to continue to enhance our community spirit.

From: Alan Rose [REDACTED]
Sent: Wednesday, October 19, 2016 9:23 AM
To: licensing@sevenoaks.gov.uk
Cc: [REDACTED]
Subject: Concerns raised at Bredhurst P.C. meeting regarding Licence extension for Village Hall

John, your submission is appreciated, I have sent it to the licensing authority.

Subject: Concerns raised at Bredhurst P.C. meeting regarding Licence extension for Village Hall

REF: 16/02883/LAPRE

Attendees at meeting: < 20

Dear Sirs

The following is an resume of the Bredhurst Parish Council (BPC) meeting called to discuss the questionnaire put to the Bredhurst Village Hall Committee (BVH) and their answers. I, John Sanders, 14 Fir Tree Grove, attended the meeting as an observer and to report back to BVH. BVH wanted to have only written correspondence as there had been errors and misunderstandings previously so did not attend the meeting.

Dealing with the items in the questionnaire in order:

1. BVH. Ans. There would be no change to the present system, i.e. hirers can choose to arrange their own bar service, when the Hall's licence would cover the event, provide their own alcohol when none is to be sold or use the Hall's bar. All hirers will complete the Alcohol Consumption questionnaire to ensure their suitability. No-one at the meeting had any comment or criticism of this answer. This answer also answers questions 2, 3, 4, 5, 6, 7 and 15 regarding very similar points.

8. BPC questioned the apparent ambiguity of "doors must be closed after 9:30pm" and "gardens cannot be used after 11:00pm".

BVH. Ans. The front fire doors cannot be opened as this cuts out the sound system so the only ventilation when the interior becomes very warm in the summer is to open the rear doors to allow air circulation. There also need for access to the rear area for smokers and those seeking fresh air. The increase in noise escaping outside is not high. NOTE: Although not arising at the meeting be aware that 18yr and 21yr parties are only permitted if they satisfy strict scrutiny to ensure any nuisance or disturbance is prevented.

9,10 & 11. The answers given by BVH emphasize the need for more licensed availability.

12. BPC have concerns regarding Tim Gough profiting from the bar while on the BVH charity committee.

BVH. Ans. We have consulted at length with the Charity Commission regarding the arrangement and they are happy with the arrangement.

BPC We want to have this confirmed in writing.

BVH. Ans. After the meeting BVH said that they will furnish the necessary document.

This answer also answers question 15 to an extent in regard to flexibility.

13. BVH. Ans. Our comments cover the subject adequately.

15. When discussing the possible consequences of extending the licence concerns were raised by BPC that possible future changes in the BVH committee could mean that new members could ignore the present rules and cause problems for residents. In my opinion worrying about distant possible problems would mean nobody would get a licence!

A leaflet giving the hours requested for the licence was circulated by the BPC but without pointing out that only when the hall was hired would the bar be open. This qualification should have been included in the interest of fairness and accuracy. No reasonable person would expect the bar to be open other than for events requiring one as it would be ridiculously non-viable; as an illustration of the few occasions when a bar would be possible during the week a timetable of present bookings is being sent to you by BVH.

Another important consideration are the repairs needed which will be hard to finance without the additional income that the extension will hopefully bring. Both the boiler and the dance floor will need replacing soon costing many thousands.

In ending, my conclusion, I admit possibly a little subjective, is that so little would change from what happens at present that I cannot see why there are objections from the BPC especially as those most affected should appreciate that there will be much better control of all hirers. Regards, John Sanders

3

Lorraine Neale

From: Licensing <licensing@sevenoaks.gov.uk>
Sent: 19 October 2016 12:50
To: Lorraine Neale
Cc: Licensing (MBC)
Subject: FW: 16/02883/LAPRE Application Bredhurst Village Hall
Attachments: 1 BVH statement re alcohol licence application.docx; 2 email from Bredhurst PC 12 Oct 16.docx; 3 BPC BVH Response.docx; BPC Circular.pdf; Diary of events.pdf; Charity Commission correspondence.pdf

FYI

From: Alan Rose [REDACTED]
Sent: 19 October 2016 10:04
To: Licensing
Cc: 'Alan Tuff'; 'Timothy Gough'; 'Pam Merryweather'; 'Pam Rose'; 'Anne'; 'michelle dallas'; 'Mary Gough'
Subject: 16/02883/LAPRE Application Bredhurst Village Hall

Subject: 16/02883/LAPRE Application Bredhurst Village Hall

Dears Sirs

I am a trustee of The Bredhurst Village Hall and it would be appreciated if the attached documents could be uploaded to the application.

1. BVH statement: A statement of our intentions dated 3rd October posted through the door of all residents in Hurstwood Road and Fir Tree Grove, both roads adjacent to the Hall. In three cases it was handed directly to the resident. A
2. Email from Bredhurst Parish Council dated 12th October 16, in response. B
3. BPC BVH response: Replies to the Parish Council, answering the questions put by them and/or the residents of Bredhurst. C
4. Circular distributed the evening before the meeting, which to my mind may imply that we intended opening the bar every evening during those times, which of course is nonsense. D
5. Diary of events and regular Hall users. (Many dates and times regularly coincide with the requested hours as further evidence that there is no intention of opening a regular bar on a daily basis). E
6. Correspondence from the Charity Commission. F

I am not sure that the efforts of BPC are well supported, as you will see there were just 15 questions raised prior to their meeting, apparently by residents, most of which are repetitive. It would seem that less than 20 members of the public attended the extraordinary meeting held by BPC 17th October, some of whom are known to be supporters of our application, out of a population of 397 as recorded in the 2011 census. This represents less than 5% of the population, hardly a glowing endorsement of BPC's concerns.

