

LICENSING COMMITTEE MEETING

Date: Thursday 16 June 2022
Time: 6.30 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Brindle, Coates, English, Fort, Garten, Hinder, Joy, Naghi, Parfitt-Reid, Mrs Robertson, J Sams, Springett and Trzebinski

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. Election of the Vice-Chair
5. Visiting Members
6. Urgent Items
7. Disclosures by Members and Officers
8. Disclosures of Lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the Meeting Held on 31 March 2022 1 - 3
11. Minutes of the Licensing Act 2003 Sub-Committee Meeting held on 20 April 2022 4 - 11

Issued on Wednesday 8 June 2022

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

INFORMATION FOR THE PUBLIC

In order to make a statement in relation to an item on the agenda, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Tuesday 14 June). You will need to tell us which agenda item you wish to speak on.

If you require this information in an alternative format please contact us, call **01622 602899** or email committee@maidstone.gov.uk.

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MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 31 MARCH 2022

Present: Councillors Brindle, English, Garten, Joy, M Rose,
Springett (Chair) and Trzebinski

62. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Cooke, Fort, Hinder, Naghi, Mrs Robertson and J Sams.

63. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

64. URGENT ITEMS

There were no urgent items.

65. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

66. VISITING MEMBERS

There was no Visiting Members.

67. DISCLOSURES OF LOBBYING

All Councillors had been lobbied on Item 11 – Hackney Carriage Fare Increase 2022-23.

68. EXEMPT ITEMS

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

69. MINUTES OF THE MEETING HELD ON 17 MARCH 2022

RESOLVED: That the Minutes of the Meeting held on 17 March 2022 be agreed as a correct record and signed.

70. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from Members of the public.

71. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

72. HACKNEY CARRIAGE FARE INCREASE 2022-23

As Mr Neil Cox had intended to address the Committee but was unable to attend, the Chair read out a statement on his behalf.

The Senior Licensing Officer introduced the report and highlighted the fare increase requested by the Hackney Carriage Trade within Appendix 1 to the report. If agreed, the fares would be implemented from April 2022. The last fare increase was agreed in July 2020.

As the significant increase in the cost of fuel and electricity had contributed to the trade's request, the Senior Licensing Officer outlined recent figures for inflation rates, the consumer price index and fuel costs. Several other Local Authorities (LA) in Kent had recently raised their Hackney Carriage fares including Sevenoaks and Tonbridge and Malling district councils, with reviews to take place at Folkstone, Swale and Tunbridge Wells district councils.

In response to questions, the Senior Licensing Officer explained the different tariffs operated by the trade. It was confirmed that the fare increase would be in 20p increments in accordance with Appendix 3 to the report, rather than as shown within table 5 of the report. Following receipt of a request to increase fares, the proposed fares were compared with the tariffs of other Kent LAs to determine its reasonability.

During the debate, a flat rate increase to the fare surcharge was considered. In response, The Lawyer (Contentious) stated that the trade had requested an increase in fares rather than the surcharge and reiterated the government guidance that fare scales should be designed with a view to its practicality and transparency of the process. The process for advertising the fare increase, if agreed, was outlined.

The Committee felt that it would be simpler to implement the fare increases as requested by the trade. In response to questions, the Lawyer (Contentious) stated that best practice suggested that a fare review would usually take place annually. However, it was felt that the review should take place after six-months of the fare's implementation due to the unusual circumstances surrounding the increased cost of living and fuel, alongside consultation with the trade on how to manage such situations in the future.

RESOLVED: That

1. The table of fares as set out in Appendix 3 to the report be agreed, with the intention to review the fares after six-months;
2. The Head of Housing and Community Services be authorised to give public notice of the Council's intention to fix this table of fares for

Hackney Carriage vehicles in accordance with Section 65(2) of the Local Government (Miscellaneous Provisions) Act 1976 to take effect from April 2022;

3. Should objections be received, the matter be brought back to the Committee for consideration within two months of publication; and
4. A consultation be undertaken with the Hackney Carriage trade, to ascertain a method of dealing with future fuel emergency crises.

73. DURATION OF MEETING

2.30 p.m. to 3.20 p.m.

Agenda Item 11

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

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