



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

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

NOTICE OF DETERMINATION

Application Ref No: 20/02032/LACPC

Applicant: The Committee of Marden Cricket and Hockey Club

Regarding Marden Cricket and Hockey Club, Maidstone Road,
Marden, Kent

Date(s) of hearing: 6th November 2020

Date of determination: 6th November 2020

Committee Members: [Chairman]: Councillor Garten
Councillor Joy
Councillor Brindle

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

Democratic Services Officer in attendance at hearing: Oliviya Parfitt

Senior Licensing Officer for application: Lorraine Neale

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: Jo Hayes – Club Secretary
- Legal or other representative: Charlotte Hope – Club Vice Chair (Witness)

Responsible Authorities

- None

Other Persons

- Written representations from the parties shown in the table at page 5 of the agenda making the representations at Appendix C of the agenda papers.

Witnesses and legal representatives in support of interested parties

Not applicable as none of the interested parties attended the hearing.

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

No parties were excluded from the hearing, so this heading is not applicable.

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 13 which relates to responsible authorities
Part 4 which relates to club premises
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
Chapters 6 & 9 which relates to club premises & 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:

The Sub-Committee did not depart from policy.

C: Determination:

The Committee has decided to:

- Grant the application for variation as modified by agreement with the applicant during the Sub-Committee hearing as follows:

Showing of films, indoors only - Monday – Sunday 12:00 – 23:00

Live and recorded music indoors and outdoors – conditions to be removed from the licence. *

Supply of alcohol on and off the premises – Saturday 10:00 – 23:00

Opening hours – Monday to Thursday 08:00 – 23:59, Friday 08:00 – 01:00, Saturday 08:00 – 02:00, Sunday 08:00 – 23:00 **

* Live and recorded music is permitted as a matter of law in accordance with The Live Music Act 2012 as amended by The Legislative Reform (Entertainment Licensing) Order 2014 and The Deregulation Act 2015

** No licensable activity takes place on any day before 10:00 Hrs

The Sub-Committee only considered the application for variation, therefore all other features of the existing licence remain unchanged, including the non-standard events and hours.

Reasons for determination:

■ **Prevention of Crime and Disorder**

Reasons (state in full):

The Sub-Committee had regard to the written representations made by other persons in respect of this objective, but noted that there was no representation from Kent Police and the objectors did not link their concerns to the proposed variation of the existing premises certificate. As such, the Sub-Committee was satisfied that the proposed variation promotes this licensing objective.

■ **Public Safety**

Reasons (state in full):

The Sub-Committee had regard to the written representations made by other persons in respect of this objective. The Sub-Committee noted that the Section 182

Guidance is clear that public safety under the Licensing Act 2003 pertains to the safety of persons using the premises and not general public safety, such as the travel to and from the premises. As such, the Sub-Committee was satisfied that the proposed variation promotes this licensing objective.

■ **Prevention of nuisance**

Reasons (state in full):

The Sub-Committee had regard to the written representations received from other persons in relation to this licensing objective. The Sub-Committee noted that there was no representation from Environmental Health or any other responsible authority and that there were matters raised as concerns, such as floodlights and the noise generated by sports which are not licensable activities and therefore not within the remit of the Licensing Sub Committee.

Further, during the hearing, it came to light that the live and recorded music sought by the applicant was within the boundaries that are permitted by law without the need for an entertainment licence.

However, there were some concerns around the addition of films, but the Sub-Committee were satisfied that would be dealt with by the reduction in hours and only permitting films to be shown indoors.

Taking into account all of the above, the Sub-Committee were satisfied that the application as amended was sufficient to promote this licensing objective.

■ **Protection of children from harm**

Reasons (state in full):

The Sub-Committee noted that there were no representations under this licensing objective.

Advisory:

Licensing and Planning are separate legal regimes. Permission under the Licensing Act 2003 does not alter any existing planning consent or conditions. Breaches of planning consent or conditions may be subject to enforcement action by the Council's Planning Enforcement Team.

Recommendation:

The Sub-Committee recommends to the Club Committee that there is engagement with neighbours prior to hosting any event which utilises the non standard timings.

PRINT NAME (CHAIRMAN): C Councillor P Garten

Signed [Chairman]:

A copy of the original document is held on file

Date: 9th November 2020