

LICENSING ACT 2003 SUB COMMITTEE MEETING

Date: Friday 17 September 2021
Time: 10.00 am
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Brindle, Mrs Grigg and Naghi

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Election of the Chairman
4. Disclosures by Members and Officers
5. Disclosures of Lobbying
6. To consider whether any items should be taken in private because of the possible disclosure of exempt information
7. Application to vary a premise licence under the Licensing Act 2003 for Tap 17, 17 High Street, Staplehurst, Kent, TN27 9NH 1 - 39

ALTERNATIVE FORMATS

The report included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange special facilities to be provided at the meeting, **please contact Democratic Services** on committee@maidstone.gov.uk or **01622 602899**.

To find out more about the work of the committee, please visit www.maidstone.gov.uk

Issued on Thursday 9 September 2021

Alison Broom

Alison Broom, Chief Executive

Agenda Item 7

Agenda Item No: 1 - Summary of Report

Licence Reference 21/01662/LAPRE

Report To: LICENSING SUB – COMMITTEE
(UNDER THE LICENSING ACT 2003)

Date: 6th September 2021

Report Title: TAP 17, 17 HIGH STREET, STAPLEHURST, KENT , TN27 9NH

Application for: A premises licence to be varied under the Licensing Act 2003

Report Author: Lorraine Neale

- Summary:**
1. The Applicant – Mrs Kelli Newman
 2. Type of authorisation applied for: To vary a premises licence under the Licensing Act 2003. (Appendix A)
 3. Licensable Activities and hours:

		Current Hours		Hours: New Application	
E)	Live Music (Indoors)	Monday to Thursday Friday and Saturday Sunday	12:00 - 21:00 12:00 - 22:00 12:00 - 16:00	Monday- Saturday Sunday	12:00 – 23:00 12:00 – 22:30
F)	Recorded Music (Indoors)	Monday to Thursday Friday and Saturday Sunday	12:00 - 21:00 12:00 - 22:00 12:00 - 16:00	Monday- Saturday Sunday	12:00 – 23:00 12:00 – 22:30
M)	Supply of alcohol (On & Off the premises)	Monday to Thursday Friday and Saturday Sunday	12:00 - 21:00 12:00 - 22:00 12:00 - 16:00	Monday- Saturday Sunday	12:00 – 23:00 12:00 – 22:30
O)	Opening Hours	Monday to Thursday Friday and Saturday Sunday	12:00 - 21:00 12:00 - 22:00 12:00 - 16:00	Monday- Saturday Sunday	12:00 – 23:00 12:00 – 22:30

The variation also includes a plan that seeks to include the outside areas (front and rear of the property) as the licensed premises. (Appendix 3)

Affected Wards: Headcorn

Recommendations: **The Committee is asked to determine the application and decide whether to vary the premises licence.**

Policy Overview: The decision should be made with regard to the Secretary of State's Guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and that such departure be supported by proper reasons.

Financial Implications: Costs associated with processing the application are taken from licensing fee income.

Other Material Implications: **HUMAN RIGHTS:** In considering this application it is appropriate to consider the rights of both the applicant and other parties, such as “**responsible authorities**” and/or “**other persons**” (objectors). The procedure for determining licences has a prescribed format to ensure fair representation of the relevant facts by all parties.

LEGAL: Under the Licensing Act 2003 the **Licensing Authority** has a duty to exercise licensing control of relevant premises.

Background Papers: Licensing Act 2003
DCMS Guidance Documents issued under section 182 of the Licensing Act 2003 as amended
Maidstone Borough Council Statement of Licensing Policy

Contacts: Mrs Lorraine Neale at: lorraineneale@maidstone.gov.uk – tel: 01622 602528

Agenda Item No. 1

Report Title: TAP 17, 17 HIGH STREET, STAPLEHURST, KENT , TN27 9NH

Application to: Vary a premises licence under the Licensing Act 2003.

Purpose of the Report

The report advises Members of an application to vary a Premises Licence under the Licensing Act 2003,(Appendix 1), also a confirmation e-mail to Licensing to make amendments to the application (Appendix 2) , made by Mrs Kelli Newman for Tap 17, 17 High Street, Staplehurst, Kent , TN27 9NH in respect of which 1 response has been received from other persons (Appendix 4).

Issue to be Decided

Members are asked to determine whether to :

Grant the application as applied for, or

Grant the application and modify conditions of the licence, or

Reject all or part of the application

Background

1. The relevant sections are Part 3 S13 and 34 – 36 of The Licensing Act 2003 and section 4 of The Licensing Act 2003 in particular the Licensing Objectives:

The prevention of crime and disorder;
Public Safety
The prevention of public nuisance; and
The protection of children from harm

2. The application has been correctly advertised in the local press and notices displayed on the premises for the required period.
3. There were no representations received from responsible authorities.
4. 1 response was received from other persons.
5. The table below illustrates the relevant responses which have been received

	Responsible Authority /Interested Party	Licensing Objective	Associated Documents	Appendix
	Objections			
1	Andrew and Jill McVarish	Public Nuisance	E-mail	4

The objectors are concerned that this application will have significant adverse disturbance effect on nearby residents. They are the landlords of a commercial and residential property in close proximity to the licensed premises and believe the extended hours would increase noise nuisance and have an adverse effect on their ability to rent out their properties. They believe the premises would create a public nuisance to any future tenant.