If you have any questions regarding any of the content, please advise by e-mail or I would be happy to receive your telephone call.

Sincerely

Mr Alan Rose, resident of Bredhurst and Trustee of The Bredhurst Village Hall.

Mr A J Rose
11 Fir Tree Grove
Bredhurst
Kent
ME7 3LB



www.bredhurstvillagehall.co.uk
Registered Charity 302696



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3rd October 2016

Bredhurst Village Hall Management Committee - Licence Variation Application

We believe it is important for the Hall to remain as an attractive and fully functioning amenity to meet the requirements of all users, accordingly we have applied to the local licensing authority for a license variation to allow the sale of alcohol solely for the benefit of hirers on the premises during specified hours, as advised in an earlier e-mail to BPC.

Following our application to vary our license last year, we have gathered much feedback, positive and negative from many sources, and we have used this information constructively and considerately when compiling the current application which has been submitted.

The Hall has absolutely no intention to stop offering its services to all of the local organisations which benefit from its regular use. However, it remains a fact that income from this source alone is insufficient to sustain the necessary upkeep and ongoing improvements; therefore, additional income from other sources is absolutely necessary and the inclusion of parties, weddings and other weekend events at higher rates which subsidise the regular users is vital.

To assist in raising income BVH has installed a bar facility for the "optional" use of all hirers and is available upon request. We consider this an improvement to the overall facilities available to all hirers.

Over the many years the Hall has been open, hirers have been making their own bar and alcohol arrangements and the committee believes that by offering an "in house" alternative it would retain a strong element of control over licensable activity within the Hall. Having a committee member or hall/bar representative on site during functions, will give added benefit to the hirer and help functions to operate smoothly.

The Hall already offers a bar service under temporary event notices (TEN's) and has done so successfully for a number of years and are pleased to comment that all matters relating to the licensing objectives have been without any known problems. Furthermore, the Hall receives a percentage of the income from the bar providing an additional valuable and welcome revenue stream towards maintenance and improvement costs.

At the time of our original application there was a misunderstanding of our intentions from unknown sources and for the sake of good order we are making it perfectly clear that "we will not be opening a public bar for general use". The Bar would be a function bar available only for the use of its hirers simply in accordance with their needs and their individual requirements.

Over the years, we have always carefully considered the implications and impact that the Hall's activities may have upon our neighbours, and in this respect for the benefit of local residents we have previously arranged for the fitting of sound limiting equipment which operates a "cut out" in the event of excessive noise especially bass sounds or when the front

fire doors to the car park are opened. Additionally, we have installed an ashtray in the garden to the rear of the Hall to encourage people not to congregate in the car park area, and we are currently installing signs requesting hirers to take care when leaving the site and to respect the local residents by not creating a disturbance of any kind. The Hall operates a zero tolerance policy to anything illegal as well as a deposit system requiring all hirers to provide a substantial deposit that will be retained by the Hall in the event of any breakages, damages or other incidents.

Hall representatives working the bar have been given training and support to assist them in running an "orderly house" to prevent unruly or unacceptable behaviour, including the unlikely event of crime or disorder issues as required by the licensing authority. Lighting is installed all around the Hall, covering every area of the exterior. The terms of hire will be amended to state that hirers must not use fireworks or Chinese lanterns and that the garden cannot be used after 11pm, hirers would be allowed to use only the rear garden as an exterior space, restricting users to the inside of the building and the rear garden. In addition, we provide clear terms and conditions to the hirers fully detailing the operating times and leaving requirements.

Residents of the village are invited to the AGM where a Question & Answer session gives an opportunity to discuss any concerns, action points are created and duly attended to. Contact details of Hall representatives are readily available within the Hall and on the VBH website.

We fully appreciate that the Hall is an important part of the Village and our Community. We are very keen to organise varied events for Villagers to enjoy in order to support it and to raise funds for its continued successful operation.

The Bredhurst Village Hall Committee is committed to building ever stronger relationships with other village organisations and in recent years we have introduced such initiatives as offering Village-based charities a significant discount as well as assistance to individual Village hirers.

As we are sure you are aware, our Committee members provide their services voluntarily for the running of this Village amenity and we are a committed group, the majority of which have served for very many years and rely on the goodwill and support of all village members and organisations. We welcome new ideas to improve the running of the Hall and of the services which it provides to the Community.

Yours truly,

Village Hall Committee/Trustees



www.bredhurstvillagehall.co.uk
Registered Charity 302696

Dear Pam,
Thank you for your email.

Whilst we appreciate the commitments of your Chair, we are disappointed that you have declined to meet with the council and residents, particularly since the suggestion to hold a 'village' meeting initially came from a member of the public.

BPC is in no way one sided when it comes to matters concerning BVH and in fact at last week's meeting, Cllr Jones clearly explained to those present that the hours of your current application are much less than your previous application. She also commented that she understood you have introduced additional regulations regarding the consumption and sale of alcohol and when queries were raised from residents as to where the consumption of alcohol will be allowed, she explained that you have submitted a plan of the hall and outside space with your application, showing the area which hall hirers may use. This demonstrates the willingness of BPC to work with BVH and residents in a spirit of fairness and transparency.

