

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 SUB COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY 13 JANUARY
2020

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

11. APOLOGIES FOR ABSENCE

There were no apologies for absence.

12. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that there were no Substitute Members.

13. NOTIFICATION OF VISITING MEMBERS

It was noted that there were no Visiting Members.

14. ELECTION OF CHAIRMAN

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

15. URGENT ITEMS

There were no urgent items.

16. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

17. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

18. EXEMPT ITEMS

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

19. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR 87 - 88 BANK STREET, MAIDSTONE, KENT, ME14 1SD

The Chairman requested that all those persons participating in the hearing identified themselves as follows: -

Chairman – Councillor Springett
Committee Member – Councillor B Hinder
Committee Member – Councillor Joy

Legal Advisor – Mr Robin Harris

Democratic Services Officer – Mrs Caroline Matthews and Miss Oliviya Parfitt who was in attendance as a training exercise

Applicant – Century Buildings (Rochester) Limited
Representing the Applicant – Mr Steven Ross Hutchins

Other parties – Mr Robert Baker and Ms Louisa Beddoes

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

The Chairman explained that:

- The Sub-Committee would allow all parties to put their case fully and make full submissions within a reasonable timeframe.
- The procedure would take the form of a discussion led by the Sub Committee and they would usually permit cross examination conducted within a reasonable timeframe.
- Any persons attending the hearing who behaved in a disruptive manner may be directed to leave the hearing by the Sub Committee (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.

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

The Chairman enquired whether any draft conditions had been agreed between the applicant and other parties from which there had been 1 objection.

Other parties confirmed to the Chairman that they wished to formally withdraw their objection. This was due to a discussion between themselves and the applicant, in the presence of the Legal advisor, prior to the meeting. During this discussion, the consequences of a Shadow Licence, as applied for, was explained and the other parties' concerns mitigated.

The Chairman asked the Legal Advisor that the committee would still need to determine the licensing application.

The Chairman invited any questions or statements from both parties.

The applicant's representative stated that there was none.

The objectors thanked the applicant for explaining the implications of applying for a shadow licence, as stated above, prior to the meeting.

The Chairman then invited questions from Members of which there were none.

The Chairman confirmed that the Sub-Committee would approve the Shadow Licence application. It was noted that the Applicant's Representative would receive the Notice in writing, within 5 working days from the date of the meeting.

The Chairman stated that there was a Right of Appeal within 21 days of receiving the written answer to the licence application.

The Meeting concluded at 10:50 a.m.



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

**LICENSING ACT 2003
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

NOTICE OF DETERMINATION

Application Ref No: 19/04346/LAPRE

Applicant: Century Buildings (Rochester) Ltd.

Regarding 87-88 Bank Street Maidstone

Date(s) of hearing: 13th January 2020

Date of determination: 13th January 2020

Committee Members: [Chairman]: Councillor Springett
Councillor Hinder (B)
Councillor Joy

Legal Advisor in attendance at hearing(s): Robin Harris, Team Leader
(Contentious), MKLS

Democratic Services Officer in attendance at hearing: Caroline Matthews

Senior Licensing Officer in attendance at hearing: N/A

This was an application for:

- Variation Grant
 Provisional Statement Review Other

for a

- Premises Licence Club Premises Certificate Personal Licence
 Temporary Event Notice

A: Representations, evidence and submissions:

The Committee considered the representations, evidence and submissions of the following parties:

Applicant

- Name: Century Buildings (Rochester) Ltd.
- Legal or other representative: Ross Hutchins

Responsible Authorities

None

Other Persons

Name: Mr Robert Baker and Ms Louisa Beddoes (Note: the objection was withdrawn at the hearing.)

Witnesses and legal representatives in support of interested parties

N/A

Representations considered in the absence of a party to the hearing:

N/A

B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Maidstone Borough Council

The Committee has taken into account the following provisions of the Licensing Act 2003 and the Regulations thereto:

Section 4 which relates to the licensing objectives
Section 16-24 which relate to the grant of a premises licence;
Schedule 1 which relates to Regulated Entertainment

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 2 which relates to the licensing objectives
Chapter 8 & 9 which relates to premises licences & determinations
Chapter 10 which relates to conditions attached to licences;

The Committee has taken into account the following provisions of its Statement of Licensing Policy:

Chapter 17 which relates to the 4 licensing objectives;
Chapter 17.9 – 17.15 which relates to the prevention of crime and disorder;
Chapter 17.16 – 17.18 which relates to public safety
Chapter 17.19 – 17.22 which relates to the prevention of nuisance;

Chapter 17.23 – 17.26 which relates to the prevention of children from harm;

The Committee has decided to depart from the guidance under section 182 of the Act and or the statement of licensing policy for the following reasons:

N/A

**C: Determination:
The Committee has decided to:**

- Grant the application as applied for.

Reasons for determination:

■ **Prevention of Crime and Disorder**

Reasons (state in full):

The Sub-Committee was satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective.

■ **Public Safety**

Reasons (state in full):

The Sub-Committee was satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective.

■ **Prevention of nuisance**

Reasons (state in full):

The Sub-Committee was satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective.

■ **Protection of children from harm**

Reasons (state in full):

The Sub-Committee was satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective.

PRINT NAME (CHAIRMAN): Cllr Val Springett

Signed [Chairman]: (sgd) Cllr Val Springett

A copy of the original document is held on file

Date: 13th January 2020