On the 7th September 2021 the applicant e-mailed a letter to the Licensing Department addressing the issues raised in the objection which is attached as Appendix 5.

The premises has a current licence, Appendix 6 and Current plans Appendix 7. The current licence holder is the applicant

6. The current licence hours are as per the licence attached at appendix 6 and set out at 3 of the summary above. The application also seeks to include the outside areas (front and rear of the property) as the licensed premises (Appendix 3)
7. **Members are advised that applications cannot be refused in whole or in part, or conditions attached to the licence unless it is appropriate to do so to promote the licensing objectives.;**
8. Relevant sections of **The Guidance issued under section 182 of The Licensing Act 2003;**

Chapters 8 (8.42 onwards) & 9 Premises Licences & Determining Applications

Chapter 10 Conditions.

Relevant policy statements contained in the Licensing Authority's Statement of Licensing Policy:

Relevant policy statements contained in **the Licensing Authority's Statement of Licensing Policy:**

17.19. Prevention of Public Nuisance

17.19 CONDITIONS TO PROMOTE THE PREVENTION OF PUBLIC NUISANCE.

The applicant will be expected to detail any appropriate and proportionate steps to prevent nuisance and disturbance arising from the licensable activities at the premises and from the customers using the premises.

17.20 The applicant will be expected to demonstrate that they have considered the following and included steps to prevent public nuisance:

- (i) Proximity of local residents to the premises
- (ii) Licensable activities proposed and customer base
- (iii) Hours and nature of operation
- (iv) Risk and Prevention of noise leakage from the premises from equipment, customers and machinery
- (v) Prevention of noise from customers leaving the premises and customer pick up points outside premises and from the Car Park.
- (vi) Availability of public transport to and from the premises
- (vii) Delivery and collection times and locations.
- (viii) Impact of external security or general lighting on residents.
- (ix) History of management of and complaints about the premises.

- (x) Applicant's previous success in preventing Public Nuisance.
- (xi) Outcomes of discussions with the relevant Responsible Authorities.
- (xii) Impact of location, noise and contamination from outside smoking areas on neighbours and other customers
- (xiii) Collection of litter arising from the premises

17.21 Steps to prevent public nuisance may include a range of options including noise limiting devices, sound insulation, wind down periods, acoustic lobbies, management of smoking areas etc.

17.22 Steps will differ depending on the individual premises and activities and it is for the applicant to ensure that reasonable, effective and appropriate steps are included within the operating schedule.

9. Options

Legal options open to members -

Grant the variation application as applied for., or

Grant the variation and modify conditions of the licence, or

Reject all or part of the application.

Members of the Licensing Act 2003 – Licensing Sub – Committee are reminded of their duty under section 17 of the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the Licensing Authority's responsibility to co – operate in the reduction of crime and disorder in the Borough

Section 17 of the Crime and Disorder Act 1988 states:

"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can prevent, crime and disorder in its area".

12. Implications Assessment

The decision should be made with regard to the Secretary of State's Guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal/challenge is increased.

13. Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 – Right to respect for private and family life
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to Fair Hearing

- Article 10 – Freedom of Expression

The full text of each Article is given in the attached Appendices

14. **Conclusion**

Members must ensure that the application is considered on its merits, as well as against the relevant guidance, policy and statutory framework.

15. **List of Appendices**

Appendix 1	Application Form
Appendix 2	Confirmation of application amendments
Appendix 3	Plans (new)
Appendix 4	Objection
Appendix 5	Applicants response letter to objection
Appendix 6	Premise Licence
Appendix 7	Plans
Appendix 8	Plan of area
Appendix 9	Human Rights Articles
Appendix 10	Order of Proceedings

16. **Appeals**

The applicant or any other person(objector) may appeal the Licensing Act 2003 Sub Committee’s decision within 21 days beginning with the day on which the Appellant is notified. All/any appeals must be lodged with the Magistrates’ Court. Parties should be aware that they MAY incur an Adverse Costs Order should they bring an appeal.

Contact: Email:	Senior Licensing Officer lorryneale@maidstone.gov.uk
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Licensing Authority:

APPENDIX 1

Ref:

Application to vary a Premises Licence under the Licensing Act 2003

Please read the following instructions first

Before completing this form please read the guidance notes at the end of the form.

Use the blank page at the end of the form to provide further details if necessary.

When it is complete you can submit the form directly to us - click on the Submit Form button.

You may wish to print and keep a copy of the completed form for your records.

For help information about filling in this type of electronic form, click on the help information button.

I/We Kelli Newman being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Maidstone Borough Council

[Click here for licence lookup](#)

Premises licence number

21/00337/LAPRE

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

17 High Street
Headcorn
Kent
TN27 9NH

Post code

Telephone number at premises (if any)

Non-domestic rateable value of premises

£ 5400

Part 2 - Applicant Details

Title

Mrs

Surname

Newman

Firstnames

Kelli

Daytime contact telephone number

Email address
(optional)

Current postal
address
if different from
premises address

Post Town

Postcode

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

Yes

If not do you want the variation to take effect from

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

I would like to apply to extend the premises of which we are allowed to sell alcohol. We have recently been granted a pavement licence, which I am aware means I can use for outside use until September 30th 2021. I would like to have the licence extended past this period so that we can sell open vessels of alcohol for customers to drink at out designated tables.

