

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 SUB COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 18 APRIL 2024

Attendees:

Committee Members:	Councillors English (Chairman), Hinder and Joy
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36. APOLOGIES FOR ABSENCE

There were no apologies.

37. NOTIFICATION OF SUBSTITUTE MEMBERS

There we no Substitute Members.

38. ELECTION OF CHAIRMAN

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

39. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

40. DISCLOSURES OF LOBBYING

All of the Panel Members stated that they had been lobbied on Item 7 – Application for a premises licence under the Licensing Act 2003 for the Cornwallis School, Hubbards Lane, Boughton Monchelsea, Kent, ME17 4HX.

41. EXEMPT ITEMS

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

42. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR THE CORNWALLIS SCHOOL, HUBBARDS LANE, BOUGHTON MONCHELSEA, KENT, ME17 4HX

The persons participating in the hearing were identified as follows:

1. Chairman – Councillor English
2. Sub-Committee Members – Councillors Hinder and Joy
3. Senior Licensing Officer – Lorraine Neale
4. Legal Advisor – Helen Ward

5. Democratic Services Officer – Jordan Ifield
6. The Applicant – Mason Dadson
7. Interested Party – David Sanderson
8. Interested Party – Tanya Fisher
9. Interested Party – Valerie Sanderson

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

The Sub-Committee Members confirmed that they had read the papers regarding the hearing.

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, referencing the application received in Appendix 1 of the report, representations in Appendix 3 of the report, and the additional condition proposed by the Applicant in Appendix 5 of the report to licence no more than four events per year.

The Applicant was invited to make their opening remarks and stated that the application was submitted to hold two regular events a year. This included a fireworks event on bonfire night, and a running event on behalf of Heart of Kent Hospice. The bonfire night would attract a larger capacity than a temporary event notice would allow and the running event was run on behalf of the Heart of Kent Hospice rather than the school. It was stated there was an error in the licence application in Appendix 1 of the report, and the Applicant clarified that the school did have immediate neighbouring properties, contrary to the application. The Applicant summarised the school's engagement with the community and understood the objections to the original licence application, but stated that the school could propose a condition to restrict the number of events held to two a year.

In response to questions from the panel, the Applicant stated that letters had been posted to residents to notify them of previous events, and that after holding three firework shows previously the school had received one noise complaint. The

Applicant stated the school would accept a condition to restrict the sale of alcohol during the licensed events so that alcohol could not be sold during timetabled school hours.

The Interested Party, David Sanderson, was invited to make their case and stated that the noise created by football players using the school's 3G pitches was loud, and that complaints had been made to the school regarding this. The increase of traffic to the area was also highlighted as it could impact the arrival of emergency vehicles around the area.

The Interested Party, Tanya Fisher, was invited to make their case and stated that the noise from the football players was defamatory and that the sale of alcohol would be inappropriate at a school.

The Interested Party, Valerie Sanderson, was invited to make their case and stated that although the school had attempted to address some concerns, the noise created by school events impacted their quality of life and that the school's car park was not large enough to manage the increase of traffic caused by events.

In response to questions from the Legal Advisor, the Interested Party David Sanderson stated they still had concerns about the noise future events could generate but appreciated the proposed condition by the Applicant to reduce the number of licensed events to two a year.

In response to questions from the panel, the Applicant stated that any concerns raised at previous firework events were raised at a Wider Leadership Team at the school, and that the school did increase car parking capacity for parent's evenings by repurposing playgrounds and fields around the school.

In making their closing remarks, the Applicant recognised that most of the concerns raised by members of the public related to the noise on the school's 3G pitches and that the school had spent £10,000 to plant trees and build a fence around the site to reduce light and noise pollution. A decibel meter would be installed on the outside of the main school building in the future, and stated that noise and traffic monitoring companies would be employed during fireworks events. The school did have a contact number for residents during events to raise concerns about noise.

In response to a question from the Legal Advisor, the Applicant confirmed the school had previously held a residents consultation meeting during the planning application of the 3G pitches at the premises, but that these had stopped as the representations made at the meetings were not constructive. It was highlighted that the school would be open to accepting a condition requesting a residents meeting.

The Chairman advised that the Sub-Committee would retire for deliberation with the legal advisor present. The meeting was adjourned between 11:28 a.m. to 12:06 a.m.

The Sub-Committee returned and the Chairman stated that having considered the evidence presented, representations made and the relevant legislation and guidance, the decision was made to grant the application, subject to the amendments and conditions as set out in the written decision notice.

It was confirmed that a written decision notice would be provided.

The hearing closed at 12:08 p.m.

RESOLVED: That the application for alcohol and opening hours be granted for the sale of alcohol and opening hours only, with the hours for those activities as applied for, and to add additional conditions to those offered in the operating schedule as below:

1. The sale of alcohol shall be permitted on no more than 2 occasions per year, specifically for the Fireworks event and the Heart of Kent Hospice Run each year, with each event lasting no more than a single day;
2. There shall be a dedicated telephone number for members of the public to contact the school during events;
3. The sale of alcohol shall not be permitted during the school's timetabled educational hours.