It was never the intention of BPC to hold back questions until a meeting; rather, the intention was to find a mutually agreeable day and time for a meeting, not only with yourselves, but also with residents, and to forward you questions beforehand so as to give you as much time as possible to find out the answers if you did not already have them. BPC is working on behalf of the residents to gain as much information as possible before making a decision on this issue.

As you will appreciate, BPC cllrs also have commitments and a room needed to be found. BPC is also governed by strict laws as to notice of meetings, with three clear days needing to be given. We suggested a range of dates, not just the evening before the end of the consultation period, and did in fact make clear that our preferred option would have been to have a full public meeting on Saturday 15th October. We do appreciate that Tim may have prior commitments on the dates we suggested, however, the Charity Commission website shows BVH has ten trustees and one would have hoped that at least one trustee may have been available to attend a meeting. Incidentally, at last week's BPC meeting, there seemed to be some confusion as to whether Mary Gough was a trustee or not, but we note that she is listed on the Charity Commission website. We would be grateful if you could clarify your current list of trustees.

Whilst we appreciate that you prefer residents to submit their concerns to you in writing so that you can correspond with people on an individual private basis, we would suggest that this isn't an open or transparent manner in which to deal with queries. Whilst we can advise residents to write to you, we cannot make them do this if they do not wish to do so. Residents have asked for an open public meeting to discuss their community building and BPC are endeavouring to facilitate this. Indeed, BPC offered to deliver leaflets to residents informing them of the proposed village meeting as most are unaware of your application. We note that you have erected two notices immediately outside the Village Hall, but might we suggest that you also publicise your application elsewhere in the village, and on your website and Facebook page.

Following last year's application, BPC offered to meet with you to discuss any future application. You declined to meet with us and despite stressing that Bredhurst Village Hall is a 'community facility', we do not believe you have consulted with all residents in the vicinity of the Hall or the wider community regarding your recent application. Surely a change as major as this should be announced via all possible sources i.e. social media, letters to every resident and at an open public meeting so that all parties may comment should they wish to do so.

We are grateful for your willingness to answer questions however, and the following are questions raised to date by BPC and residents. BPC's extraordinary meeting has now been set for Monday 17th October, and it is possible, of course, that more questions will be raised at this point. We would be grateful to have your responses in good time for the meeting on Monday and should one of your trustees feel able to attend, that would be welcomed.

1. In the statement you previously provided to BPC you state 'BVH has installed a bar facility for the 'optional' use of hirers'. What other options are available to hirers who wish to have alcohol at their event?
2. Should the licence application be allowed, will all hirers wishing to have alcohol at their event have to use the Hall's bar?
3. Can hirers use an alternative bar service to the one provided by BVH?
4. In these circumstances, will the alternative bar service be required to obtain a TEN or will the Hall's licence cover all alcohol sales and consumption at the Hall?
5. Can hirers provide their own free alcohol to their guests?
6. Will organisations still be able to run BYO events? i.e. guests take their own snacks and drink.
7. Will existing events e.g St Peter's Xmas Fayre still be allowed to sell mulled wine or at club meetings can guests still be provided with a free glass of wine?
8. Your current terms and conditions state 'after 9:30pm all doors must be closed and any noise outside the hall must be reduced to an absolute minimum'. In your application and the statement you provided to BPC, you state 'gardens cannot be used after 11pm'. This implies the garden may be used up until 11pm. Please clarify.
9. How many TENS has Bredhurst Village Hall had in this calendar year?
10. How many TENS did Bredhurst Village Hall have in 2015?
11. How many TENS may a venue have in any one calendar year?
12. In your statement to BPC you state 'our committee members provide their services voluntarily'. At last year's licence application meeting, Tim Gough, Chairman of BVH, stated he owned and ran That's the Spirit, the bar/catering company which has to date provided the Hall's bar service and will presumably continue to do so should your licence application be successful. He stated that 10% of bar profits are and will under the new arrangement be donated to the running of the village hall. This implies he keeps 90%. Please clarify the exact financial arrangements between the BVH committee and Chairman, Tim Gough.
13. Whilst it is appreciated that the provision of bar services may be an incentive to hire the Hall for some, thus increasing bookings, for others the inflexibility may be a disincentive to hire the hall. As any possible increase in bookings is an unknown quantity, it seems

the only assured additional income to Bredhurst Village Hall is 10% of bar profits. Please clarify your position on this.

14. We have concerns that the chairman of a charity is making a financial gain from the charity as we would suggest that all profits should be ploughed back into the upkeep of the hall. Please provide assurance that all aspects of the running of the bar/catering services will be open and transparent and that a full disclosure of interests statement will be made public to residents, village clubs and Hall hirers.
15. Prior to determination of your application, we ask that you make public the full consequences (both positive and negative) that a licence to sell alcohol will have on all future hirers i.e. if there will be any flexibility regarding the consumption of alcohol/provision of bar services or if all hirers will have no option but to use the Hall's bar if they wish to have alcohol available at their event.