In addition to this we also have a garden area to the rear which we would also like to extend. We would like to be able to push the fence back and utilise more of the outside space.

We would like to extend hours for selling alcohol to the following

- Mon 12pm - 11pm
- Tues 12pm - 11pm
- Wed 12pm - 11pm
- Thurs 12pm - 11pm
- Fri 12pm - 11pm
- Sat 12pm - 11pm
- Sun 12pm - 10.30pm

The change of hours will also apply in some cases to performance of live music and also playing recorded music.

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

To complete this part, choose this option on Page 4

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

To complete this part, choose this option on Page 4

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3) State any seasonal variations for indoor sporting events (please read guidance note 4) Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

To complete this part, choose this option on Page 4

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors</u> or both - please make selection with an "x" (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
				Both	X
Mon	12:00	23:00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	12:00	23:00			
Wed	12:00	23:00	<u>State any seasonal variations for performance of live music</u> (please read guidance note 4)		
Thur	12:00	23:00			
Fri	12:00	23:00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	12:00	23:00			
Sun	12:00	22:30			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors</u> or both - please make selection with an "x" (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
				Both	X
Mon	12:00	23:00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	12:00	23:00			
Wed	12:00	23:00	<u>State any seasonal variations for playing recorded music</u> (please read guidance note 4)		
Thur	12:00	23:00			
Fri	12:00	23:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	12:00	23:00			
Sun	12:00	22:30			

To complete this part, choose this option on Page 4

G

Performance of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).</u>	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	
Tue					
Wed				<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)	
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

H

<u>Anything of a similar description to that falling within (e), (f) or (g)</u> Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment take place indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).</u>	Indoors	
Mon				<u>Please give further details here</u> (please read guidance note 3)	Outdoors
Tue			Both		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment be <u>indoors or outdoors or both - please make selection with an "x" (please read guidance note 2).</u>	Indoors	
Day	Start	Finish		Outdoors	
Mon	12:00	23:00	Please give further details here (please read guidance note 3) We would like to be able to offer occasional later nights to our customers.	Both	X
Tue	12:00	23:00			
Wed	12:00	23:00	State any seasonal variations for provision of late night refreshment (please read guidance note 4) If variation to licence is granted, we will not need any further hours granted.		
Thur	12:00	23:00			
Fri	12:00	23:00	Non standard timings. Where you intend to use the premises for the provision of <u>late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5)</u> If variation to licence is granted, we will not need any further hours granted.		
Sat	12:00	23:00			
Sun	12:00	22:30			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption please make selection with an "x" (please read guidance note 7).	On the premises	X
Day	Start	Finish		Off the premises	
Mon	12:00	23:00		Both	
Tue	12:00	23:00	State any proposed seasonal variations for the supply of alcohol (please read guidance note 4) If variation to licence is granted, we will not need any further hours granted.		
Wed	12:00	23:00			
Thur	12:00	23:00			
Fri	12:00	23:00			
Sat	12:00	23:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) If variation to licence is granted, we will not need any further hours granted.		
Sun	12:00	23:00			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) If variation to licence is granted, we will not need any further hours granted.	
Day	Start	Finish		
Mon	12:00	23:00		
Tue	12:00	23:00		

L

Wed	12:00	23:00	<p>Non standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p style="text-align: center;">None</p>
Thur	12:00	23:00	
Fri	12:00	23:00	
Sat	12:00	23:00	
Sun	12:00	22:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Timings to be altered to provide additional time in the evenings.

This time will be for selling alcohol and soft drinks, as well as the performance on occasion of live music or recorded music.

Please make selection with an "x"

I will enclose the premises licence with the declaration

I will enclose the relevant part of the premises licence with the declaration

Neither of above

If checking this box please fill in reasons for not sending the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General - all four licensing objectives (b,c,d,e) (please read guidance note 9)

In addition to the licensing objectives and always acting with due diligence, we see the below as our responsibilities as taking on the serious responsibility of serving alcohol to the public.

b) The prevention of crime and disorder

Earlier closing times means restricted hours of drinking. Not serving any person we believe to be drunk and disorderly. Age limit posters to be put up in premises and caution to be taken when serving anybody. Making sure I.D. is asked for whenever any doubt. We have an anti-drug policy.

It should be noted that we are not hoping at this stage to make any alterations to our opening hours apart from Sunday to be open if we have the footfall for it.

c) Public safety

Again, being aware of our customers state at all times. Making sure drunk and disorderly behaviour is not created from our ignorance. All bottles, cans and glasses will be removed as soon as empty to remove hazards. No opened bottles or glasses to be taken off the premises. Violence will not be tolerated. Police will be contacted to report if necessary.

Additional CCTV will be added to the garden area to make sure we have all areas covered.

d) The prevention of public nuisance

Advising customers to be respectful of neighbours etc when leaving the premises. Doors and windows will be kept closed when regulated entertainment is taking place. Staff will clear any litter outside the premises daily to a distance of 3 metres. Noise levels will be checked and regulated to make sure no noise nuisance.

e) The protection of children from harm

Advising parents to be responsible for their children at all times, if we feel the child is unsupervised then dealing with the responsible adult in an appropriate way. A clear policy to outline if children are on the premises with a responsible adult the expectations, including supervision. Removing empty glasses to minimise opportunities for children to access left over alcohol.

