

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 SUB COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 21 AUGUST 2024

Attendees:

Committee Members:	Councillors English, Springett and Trzebinski
---------------------------	--

73. APOLOGIES FOR ABSENCE

There were no apologies.

74. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

75. ELECTION OF CHAIRMAN

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

76. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

77. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

78. EXEMPT ITEMS

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

79. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR BLUE REEF MUSIC VENUE, LODDINGTON FARM, UNIT 5, LODDINGTON LANE, LINTON, KENT, ME17 4AG

The persons participating in the hearing were identified as follows:

1. Chairman – Councillor English
2. Sub-Committee Members – Councillors Springett and Trzebinski
3. Senior Licensing Officer – Lorraine Neale
4. Legal Advisor – Helen Ward
5. Democratic Services Officer – Jordan Ifield
6. Applicant – John Wingate

7. Applicant – Pavla Havell
8. Interested Party – Anthony Williams
9. Representative of Kent Police – PC James Williams

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 submission 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 stated that after Kent Police had objected to the application in appendix 3 of the report, the applicants, John Wingate and Pavla Havell, had agreed to eight conditions proposed by Kent Police, and that Kent Police had subsequently withdrawn their objection. Further reference was made to objections from residents in appendix 4 of the report and the options were outlined to the sub-committee.

The applicants were invited to make their opening remarks and Mr Wingate stated that the application was submitted to avoid regularly re-applying for temporary event notices (TENs) and that they only intended to hold music events, on average, once a month between April and October. Mr Wingate stated he would not host events every day as requested in the application, but had applied for a licence to apply every day to allow flexibility. It was explained that if there was excess stock the venue would host unscheduled open microphone nights.

In response to questions from the panel, Mr Wingate confirmed that he rented a unit on Loddington Farm from the owner and had a good working relationship with them. Music at the venue would comprise of mostly acoustic music and that 300 patrons was the maximum capacity, with parking restricted for the Loddington Farm site at 800 spaces, which included parking for other units at the site. The venue had space for 15 tables, seating a maximum of 120 patrons and standing space for a further 180 patrons. It was clarified that events were ticketed, and that patrons would be required to enter through a staffed gate at the premises, with temporary fencing placed around other entrances during events.

The interested party, Anthony Williams, was invited to make their opening remarks and stated that as the owner of Musket Brewery, another business on Loddington Farm, that they did not agree with the application.

In response to questions from the panel, Mr Williams stated that the main objection to the application was primarily due to a lack of communication between the applicants and himself. The applicants had not notified Mr Williams of the application despite attending previous business meetings at the farm and that patrons of the Blue Reef venue had previously caused anti-social behaviour at the Musket Brewery. While it was acknowledged that the applicants provide portable toilet facilities during their events, the permanent toilets at the Musket Brewery had been simultaneously subject to abuse by patrons of the Blue Reef venue. There had also been confusion with objectors believing the application had been submitted by the Musket Brewery, as it was located on the same Loddington Farm site.

In responses to questions from the Legal Advisor, the applicants confirmed they would accept a licence which allowed for 12 events per year, and would only hold events on days the Musket Brewery was not holding events. Mr Williams further stated that he had submitted a Freedom of Information (FOI) request to the Licensing Partnership, which showed that on several occasions the applicants had not applied a TEN when holding an event. In response Mr Wingate stated that one TEN application had not been submitted in time, but that the venue did not sell alcohol on that occasion and instead directed patrons to consume alcohol at the Musket Brewery.

In making their closing remarks, the applicants stated that hosting music events at Blue Reef were not for financial gain, but in the interests of grassroots music. It was highlighted that the venue would only serve alcohol where appropriate as the majority of patrons would have to drive to the venue.

The Chairman advised that the Sub-Committee would retire for deliberation with the legal advisor present. The meeting was adjourned between 11:16 a.m. to 12:15 p.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 licensable activities only being permitted between Wednesdays and Saturdays, are limited to a maximum of 12 events per year, and that the eight conditions agreed with Kent Police are complied with. The decision could be subject to an appeal.

RESOLVED: That the application be granted, subject to licensable activities only being permitted between Wednesdays and Saturdays, are limited to a maximum of 12 events per year, and that the eight conditions agreed with Kent Police are complied with.

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

The hearing closed at 12:17 p.m.