Kind regards,
Bex

Bex Ratchford (Clerk)
Bredhurst Parish Council



Bredhurst Village Hall responses to questions raised by Bredhurst Parish Council in respect of our Alcohol Licence variation application

16th October 2016

Dear Bex

Thank you for your e-mail, the Trustees welcome BPC's confirmation that it is not one sided when it comes to matters concerning BVH, however, that was not the feeling gained at last year's meeting and feel that was justified especially when reading the later submission to the Licensing Authority. Perhaps on this occasion we can work together to bring about an outcome that satisfies the majority and hopefully from our point of view supports the application that we have made as we sincerely believe it is in the long term interest of the Hall and its hirers.

Notification of our application has been placed in two local newspapers so as to cover a wide area, BPC were notified and given the amended hours and additionally a notice was put through every door in Fir Tree Grove and Hurstwood Road, with the exception of three where they were placed directly into the hands of the occupier. Our earlier statement read aloud at the recent BPC meeting mentions some of the additional arrangements we have made and we would gladly consider other suggestions. To comply with current regulations two copies of the notice of application have also been posted at and close to the Hall.

At the meeting if any villagers, for or against our application, have further questions they can ask them directly or through your good offices. Should direct enquiries contain a request for us to copy BPC or they have already copied the question to you, then you have our assurance that we will respond accordingly.

The current list of Trustees as follows:

Tim Gough
Alan Tuff
Pam Tuff
Michelle Dallas
Pam Merryweather
Ann Rose
Ann Keeble
Pam Rose
Alan Rose

If the Charities Commission website indicates 10 then they have not updated it.

We hope that you will find the answers to your question complete, if further clarification is needed we would be pleased to hear from you.

1. In the statement you previously provided to BPC you state 'BVH has installed a bar facility for the 'optional' use of hirers'. What other options are available to hirers who wish to have alcohol at their event?

Under the current TENS's arrangement some hirers have chosen not to use the bar facility and have arranged their own bar for the sale of alcohol. Some hirers, as an alternative, where no alcohol is to be sold, have provided their own alcohol. These are "options" available to all hirers and this will NOT change if we are successful with our application.

2. Should the licence application be allowed, will all hirers wishing to have alcohol at their event have to use the Hall's bar?

Certainly not, as stated the Hall's bar is an "option" and an additional facility to promote further use of the Hall. It is our experience that some hirers arranging weddings and similar type events welcome the "option" as it is one less thing for them to arrange themselves.

3. Can hirers use an alternative bar service to the one provided by BVH?

Yes with certain provisions, to ensure responsible actions on the part of the organisers compliant with the licencing objectives. It must be considered that in Tim Gough's position as The Personal Licence Holder he needs to be confident that the hirer/organiser will act within the law and this is addressed through a questionnaire. Once the committee is satisfied that the hirer understands what is required of them then they can make their own arrangements. Hirers also have our assurance that the granting of this facility will not be unreasonably withheld or delayed, all applications will be considered within 7-days of the receipt of the fully completed and signed questionnaire. Please be aware that additional questions may be asked depending on the answers provided on the questionnaire. In the unlikely event of short notice Tim will work with the hirer with a view to satisfying their needs.

4. In these circumstances, will the alternative bar service be required to obtain a TEN or will the Hall's licence cover all alcohol sales and consumption at the Hall?

Provided the Committee is satisfied with the hirer's application then the Hall's licence would cover the event. We would emphasise that any approval provided by the Committee is based on the consideration and recommendations by Tim as the Personal Licence

Holder following his scrutiny of the alcohol consumption questionnaire.

5. Can hirers provide their own free alcohol to their guests?

Yes this has always been so and will not change but is subject to the questionnaire and checking as stated in (3)

6. Will organisations still be able to run BYO events? i.e. guests take their own snacks and drink.

Yes this has always been so and will not change but is subject to the questionnaire and checking as stated in (3). Every effort is made to avoid a disorderly event.

7. Will existing events e.g St Peter's Xmas Fayre still be allowed to sell mulled wine or at club meetings can guests still be provided with a free glass of wine?

Yes, the Hall's bar is only an "option" not a requirement. St Peter's is entirely free to sell mulled wine if its alcohol content is sufficiently low to put its sale outside of the current legislation. If not, then an application would need to be made as described in (3). Free wine can be provided under the provisions of (3)

8. Your current terms and conditions state 'after 9:30pm all doors must be closed and any noise outside the Hall must be reduced to an absolute minimum'. In your application and the statement you provided to BPC, you state 'gardens cannot be used after 11pm'. This implies the garden may be used up until 11pm. Please clarify.

Your assumption is correct. As advised earlier, amplified singing or music in any form is limited and electricity to the power outlet cuts off if the fire doors to the car park area are opened. However, especially in summer months temperatures in the Hall can rise significantly with the closure of the car park fire doors. Doors to the garden area to the rear of the Hall should be closed at 9.30 pm but in some circumstances, say hot or humid summer evenings, discretion should be used to allow adequate ventilation. The garden area can be used at any time up until 11:00 pm for those seeking fresh air and to facilitate others who smoke as this is not permitted inside or to the front of the building. The garden area to the rear of the Hall has always been available to hirers and our T&C's request their co-operation to keep noise to an acceptable level.

9. How many TENs has Bredhurst Village Hall had in this calendar year?

So far this year 13 have been used and the remaining two have been allocated to future hiring's. If further enquiries are received even from local clubs then they will be disappointed and the object of our application for the variation is to avoid this.