We have a no children after 5.30pm policy.

Please make selection with an "x"

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

I/WE UNDERSTAND THAT IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMMOUNT

Part 5 - Declaration (please read guidance note 10)

Confirmation of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11) **If confirming on behalf of the applicant please state in what capacity.**

Confirmation

Name Date

Capacity

For joint applications confirmation of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12) **If confirming on behalf of the applicant please state in what capacity.**

Confirmation

Name Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Name

Address

Post Town

Postcode

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

For Official Use Only

Form Filename:

Submission Ref:

Applicant Name: **Kelli Newman/**

Date Submitted:

Use this page if there is any other information that you think we should know about. Information entered on this page will be sent to us, along with the data on the rest of the form when you use the "Submit" option.

Our outside area being extended is in an effort to keep our customers safe in these difficult times. We have a small area that we can allow people to use, but would like to be able to offer further space in the coming months. Our aim would be to make the area comfortable in Summer and Winter months with heaters and overhead cover.

The extension of hours would be in the interest of any events we will be doing. This will by no means be a change to our usual opening hours.

The bar has been a welcome addition to the village for many residents old and new.

From: Tap17
Sent: 27 July 2021 12:24
To: Louise Davis <LouiseDavis@Maidstone.gov.uk>
Subject: Re: Emailing: 2744324

Hi Louise,

I would like to confirm the following:

Late night refreshment can be disregarded due to our opening hours not being applicable for late night.

Apologies for the Sunday hours saying 23:00, this of course should only be until 22:30 in lone with hours of opening etc.

We will be supplying alcohol both on and off the premises until all times stipulated for opening.

Please also, could you send me the copy of my licence with the supply of alcohol on and off premises? As discussed this was an error on the licensing partnership.

Many thanks,

Kelli

Sent from my iPhone

On 27 Jul 2021, at 11:41, Louise Davis <LouiseDavis@maidstone.gov.uk> wrote:

Hi Kelli

The Licensing Partnership have now uploaded your amended application pages but there are still a couple of queries or changes that haven't been made.

1. The hours for Late Night Refreshment have not been crossed out under Section I on page 9 – **please confirm that this is to be disregarded as not relevant to the application.**
2. Supply of Alcohol - you have stated under Section J / page 10 that Sunday is until 23:00, however under the nature of the variation Part 3 you have given the hours for Sunday as 12pm until 10.30pm and your opening hours reflect this – **please confirm the finish hours for 'Sale of Alcohol' on Sundays is 10.30pm.**
3. Supply of Alcohol – Section J / page 10 you need to confirm that this applies to both on and off the premises. You have only ticked 'on the premises' – **please confirm that the extended hours for 'sale/supply of alcohol' applied to 'both on and off the premises'.**

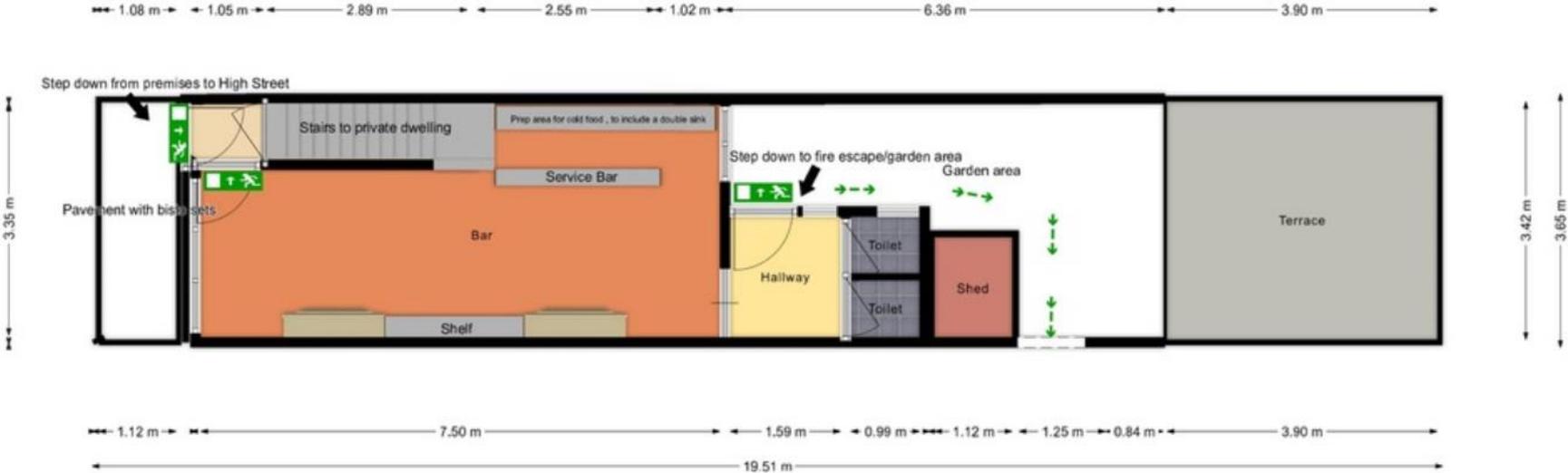
I am happy for your to confirm the changes by return email [giving the Licensing Partnership permission to amend the details on your behalf.](#) We can then update the record and I can validate your application.

