

**MAIDSTONE BOROUGH COUNCIL**

**LICENSING ACT 2003 SUB COMMITTEE**

**MINUTES OF THE MEETING HELD ON WEDNESDAY 20 APRIL  
2022**

**Present:** Councillors English (Chairman), Hinder and Springett

30. APOLOGIES

No apologies had been received.

31. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Hinder was present as a Substitute Member.

32. ELECTION OF CHAIRMAN

**RESOLVED:** That Councillor English be elected as the Chairman for the duration of the meeting.

33. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

34. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

35. EXEMPT ITEMS

**RESOLVED:** That all items be taken in public as proposed, except for the Sub-Committee's deliberations which would take place in closed session.

36. APPLICATION FOR A NEW PREMISE LICENCE UNDER THE LICENSING ACT 2003 FOR ALLINGTON CASTLE, CASTLE ROAD, MAIDSTONE, KENT, ME16 0NB

The persons participating in the hearing were identified as follows:

Chairman – Councillor English

Committee Member – Councillor Hinder

Committee Member – Councillor Springett

Legal Advisor –Helen Ward

Democratic Services Officer – Miss Oliviya Parfitt

Senior Licensing Officer – Lorraine Neale

Applicant – Mr Peter Olliver

Applicant's Witness – Kerrie Gibson

Other Parties – Mr Alex Dimmick

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

The Sub-Committee confirmed that they had read the papers and the additional documentation provided by the other parties.

The Chairman explained that:

- The Sub-Committee would allow all parties to put their case fully and make full submissions within a reasonable time frame.
- The Procedure would take the form of a discussion led by the Sub-Committee and they would usually permit cross-examination within a reasonable timeframe.
- Any person attending the hearing who behaved in a disruptive manner may be directed to leave the hearing by the Sub-Committee (including temporarily) after which, such person may submit to the Sub-Committee any information which that person would have been entitled to give orally had the person not been required to leave the meeting. If this was not possible, they may be permitted to speak at the Chairman's invitation.

The Senior Licensing Officer introduced the report and outlined the requested hours for the provision of live and recorded indoor music and alcohol. The purpose of the licence would be to allow the premises to operate as a wedding venue.

One objection had been received and was contained within Appendix 3 to the report. The objection expressed concerns relating to public nuisance and public safety, specifically an increase in inappropriate behaviour and noise nuisance. There were concerns that the local road network was unsuited to the increased number of vehicles that would be visiting the site, with no pavements to secure the safety of pedestrians.

The Senior Licensing Officer stated that the objector had submitted a response to the applicant's initial response to their concerns, which had been shared with the Sub-Committee.

The applicant was invited to make their opening statement and stated that drivers had to undertake due diligence in navigating the local area, but that pedestrians and cars were able to pass one another. It was not felt

that the level of traffic would be significantly impacted if the licence was granted. The venue would only be accessible to the attendees' vehicles for a short amount of time, with an hour given as an example, after which time the gates would be closed.

The applicant's witness was invited to make their opening statement and referenced the multiple temporary event notices that had been used in the past. No complaints had been received.

In response to questions from the Sub-Committee Members, the applicant confirmed that the road referred to, which led up to the venue, was a single-track road for approximately 200 metres. There were passing points in place to aid traffic flow. The applicant's witness stated that if a wedding took place at the venue, the guests would usually arrive between 1-1.30 p.m., with the venue to close at midnight.

The objector was invited to make their opening statement. It was felt that the local roads' passing points would not be able to cope with an increase in vehicle traffic, with the narrow turnings highlighted. It was stated that one of the passing points was a resident's driveway. The applicant responded to state that two vehicles could pass one another at certain points of the road network.

The objector was invited make their closing statement and stated that local residents had not been aware that a licence application had been submitted. In response, late objections had been sent to the Senior Licensing Officer and a request was made for those to be considered.

It was felt that granting the licence would significantly increase the currently low volume of local traffic, particularly at night when guests left the venue.