10. How many TENs did Bredhurst Village Hall have in 2015?

12 All used.

11. How many TENs may a venue have in any one calendar year?

Currently 15 but it does limit scope. Many village based organisations have used TEN's for their events and with the festive period coming it may leave some disappointed. We should not forget that TEN's have a cost both monetary and administratively, the latter for the applicant and the local Licensing Authority.

12. In your statement to BPC you state 'our committee members provide their services voluntarily'. At last year's licence application meeting, Tim Gough, Chairman of BVH, stated he owned and ran That's the Spirit, the bar/catering company which has to date provided the Hall's bar service and will presumably continue to do so should your licence application be successful. He stated that 10% of bar profits are and will under the new arrangement be donated to the running of the village Hall. This implies he keeps 90%. Please clarify the exact financial arrangements between the BVH committee and Chairman, Tim Gough.

The Committee has corresponded at length with the Charities Commission regarding this arrangement and they are happy with it and Tim's status as Trustee and Chairman, a conflict of interest statement is made at every BVH meeting and acted upon accordingly. The financial arrangement between the BVH committee and the chairman, Tim Gough, is that 10% of the "receipts", not the "profits" is donated to the Hall's account as an additional revenue stream. It should also be considered that this occurs only where the "option" to use "That's the Spirit" is taken, it is a direct benefit to the Hall; there is no additional revenue for the Hall when hirers make any of the alternative arrangements available to them. As a charity, BVH cannot actively engage in any trading activity including the sale of alcohol. This is expressly forbidden by the charities legislation.

13. Whilst it is appreciated that the provision of bar services may be an incentive to hire the Hall for some, thus increasing bookings, for others the inflexibility may be a disincentive to hire the Hall. As any possible increase in bookings is an unknown quantity, it seems the only assured additional income to Bredhurst Village Hall is 10% of bar profits. Please clarify your position on this.

The Trustees do not understand where the inflexibility occurs, given that several alternative options to the Hall bar are available. As stated the additional income is 10% of the take, not the profit. As for any additional bookings in the event of the licence application be granted, we do not have a crystal ball, but if we fail to look forward and simply stay with TEN's then any possibility of additional income from events requiring a licence will certainly not happen. It should also be considered that if we are wrong in our assumption, and who can say until proven otherwise, the unfounded fears of some residents will not materialise in any event.

14. We have concerns that the chairman of a charity is making a financial gain from the charity as we would suggest that all profits should be ploughed back into the upkeep of the hall. Please provide assurance that all aspects of the running of the bar/catering services will be open and transparent and that a full disclosure of interests statement will be made public to residents, village clubs and Hall hirers.

Tim already spends a lot of his time at or considering the needs of the Hall without payment as a trustee. All of the Trustees consider it unfair to expect additional work, the purchase of stock and other procedural issues to be undertaken by "That's the Spirit", an independent trading company, without profit and are happy that there is a fair donation to the Hall. The Trustees give their assurance that all aspects of the catering arrangements with "That's the Spirit" will be transparent and suggest that turnover and donation to the Hall is published in the lobby. The donations are also separately accounted for in our annual accounts. Please also consider that ALL DONATIONS to the Hall, which requires continuous maintenance, are gratefully received. As an example of maintenance issues a new boiler is required and will be installed once planning permission is given and when the Hall flooring next needs attention it cannot be sanded further, and a new floor will be necessary. These are costly items and it is in the interest of all villagers, clubs and hirers of the Hall, who consider the Hall a benefit to them, to reflect upon this.

15. Prior to determination of your application, we ask that you make public the full consequences (both positive and negative) that a licence to sell alcohol will have on all future hirers i.e. if there will be any flexibility regarding the consumption of alcohol/provision of bar services or if all hirers will have no option but to use the Hall's bar if they wish to have alcohol available at their event.

We see no negative consequences and consider the positive benefits for hirers and users to include the availability of any bar services and the provisional of alcohol at events without the requirement to obtain a TEN licence to avoid unintended breaches of the licencing regulations as could occur.

We believe that the questions have been answered in full, please consider that the application is for a variance to an existing licence and not a first application to become licenced. Our answers demonstrate that little changes from the "Status Quo", except the ability to offer hirers a licenced premises without the restrictions and administration of TEN's. Should BPC still consider it necessary to put their position to the Licensing Authority we wait with interest to reading the balanced submission.

In the interest of clarity a copy of this e-mail will be sent to the Licensing Authority for their consideration.

We would appreciate your acknowledgment of this e-mail confirming date and time of its receipt. We would also request that the whole of this e-mail is read aloud to attendees at the BPC's extraordinary meeting on the 17th October, or given in hard copy in the interest of clarity. Alternatively, please inform them that a copy is available upon request and a full copy is posted in the Hall.

Yours Sincerely

Pam Rose
Trustee & Secretary



www.bredhurstvillagehall.co.uk
Registered Charity 302696

Bredhurst Parish Council

www.bredhurstpc.kentparishes.gov.uk

bredhurstpc@live.co.uk

07941 987691



Dear Resident,

Bredhurst Parish Council are meeting to discuss the application by Bredhurst Village Hall Committee to vary the Hall's licence to sell alcohol.