Kind regards

Louise

Louise Davis
Licensing Officer
Licensing Team
Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent
ME15 6JQ
t 01622 602727 e louisedavis@maidstone.gov.uk w www.maidstone.gov.uk

Tap 17, 17 High Street, Headcorn, Floor plan for application number 2121/00337/LAPRE



21

From: publicaccess@sevenoaks.gov.uk <publicaccess@sevenoaks.gov.uk>
Sent: 21 August 2021 16:18
To: Licensing <licencing@sevenoaks.gov.uk>
Subject: Comments for Licensing Application 21/01662/LAPRE

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 4:18 PM on 21 Aug 2021 from Mr Andrew McVarish.

Application Summary

Address: 17 High Street Headcorn Kent TN27 9NH
Proposal: Premises Licence
Case Officer: Louise Davis
[Click for further information](#)

Customer Details

Name: Mr Andrew McVarish
Email: [REDACTED]
Address: [REDACTED]

Comments Details

Commenter Type: Neighbour
Stance: Customer objects to the Licensing Application
Reasons for comment: - Noise Disturbance
 - Opening Hours
Comments: 4:18 PM on 21 Aug 2021 Dear Licensing department,
 We are very concerned about this application as we own [REDACTED] The shop part is rented out for a barbers, which is no problem to the Micro pub next door . However the flat above is residential and the only access is around the back through the possible beer garden. To date only a small amount of the garden is used for the previous deli/coffee shop but obviously that closed at 5pm . We did not complain of the original application as the hours were limited , but now to 12noon to 11pm and on Sundays , we feel is unfair to the residents [REDACTED]
 [REDACTED]
 In fact our tenant has just given his notice in , which made us sit up to whats happening.
 Plus we are concerned about the amount of noise, as on occasions there is live music.
 This row of 3 identical shops and flats are very small.
 I am always amused by people who purchase or rent flats/houses near pubs or clubs and then complain about the noise. What did they expect . However on this occasion it is the other way around.

We had a nice quiet flat with shops that closed at 5pm below and now a noisy bar has been introduced and wants to stay open to as late as 11pm. Thats not fair. We are concerned about further rent ability of our flat, unless of course Tap17 wants to rent our flat and garden themselves.

Yours Sincerely

Andrew and Jill McVarish

To Whom it may concern,

I have made an application to extend the licences hours to sell alcohol on and off premises, plus extend our area to incorporate our pavement area, plus some additional room in the garden. We have been notified of an objection to this application. Having read the objection that has been given into the licensing authority, we would like to give the following response to the points that have been made.

We are running the bar in a manner that villagers and the police are happy with. We have received no complaints with regards to anti social behaviour, noise pollution or anything else for that matter.

There are 2 pubs in the vicinity that offer a very different atmosphere to our micro bar. One of the pubs has opening until 11pm and 10.30pm Sunday. The other has a licence until 1am. We do not have music in our garden area, and on many an occasion we have heard music (recorded and live) coming from the pub closest to us. There is also a music shop that has music lessons going on all day everyday. Therefore to regard us as a noisy bar I feel is unfair, given the surroundings.

With respect to the application for the garden to be extended, we hope to create a space that will mean people can socially distance themselves from others, should they want to in the winter months. We, by no means, want to try to squash people into the indoor space. The additional garden area will mean that we can provide overhead cover and fenced sides, much more privacy than the garden currently provides.

In the complaint, the previous tenant -----, has been mentioned. The insinuation here is that we have had an influence in his decision to leave. In fact, his intention to leave was months ago due to him relocating back towhere he is from. Being in the police force, he has been waiting for the transfer to be confirmed. We had a good relationship with, and feel that the mere mention of him is misinformed.

The shared access through the garden has never proved a problem for the tenant or us. The mention of the 'possible' beer garden makes me wonder if they are aware that the garden has been used as a beer garden since we opened?

With regards to the rentability of the flat, I am curious if the landlords have considered the fish and chip shop 2 doors down, which from approximately 4pm, starts cooking? The smell in our bar can be quite strong, however we have to accept that being on a high street, means that all manner of businesses conduct themselves very differently. This is the nature of a bustling, thriving high street.

Picking up on the point about the noisy bar and our live music. The objectors told me they rarely come to Headcorn, and had never been to the bar. They came in to see what it was like, once they had already made the complaint. I think again to refer to us as 'noisy' is misinformed. The live music that we offer, on occasion, is either a pianist, or a guitarist. No bands, no DJ's. The music is not offensive, and brings people in from the village and surrounding areas.

We live in the village, we are not here to make enemies. The bar that we have created has been so well received. We conduct ourselves in as correct a way as possible. In our application I did explain that we do not want to alter all of our opening hours. I am sure that you can appreciate that whilst finding our feet in the first application, we are now eager to give ourselves the best opportunity to keep the business in good stead. On occasion we would like to have the opportunity to open a little later.

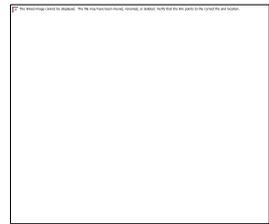
I hope that you feel that in light of the additional information, that our application is not unreasonable. Having spoken to the police, we have been assured that we are conducting ourselves well and that Tap17 is a positive addition to the village.

