

LICENSING ACT 2003 SUB COMMITTEE
MINUTES OF THE MEETING HELD
MONDAY 18th AUGUST 2008 AT 10:00 AM
THE TOWN HALL, HIGH STREET, MAIDSTONE

PRESENT:

Committee Members: Councillor Parvin (Chairman)
Councillor Gibson
Councillor J.Wilson

Council Officers: Jayne Bolas – Legal Advisor
Lorraine Neale – Senior Licensing Officer

Applicant: Shepherd Neame Ltd

Responsible Authorities: Mr C Hendry - on behalf of Maidstone Group Fire Safety Office

Interested Parties: N/A

DISCLOSURES BY MEMBERS AND OFFICERS

There were none.

DISCLOSURES OF LOBBYING

There were none.

EXEMPT ITEMS

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

Application to vary a Premises Licence under the Licensing Act 2003 for Hook and Hatchet, Church Road, Hucking, Kent, ME17 1QT.

1. J Bolas outlined the application and informed the Sub-Committee that all parties had agreed conditions before the hearing and that the Fire and Rescue Service had now withdrawn their Representation. Neither of the parties would be in attendance. The applicant and The Fire and Rescue Service had requested the Sub-Committee to impose the offered condition in their absence. It was explained that because the application was a variation only the Sub-Committee could impose the condition. The Sub-Committee were given all recent e-mails and correspondence not included in the report to read through.

Opening Remarks

The Chairman opened the meeting. All participants confirmed that they had copies of and understood the procedure. All Committee Members confirmed that they had read the papers beforehand.

Draft Condition: Whenever a marquee is to be installed the DPS or the tenant will prepare a risk assessment relating to its use and obtain confirmation from the suppliers that it complies with the appropriate BS standard or its equivalent.

No Witnesses

- i. Councillor Wilson queried where exactly would the marquee be sited as it appeared to be right next to the car park.

J Bolas stated that she understood that access is through the pub to the garden where the marquee will be sited and that it was not accessible from the car park.

Councillor Wilson asked the capacity of the marquee.

J Bolas explained that capacity would be dependant on the size of the marquee and the outcome of any risk assessment, also that occupancy could be dealt with by the Fire and Rescue Service in relation to fire safety.

Councillor Wilson made reference to the application specifically number **2)** provision of an outside bar which will operate between 10:00 – 21:00 from 1st April to 31st October and asked if any events would have happened yet.

J Bolas confirmed that they should not have taken place until licensed.

Councillor Wilson asked if the outside bar would be annually.

J Bolas answered yes.

The Decision

The Sub Committee agreed to grant the licence with the condition added as shown in the Notice of Determination at Appendix A.

PRESENT:

Committee Members: Councillor Parvin (Chairman)
Councillor Gibson
Councillor J. Wilson

Council Officers: Jayne Bolas – Legal Advisor
Lorraine Neale – Senior Licensing Officer

Applicant: Monarch Leisure Ltd
Witnesses N/A

Responsible Authorities: Mr C Hendry - on behalf of Maidstone Group Fire Safety Office

Interested Parties: N/A

Application for a Premises Licence under the Licensing Act 2003 for River Bar, The Broadway, Maidstone, Kent, ME16 8PB.

2. J Bolas outlined the application explaining that a new licence had been applied for because of works to the premises including the movement of the premises kitchen, more recent submitted plans show that the kitchen will remain where it is currently. Apex Law who represent Monarch Leisure Ltd and the Fire and Rescue Service had come to an agreement before the hearing on two conditions and that the Fire and Rescue Service had now withdrawn their Representation. Neither of the parties would be in attendance. The applicant and The Fire and Rescue Service request the Sub-Committee to agree the offered conditions in their absence.

Opening Remarks

The Chairman opened the meeting. All participants confirmed that they had copies of and understood the procedure. All Committee Members confirmed that they had read the papers beforehand.

Draft Conditions:

1. All building works are to be completed to a standard that is satisfactory to the Building Control Officer.
2. The premises shall not trade until there is a letter confirming the premises satisfactory from Kent Fire and Rescue Service, filed with the Licensing Sub-Committee.