Their requested hours are:

Monday:	19.00-22.00
Tuesday:	19.00-22.00
Wednesday:	19.00-22.00
Thursday:	19.00-22.00
Friday:	18.00-23.30
Saturday:	11.00-23.30
Sunday:	11.00-22.30

The meeting will be held at **Bredhurst Village School** on

Monday 17th October at 6pm

The agenda can be found on the parish noticeboards, on the website www.bredhurstpc.kentparishes.gov.uk or on the Bredhurst Parish Council Facebook page.

All residents are welcome to attend.





DIARY



BREDHURST Village Hall

Bredhurst Village Hall

Today



November 2016

Print

Mon	Tue	Wed	Thu	Fri	Sat
		1 Nov	2	3	4
09:00 Busy B's Playg 13:00 Scottish Danci 17:30 Pilates	18:00 Rainbow Whist	09:00 Busy B's Playg 13:00 Evergreens	09:00 Art Group 13:00 Art Group 19:00 Indoor Bowls	09:00 Busy B's Playg 18:00 Pre wedding p	18:00 Party
	7	8	9	10	11
09:00 Busy B's Playg 13:00 Scottish Danci 17:30 Pilates	09:00 Yoga 18:00 Whist	09:00 Busy B's Playg 13:00 Evergreens 18:30 Womens Instit	09:00 Art Group 13:00 Art Group 19:00 Indoor Bowls	09:00 Busy B's Playg 19:00 Astro	13:00 Baby 18:00 Party
	14	15	16	17	18
09:00 Busy B's Playg 13:00 Scottish Danci 17:30 Pilates	09:00 Yoga 18:00 Rainbow Whist	09:00 Busy B's Playg 13:00 Evergreens 18:30 Garden Club	09:00 Art Group 13:00 Art Group 19:00 Indoor Bowls	09:00 Busy B's Playg	10:30 Childs
	21	22	23	24	25
09:00 Busy B's Playg 13:00 Scottish Danci 17:30 Pilates	09:00 Yoga 18:00 Whist	09:00 Busy B's Playg 13:00 Evergreens 19:00 Woodturners	09:00 Art Group 13:00 Art Group 19:00 Indoor Bowls	09:00 Busy B's Playg 19:00 Astro Society	
	28	29	30		
09:00 Busy B's Playg 13:00 Scottish Danci 17:30 Pilates	09:00 Yoga 18:00 Rainbow Whist	09:00 Busy B's Playg	09:00 Art Group 13:00 Art Group 19:00 Indoor Bowls	09:00 Busy B's Playg	14:00 Xmas

Events shown in time zone: London





From: **FC Email Team (Queue)** /cemailteam@charitycommission.gsi.gov.uk
Subject: Bredhurst Village Hall 302696 CRM:0239186
Date: 29 October 2015 at 09:50
To: bookings@bredhurstvillagehall.co.uk

Dear Mr Tuff,

Thank you for your email and attachment.

We can assure you that we are contacting you from the Charity Commission and most of our business is now carried out by email. The links to our website, used below, direct to the gov.uk website.

<https://www.gov.uk/government/organisations/charity-commission>

We note in your attachment that the operation of the bar facilities within the Hall is contracted to an independent [non charitable] business. This action is acceptable to us. Our guidance CC35 refers and is available upon our website under the following link:

<https://www.gov.uk/government/publications/trustees-trading-and-tax-how-charities-may-lawfully-trade-cc35>

When a bar operation is hived to a non charitable trading company to generate income from the charity, it is governed by the trading company's trustees. Some of these trustees may also be trustees of the charity.

The matter of licences and other administration aspects of the bar operation will be undertaken by the non charitable trading company trustees in accordance with an agreement which should be in place between the company and the charity. The agreement may clarify matters relating to the sale of alcohol and the terms of any contract agreement would be for the charity trustees and their own legal advisors to determine upon.

We have advised the trustees of their responsibilities in accordance with putting a registered charity on fundraising literature. We note from your attachment that this has been discussed with the trustee board and they should therefore take steps to ensure that this legislation is fully complied with in the future.

We hope that this information is of assistance to you and have now closed our case. [We cannot advise on the issue of your correspondence with the Big Lottery].

Yours sincerely,

John Dearden.

Charity Commission. First Contact.

----- Original Message -----
From: bookings@bredhurstvillagehall.co.uk
Received:
To: FC Email Team (Queue)
Subject: 1 of 3 Urgent **28/10** Fw: Bredhurst Village Hall 302696

From: Bredhurst VH Bookings
Sent: Wednesday, October 7, 2015 3:27 PM
To: /cemailteam@charitycommission.gsi.gov.uk
Cc: [REDACTED]
Subject: Bredhurst Village Hall 302696

Lorraine Neale

From: Licensing <licensing@sevenoaks.gov.uk>
Sent: 19 October 2016 13:39
To: Licensing (MBC); Lorraine Neale
Subject: FW: Comments for Licensing Application 16/02883/LAPRE

From: publicaccess@sevenoaks.gov.uk [<mailto:publicaccess@sevenoaks.gov.uk>]
Sent: 19 October 2016 13:30
To: Licensing
Subject: Comments for Licensing Application 16/02883/LAPRE

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 1:30 PM on 19 Oct 2016 from Mr Alan Tuff.