Many thanks for your time,

Kelli Newman
Tap17

PREMISES LICENCE

The Licensing Act 2003
Schedule 12, Part A



Premises Licence Number	21/00337/LAPRE
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Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town & Post Code Tap 17 17 High Street Headcorn Kent. TN27 9NH	
Telephone number	07736 553661

Where the licence is time limited the dates Not Applicable
--

Licensable activities authorised by the licence Live music Recorded music Sale or Supply of Alcohol

Times the licence authorises the carrying out of licensable activities	
Live music (Indoors)	
Monday to Thursday	12:00 - 21:00
Friday and Saturday	12:00 - 22:00
Sunday	12:00 - 16:00
Recorded music (Indoors)	
Monday to Thursday	12:00 - 21:00
Friday and Saturday	12:00 - 22:00
Sunday	12:00 - 16:00
Sale or Supply of Alcohol	
Monday to Thursday	12:00 - 21:00
Friday and Saturday	12:00 - 22:00
Sunday	12:00 - 16:00

Licence Number: 21/00337/LAPRE
Issue Date: 27/05/2021

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The opening hours of the premises

Monday to Thursday 12:00 - 21:00
 Friday and Saturday 12:00 - 22:00
 Sunday 12:00 - 16:00

The non-standard opening hours of the premises

Not applicable

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption on and off the premises.

Part 2**Name, (registered) address, telephone number and email address (where relevant) of holder of premises licence**

Mrs Kelli Newman

Email address

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number Not Applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mrs Kelli Newman

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number: 21/00229/LAPER
 Licence Authority: Maidstone Borough Council



John Littlemore
Head of Housing and Community Services
Maidstone Borough Council

Licence Number: 21/00337/LAPRE
 Issue Date: 27/05/2021

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Licence issued by:
 The Licensing Partnership P2 Box 182 Sevenoaks Kent TN13 1GP
 Telephone number: 01732 227004

Annex 1 – Mandatory conditions**The supply of alcohol**

- Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

No supply of alcohol may be made under the premises licence -

(a) at a time where there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

- Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory conditions in force from 28 May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula— $P = D + (D \times V)$

where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory Conditions in force from 01 October 2014

1.— (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.— (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

Annex 2 – Embedded conditions

Not applicable

Annex 3 – Conditions consistent with the Operating Schedule

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
 - a. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.
 - b. Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept on the hard drive and kept for a period of 31 days and handed to Police upon reasonable request.
 - c. The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority upon reasonable request.
2. All persons that sell or supply alcohol to customers must have licensing training.
 - a. Training should take place within six weeks of employment and any new employees will be supervised until the training has taken place.
 - b. Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation.
 - c. Training records must be kept on the premises and shall contain the nature, content and frequency of all training.
 - d. Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from the Local Authority upon request either electronically or hard copy.
3. A refusal recording register will be in operation at the premises. All staff involved in the sale of alcohol will be fully trained in the system and it will record the following:
 - a. Time of refusal
 - b. Item refused
 - c. Name or description of the person refused
 - d. Reason for Refusal
 - e. Name of staff member making the refusal.
4. The refusal register will be available for inspection to any Police Officer, Local Authority Licensing Officer or Trading Standards Officer at any reasonable time.
5. A Challenge 25 scheme will be adopted at the premises. All staff involved in the sale or supply of alcohol will be trained in the scheme and such training will be recorded. Such records will be available to the Police or other responsible authority upon request.

6. The premises will undertake the "Challenge 25" Scheme which will be advertised within the premises by way of sufficient posters to make the public aware.
7. Only Home Office approved ID of proof of age will be accepted by staff. This will include photographic driving licence, a passport or a 'PASS' marked proof of age card.
8. Alcohol sold for consumption off the premises will only be supplied in sealed containers. No persons will be permitted to remove alcohol from the licensed area in open containers.
9. Advising customers to be respectful of neighbours etc when leaving the premises.
10. Doors and windows will be kept closed when regulated entertainment is taking place.
11. Staff will clear any litter outside the premises daily to a distance of 3 metres.
12. Noise levels will be checked and regulated to make sure no noise nuisance.