No Witnesses

- ii. Councillor Wilson voiced his concern about noise pollution from music outside making comment about noise travelling along the river.

J Bolas pointed out that no representations had been received with regards to noise and referred to pages 65 -67 of the report, the current licence conditions that dealt with noise.

The Chairman pointed out that the licence stated that outdoor music must cease at 23.00 hours.

Councillor Gibson asked what constituted Late Night Refreshment at the establishment.

J Bolas replied that it would be hot food and drinks after 23.00 hours.

Councillor Gibson commented that residents would complain if noise issues occurred.

The Chairman asked Mr Hatcher, Community Safety and Licensing Manager who was in attendance, if there had been any reported incidents of noise with regards to the premises.

Mr Hatcher answered no formal representations had been made.

The Chairman moved to agree conditions.

The Decision

The Sub Committee agreed to grant the licence with the conditions added as shown in the Notice of Determination at Appendix B.



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

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

NOTICE OF DETERMINATION

Application Ref No:

Applicant: Shepherd Neame Ltd

Regarding The Hook and Hatchet
Church Road
Hucking
Kent
ME17 1QT

Date of hearing: 04/08/08

Date of determination: 04/08/08

Committee Members: [Chairman]: Councillor Parvin
Councillor Gibson
Councillor Wilson

Legal Advisor in attendance at hearing(s): Mrs Bolas

Senior Licensing Officer in attendance at hearing(s): Mrs 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:

E-mails from Stephen Thomas Law dated 21, July 2008 and 23, July 2008 and from Kent Fire and Rescue Service dated 23, July 2008.

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 13 which relates to interested parties and responsible authorities;
Section 34 and 35 which relate to the variation 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;
Annexe D which relates to potential conditions.

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

Chapter 19 which relates to the 4 licensing objectives;
Chapter 21 which relates to public safety

C: Determination:

The Committee has decided to:

- grant the application subject to modified conditions necessary for the promotion of the licensing objectives. If so, state the modified conditions:
 1. Whenever a marquee is to be installed the DPS or the tenant will prepare a risk assessment relating to its use and obtain confirmation from the suppliers that it complies with the appropriate BS standard or its equivalent.

Reasons for determination:

Public Safety

Reasons (state in full):

It is necessary and proportionate to promote the licensing objective of public safety by condition to secure public safety at the premises are safe for the public following wwhen a marquee is in place.

PRINT NAME (CHAIRMAN): Councillor Peter Parvin

Signed [Chairman]: A copy of the original document is held on file

Date: 07/08/08



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

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

NOTICE OF DETERMINATION

Application Ref No:

Applicant: Monarch Leisure Ltd

Regarding The River Bar
The Broadway
Maidstone
Kent
ME16 8PB

Date of hearing: 04/08/08

Date of determination: 04/08/08

Committee Members: [Chairman]: Councillor Parvin
Councillor Gibson
Councillor Wilson

Legal Advisor in attendance at hearing(s): Mrs Bolas

Senior Licensing Officer in attendance at hearing(s): Mrs 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:

A letter from Apex Law dated 25, July 2008 and e-mails from Kent Fire and Rescue Service dated 26, July and 30, July 2008.

D: 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 16-24 which relate to the grant of a premises licence;

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;
Annexe D which relates to potential conditions.

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

Chapter 19 which relates to the 4 licensing objectives;
Chapter 21 which relates to public safety

E: Determination:

The Committee has decided to:

- grant the application subject to modified conditions necessary for the promotion of the licensing objectives. If so, state the modified conditions:
 4. All building works are to be completed to a standard that is satisfactory to the Building Control Officer.
 5. The premises shall not trade until there is a letter confirming the premises satisfactory from Kent Fire and Rescue Service, filed with the Licensing Sub-Committee.

Reasons for determination:

Public Safety

Reasons (state in full):

It is necessary and proportionate to promote the licensing objective of public safety by conditions to secure that the premises are safe for the public following works.

PRINT NAME (CHAIRMAN): Councillor Peter Parvin

Signed [Chairman]: A copy of the original document is held on file

Date: 04/08/08