Application Summary

Address: Bredhurst Village Hall Hurstwood Road Bredhurst
Gillingham Kent ME7 3JZ
Proposal: Premises Licence
Case Officer: Lorraine Neale
[Click for further information](#)

Customer Details

Name: Mr Alan Tuff
Email: [REDACTED]
Address: 6 Hurstwood Road, Bredhurst, Kent ME7 3JZ

Comments Details

Commenter Type: Neighbour
Stance: Customer made comments in support of the Licensing Application
Reasons for comment: - Supporter of Licence Application/Holder
Comments: 1:30 PM on 19 Oct 2016 I am a resident of Hurstwood Road next door but one to the Hall, a trustee of the Bredhurst Village Hall charity and a user through a number of hirers.
I support the Licence Variation application submitted by the Hall for the sale of alcohol in place of the current TEN's arrangements as this will:-
1) provide clarity to hirers and users as to what is required for the provision of alcohol at their events,
2) remove the need and therefore the cost and time for all parties required in obtaining the TEN's and
3) allow all hirers the opportunity to provide alcohol as this is becoming more popular with family and special

events such as christenings. This in turn will allow the Hall to maintain and hopefully improve the rental income.

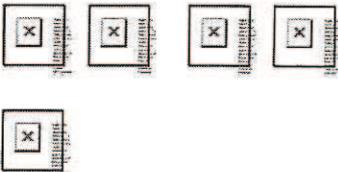
The Committee managing the Hall has in place measures and arrangements to vet, approve and manage arrangements by hirers to ensure that the Licensing Objectives are met and I see no reason why the previous and current operation should change and any disturbance or nuisance arise should the Variation be granted.

The Landlord, Rochester Diocese, and its Agents have no objections to the application and indeed declined the invitation from Bredhurst Parish Council to attend the meeting to consider it.

We are also in communication with the Charities Commission which is satisfied with the arrangement for the operation of bar services and have raised no objections to the application.

It is not the intention to create a public bar in the Hall, not only do we not have any wish to do so, it is not permitted by the lease with the Church, by the Hall's constitution or by its charitable status which cannot be changed by any future trustees whatever their intentions might be.

The Hall is virtually fully booked during the week so there would be no opportunity for such a bar to operate. The purpose of the charity is to support the the local groups, not exclude the.



This email may contain privileged/confidential information. It is intended solely for the person to whom it is addressed. If you are not the intended recipient you may not copy, deliver or disclose the content of this message to anyone. In such case please destroy/delete the message immediately and notify the sender by reply email. Opinions, conclusions and other information in this message that do not relate to the official business of Sevenoaks District Council shall be understood as neither given nor endorsed by the Council. All email communications sent to or from Sevenoaks District Council may be subject to recording and/or monitoring in accordance with relevant legislation.

Visit the Council at WWW.SEVENOAKS.GOV.UK

Premises Licence

Maidstone Borough Council
Licensing Section
London House
5-11 London Road
Maidstone
Kent
ME16 8HR

Premises Licence Number MAID0185/LPRM/1525

Part 1 – Premises details

Postal address of premises or if none, Ordnance Survey map reference or description Bredhurst Village Hall Hurstwood Road Bredhurst	
Post Town Gillingham, Kent	Post Code ME7 3JZ
Telephone Number None	

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence:- Plays Live Music Recorded Music Performances of Dance Anything of a similar description to live music, recorded music, performances of dance. Provision of entertainment facilities for making music, dancing and anything similar.

The times the licence authorises the carrying out of licensable activities:- 09:00 – 23:30 (Monday) 09:00 – 23:30 (Tuesday) 09:00 – 23:30 (Wednesday) 09:00 – 23:30 (Thursday) 09:00 – 23:30 (Friday) 09:00 – 23:30 (Saturday) 09:00 – 23:30 (Sunday)
--

The opening hours of the premises N/A

(1) Insert licensing authority details

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
N/A

Part 2

Name, (registered) address, telephone number and E-mail (where relevant) of holder of premises licence
**Bredhurst Village Hall Committee
Hurstwood Road
Bredhurst
Kent
ME7 3JZ

Contact : Mrs Hewitt – 01634 376301**

Registered number of holder, for example company number, charity number (where applicable)
302696

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol
N/A

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

N/A



Annex 2 – Conditions consistent with the operating schedule

N/A

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

N/A

As attached

Annex 5 – Embedded Conditions

Special Conditions

A breakdown of permitted numbers are as follows:-

Closely Seated Audience - 200 Persons

Dancing - 180 Persons

Seated at Tables - 90 Persons

Seated at Tables at Dancing Combined - 110 Persons

Exhibitions - 60 Persons

1. Anyone using the catering facilities at this hall, must ensure that they make adequate provision to comply with the Food Safety (General Food Hygiene) Regulations 1995 and Food Safety (Temperature Control) Regulations 1995.
2. Due to close proximity of residential properties, all doors and windows must remain closed whilst music is being played.
3. A new Fire Equipment Certificate shall be forwarded to this office prior to or on the date of expiry of the current Certificate on 31 October 2005, and thereafter each year on the anniversary of this date.
4. A new Electrical Certificate shall be forwarded to this office prior to or on the date of expiry of the current Certificate on 1 December 2005, and thereafter each year on the anniversary of this date.
5. A new Emergency Lighting Certificate shall be forwarded to this office prior to or on the date of expiry of the current Certificate on 1 December 2005, and thereafter each year on the anniversary of this date.
6. The standard conditions for public entertainment licensed by Maidstone Borough Council apply. A copy of these conditions is attached as Annex 6.