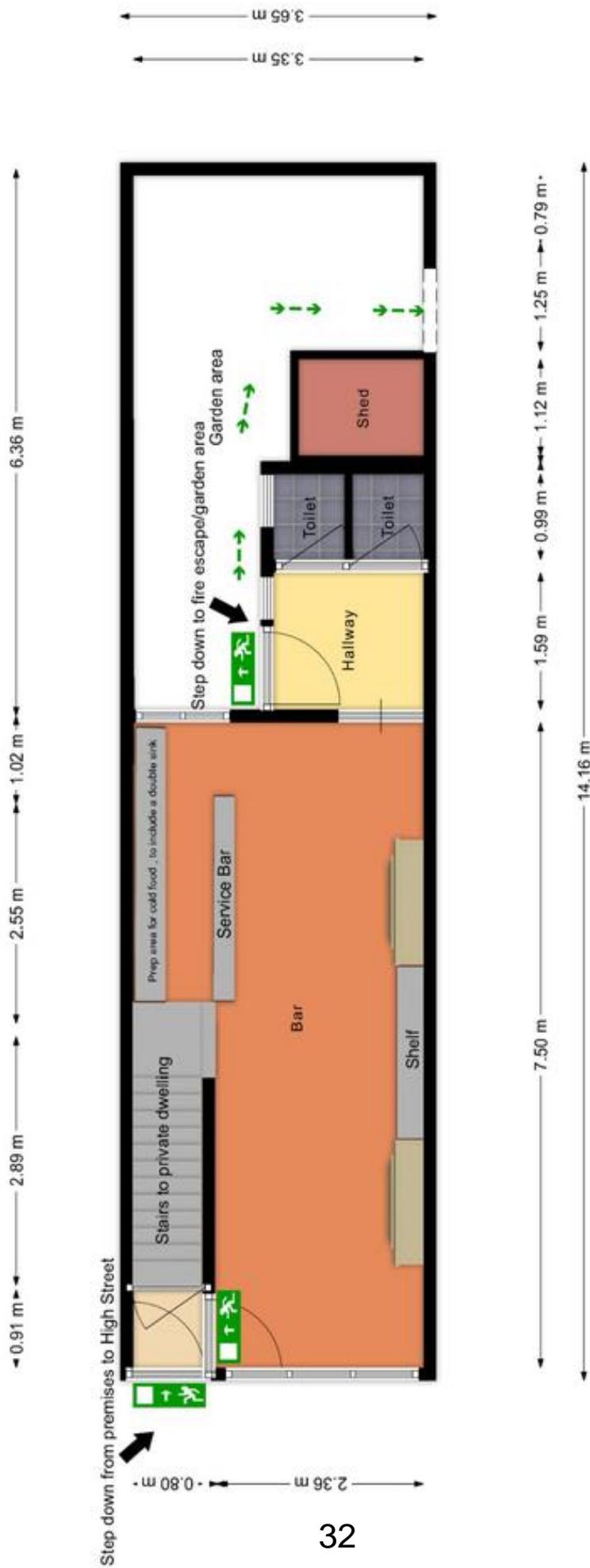
Annex 4 – Conditions attached after a hearing by the licensing authority

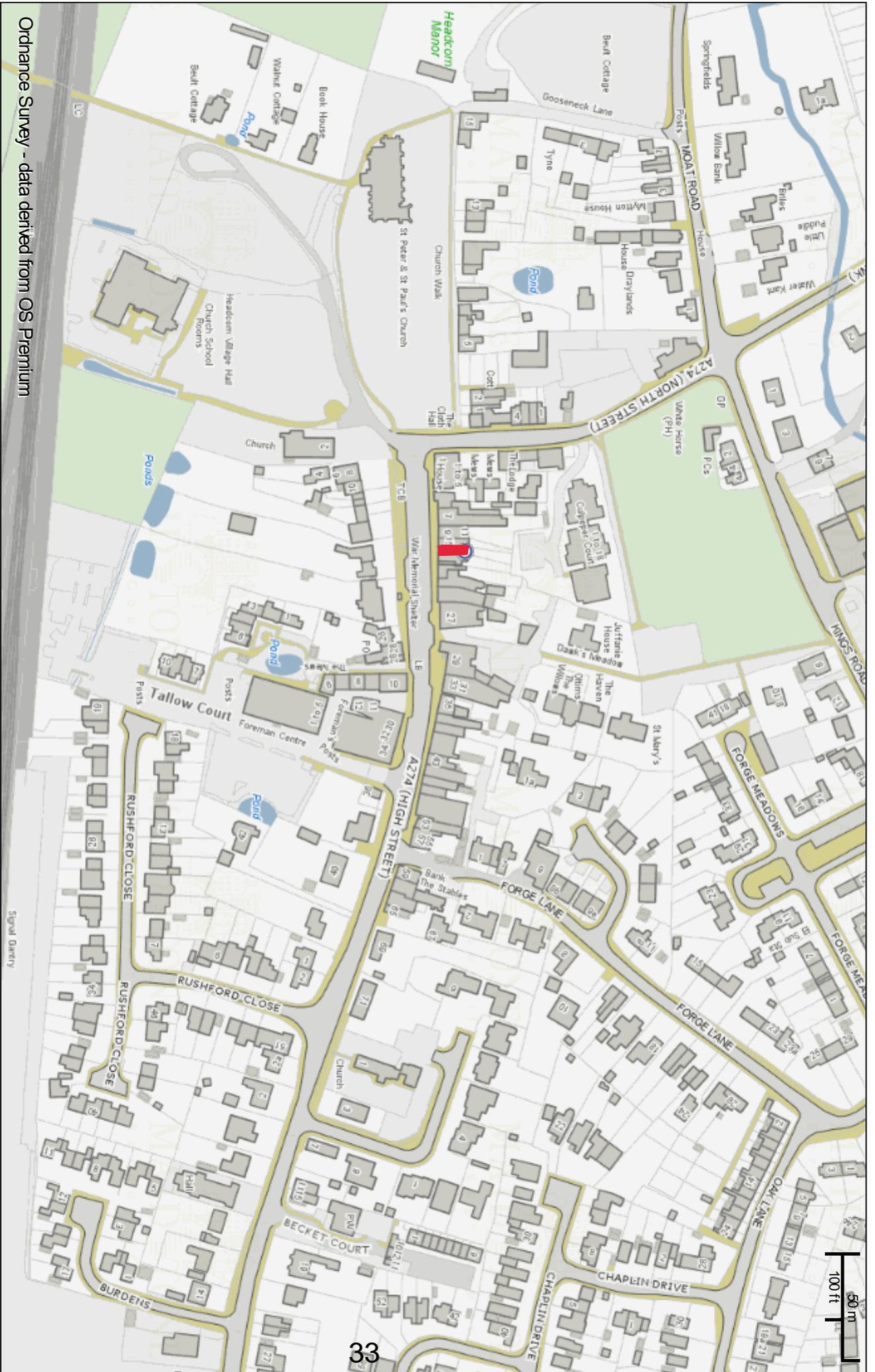
Not applicable

Annex 5 – Plans

Please see attached

Tap 17, 17 High Street, Headcorn, Floor plan for application number 2121/00337/LAPRE