Specific attention was drawn to the road network located by the local railway bridge; it was stated that two cars could not pass one another at that point. An increase in traffic would affect the limited space available for pedestrians. The parking arrangements were questioned, in order to avoid guest's parking on the local roads. The applicant confirmed that all attendee vehicles could be parked within the premises grounds.

In response to further questions from the Sub-Committee, it was reconfirmed that no complaints had been received from previous events. The roads in question were the responsibility of the local Highways Authority.

The Legal Representative confirmed that parking and traffic concerns would not normally fall within the licensing objectives which the Sub-Committee had to consider in determining the application. The Legal Representative questioned whether the applicant would agree to a condition being placed upon the licence, if granted, for a risk assessment to inform the use of SIA security staff. The applicant agreed to the proposed condition and stated that the 'Challenge 25' policy would be in operation.

The chairman advised that the Sub-Committee would retire for deliberation with the legal advisor present. The meeting was adjourned between 10.35 a.m. to 11 a.m.

The Sub-Committee returned and the Chairman stated that the application had been granted, subject to the inclusion of conditions relating to SIA trained security and Challenge 25. The reasons contributing to the decision were outlined.

It was confirmed that a written decision notice would be provided. Parties were reminded of the right of appeal to the Magistrates Court.

The meeting closed at 11.03 a.m.

**RESOLVED:** That the Sub-Committee's decision and reasons be provided within the Notice of Determination attached as an Appendix to the minutes.

37. DURATION OF MEETING

10.05 a.m. to 11.03 a.m.

Note: Due to unforeseen circumstances and technical issues the meeting commenced at 10.05 a.m.



**LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL**

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

**NOTICE OF DETERMINATION**

Application Ref No: 22/00310/LAPRE

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Applicant: Mr Peter Olliver

Regarding Allington Castle, Castle Road, Maidstone Kent ME16 0NB

Date(s) of hearing: 20 April 2022

Date of determination: 20 April 2022

Committee Members: [Chairman]: Councillor English  
Councillor Hinder  
Councillor Springett

Legal Advisor in attendance at hearing(s): Helen Ward, Lawyer (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: Mr Peter Olliver
- Witness: Kerrie Gibbons

### **Responsible Authorities**

N/A

### **Other Persons**

Name: Mr Alex Dimmick

### **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 17.10 – 17.18 which relates to the prevention of crime and disorder;  
Chapter 17.19 – 17.21 which relates to public safety  
Chapter 17.22 – 17.25 which relates to the prevention of nuisance;  
Chapter 17.26 – 17.29 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 sought with amended conditions as set out below.

**Reasons for determination:**

The Licensing Sub Committee considered an application for a premises licence for Allington Castle.

The Sub Committee heard from the Applicant, Peter Olliver, his witness Kerrie Gibbons and an interested party Mr Alex Dimmick.

The Sub Committee considered the national guidance and the Council's licensing policy, along with the licensing objectives.

■ **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, subject to the amendment to the condition discussed in the hearing.

■ **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 subject to the amendment to the condition discussed in the hearing.

The Sub Committee considered the concerns raised in representation relating to traffic management however it was not satisfied that there was sufficient relevance or evidence in respect of the impact on the licensing objectives. The Sub Committee considered the evidence of the applicant that they had a history of hosting events including weddings for many years without complaint.

There was discussion regarding the proposed conditions and the applicant confirmed that they would be agreeable to accepting amendments to the proposed conditions in the operating schedule, if the application were to be granted, as below: -

1. The condition regarding SIA security staff to read: The premises shall maintain a written risk assessment regarding the use of security staff. A copy shall be made available to an authorised officer on request.
2. The condition regarding an age verification policy to be Challenge 25.

Having regard to all these matters the Licensing Sub Committee determined to grant the application as applied for, subject to amendments to the conditions above.

The parties are notified that they may appeal the decision to the Magistrates Court within 21 days beginning with the date of notification of the written decision. Parties should be aware that the Magistrates Court may make an order with respect of the costs of any appeal.

PRINT NAME (CHAIRMAN): Councillor Clive English

Signed [Chairman]:

A copy of the original document is held on file

Date: 20 April 2022