HUMAN RIGHTS

Article 8

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol

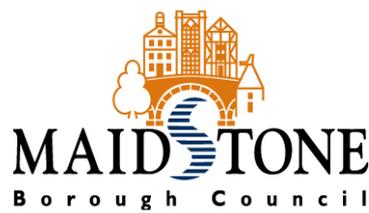
Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Article 6(1)

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

Article 10

3. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
4. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

Licensing Act 2003 Sub-Committee Hearing Procedure of Applications for New Premises Licences/Club Premises Certificates and Variations to existing licences and certificates

Introduction and Procedure

i) Introductions

The Chairman will request all those persons participating in the hearing to identify themselves, starting with the:

- ✘ Members of the sub-committee (who will, if applicable, declare any personal or prejudicial interests)
- ✘ Legal advisor
- ✘ Committee clerk
- ✘ Maidstone Borough Council licensing officers/managers
- ✘ Applicant (and any representative)
- ✘ Each responsible authority (and any representative)
- ✘ Each interested party (and any spokesperson or representative)

ii) Procedural Matters

- **Procedure**

The Chairman will:

- ✘ Confirm that all parties are aware of the sub-committee hearing procedure and that each party has a copy of the hearing procedure document.

- **Submissions**

The Chairman will:

- ✘ Explain that the sub-committee will allow all parties to put their case fully and make full submissions, within a reasonable time frame.

- **Discussion and cross-examination**

The Chairman will:

- ⌘ Explain that the sub-committee procedure shall take the form of a discussion led by the sub-committee.
- ⌘ Explain that the sub-committee will usually permit cross examination (conducted within a reasonable time frame).

- **Disruptive Behaviour**

The Chairman will:

- ⌘ Explain that where any person attending the hearing behaves in a disruptive manner, the sub-committee may direct that person to leave the hearing (including temporarily) and thereafter the person may submit to the sub-committee in writing any information which the person would have been entitled to give orally had the person not been required to leave the hearing.

- **Reading of Papers**

The Chairman will:

- ⌘ Confirm that all sub-committee members have pre-read all the papers and any other documents contained in the report regarding the hearing.

- **Draft Conditions**

The Chairman will:

- ⌘ Enquire whether draft conditions have been agreed between the applicant and any of the other parties for the sub-committee to consider.

- **Witnesses**

The Chairman will:

- ⌘ Enquire whether any parties request to have any witnesses give evidence at the hearing; and if so grant the request unless the request is unreasonable.
- ⌘ Invite the parties, where appropriate, to appoint a spokesperson.

The Hearing

Outline of the Application and Representations

- ✘ The Chairman will ask the legal advisor or community services manager to briefly outline the application and all representations regarding the application.

i) The Applicant

- ✘ Opening remarks by the applicant (or their representative).
- ✘ Evidence of the applicant and any witnesses.
- ✘ After each person has given evidence the person may be questioned by each responsible authority, interested party and sub-committee member.
- ✘ If necessary, the applicant (or their representative) may clarify any matter that arose during questioning.

ii) Responsible Authorities (where applicable)

RESPONSIBLE AUTHORITY	Tick if applicable
Police	
Trading standards	
Environmental Health	
Child Protection (Social Services)	
Planning	
Fire and Rescue	

- ✘ Opening remarks by the officer representing the responsible authority (or their representative).
- ✘ Evidence of the responsible authority officer and any witnesses.
- ✘ After each person has given evidence the person may be questioned by the applicant, each other responsible authority, interested party and sub-committee member.
- ✘ If necessary, the officer (or representative) may clarify any matter that arose during questioning.

iii) Interested Parties

- ✘ Opening remarks by the interested party (or spokesperson/representative).
- ✘ Evidence of the interested party and any witnesses.
- ✘ After each person has given evidence the person may be questioned by the applicant, responsible authorities, each other interested party and sub-committee member.
- ✘ If necessary, the interested party (or spokesperson/representative) may clarify any matter that arose during questioning.

Closing Speeches

In the following order:

- ✘ **Each Responsible Authority**
- ✘ **Each Interested Party**
- ✘ **The Applicant**

End of Hearing

- ✘ The Chairman will ask the members of the sub-committee if they have any final questions for any party to the hearing.
- ✘ The Chairman will ask the legal advisor whether there are any further matters to be raised or resolved before the hearing is closed.
- ✘ The Chairman will bring the hearing to a close and shall declare that the sub-committee will retire, to private session, to consider the application, all relevant representations, evidence, the relevant extracts of Licensing Authority's Statement of Licensing Policy, the relevant extracts of the National Guidance issued under section 182 of The Licensing Act 2003 and the licensing objectives under the Licensing Act 2003.
- ✘ The Chairman shall invite the legal advisor to remain with the sub-committee during its deliberations and ask all other persons to withdraw from the room.

The Decision

The Chairman shall declare in public session:

- ✘ The sub-committee's determination.
- ✘ All parties to the hearing will receive a copy of the written Determination Notice regarding the sub-committee's determination.
- ✘ All parties may appeal against the sub-committee's decision within 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.
- ✘ The hearing is formally closed.