Ordnance Survey - data derived from OS Premium

Tap 17, 17 High Street, TN27 9NH

Scale: 1:2400

Printed on: 19/4/2021 at 20:16 PM by LorraineN

Article 8

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Article 6(1)

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

Article 10

3. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
4. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

Licensing Act 2003 Sub-Committee Hearing Procedure of Applications for New Premises Licences/Club Premises Certificates and Variations to existing licences and certificates

Introduction and Procedure

i) Introductions

The Chairman will request all those persons participating in the hearing to identify themselves, starting with the:

- Members of the sub-committee (who will, if applicable, declare any personal or prejudicial interests)
- Legal advisor
- Committee clerk
- Maidstone Borough Council licensing officers/managers
- Applicant (and any representative)
- Each responsible authority (and any representative)
- Each interested party (and any spokesperson or representative)

ii) Procedural Matters

- **Procedure**

The Chairman will:

- Confirm that all parties are aware of the sub-committee hearing procedure and that each party has a copy of the hearing procedure document.

- **Submissions**

The Chairman will:

- Explain that the sub-committee will allow all parties to put their case fully and make full submissions, within a reasonable time frame.

- **Discussion and cross-examination**

The Chairman will:

- Explain that the sub-committee procedure shall take the form of a discussion led by the sub-committee.
- Explain that the sub-committee will usually permit cross examination (conducted within a reasonable time frame).

- **Disruptive Behaviour**

The Chairman will:

- Explain that where any person attending the hearing behaves in a disruptive manner, the sub-committee may direct that person to leave the hearing (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.

- **Reading of Papers**

The Chairman will:

- Confirm that all sub-committee members have pre-read all the papers and any other documents contained in the report regarding the hearing.

- **Draft Conditions**

The Chairman will:

- Enquire whether draft conditions have been agreed between the applicant and any of the other parties for the sub-committee to consider.

- **Witnesses**

The Chairman will:

- Enquire whether any parties request to have any witnesses give evidence at the hearing; and if so grant the request unless the request is unreasonable.

- Invite the parties, where appropriate, to appoint a spokesperson.

The Hearing

Outline of the Application and Representations

- The Chairman will ask the legal advisor or community services manager to briefly outline the application and all representations regarding the application.

i) The Applicant

- Opening remarks by the applicant (or their representative).
- Evidence of the applicant and any witnesses.
- After each person has given evidence the person may be questioned by each responsible authority, interested party and sub-committee member.
- If necessary, the applicant (or their representative) may clarify any matter that arose during questioning.

ii) Responsible Authorities (where applicable)

RESPONSIBLE AUTHORITY	Tick if applicable
Police	
Trading standards	
Environmental Health	
Child Protection (Social Services)	
Planning	
Fire and Rescue	

- Opening remarks by the officer representing the responsible authority (or their representative).
- Evidence of the responsible authority officer and any witnesses.
- After each person has given evidence the person may be questioned by the applicant, each other responsible authority, interested party and sub-committee member.
- If necessary, the officer (or representative) may clarify any matter that arose during questioning.

iii) Interested Parties

- Opening remarks by the interested party (or spokesperson/representative).
- Evidence of the interested party and any witnesses.

- After each person has given evidence the person may be questioned by the applicant, responsible authorities, each other interested party and sub-committee member.
- If necessary, the interested party (or spokesperson/representative) may clarify any matter that arose during questioning.

Closing Speeches

In the following order:

- Each Responsible Authority**
- Each Interested Party**
- The Applicant**

End of Hearing

- The Chairman will ask the members of the sub-committee if they have any final questions for any party to the hearing.
- The Chairman will ask the legal advisor whether there are any further matters to be raised or resolved before the hearing is closed.
- The Chairman will bring the hearing to a close and shall declare that the sub-committee will retire, to private session, to consider the application, all relevant representations, evidence, the relevant extracts of Licensing Authority's Statement of Licensing Policy, the relevant extracts of the National Guidance issued under section 182 of The Licensing Act 2003 and the licensing objectives under the Licensing Act 2003.
- The Chairman shall invite the legal advisor to remain with the sub-committee during its deliberations and ask all other persons to withdraw from the room.

The Decision

The Chairman shall declare in public session:

- The sub-committee's determination.
- All parties to the hearing will receive a copy of the written Determination Notice regarding the sub-committee's determination.
- All parties may appeal against the sub-committee's decision within 21 days beginning with the day on which the appellant is notified of the Licensing Authority's written determination. Appeals must be lodged with the Magistrates' Court. Parties should be aware that the Magistrates Court may make an order with

respect to costs on any appeal.

The hearing is formally closed.