

AGENDA

LICENSING ACT 2003 SUB COMMITTEE MEETING



Date: Friday 2 October 2009
Time: 10.00 am
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors FitzGerald, Mrs Gibson & Mrs Hinder

Page No.

1. Disclosures by Members and Officers
2. Disclosures of Lobbying
3. To consider whether any items should be taken in private because of the possible disclosure of exempt information
4. Report of the Democratic Services Manager - Application to vary a Club Premises Certificate under the Licensing Act 2003 for the Bearsted & Thurnham Club, The Green, Bearsted, Maidstone, Kent, ME14 1DT 1 - 51

Issued on 25 September 2009

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**David Petford, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

Agenda Item 4

Agenda Item No:1 **1 – Summary of Report**

Licence Reference **WK/**
Report To: **LICENSING SUB – COMMITTEE**
 (UNDER THE LICENSING ACT 2003)

Date: **17TH SEPTEMBER 2009**

Report Title: **BEARSTED & THURNHAM CLUB, THE GREEN, BEARSTED,**
 MAIDSTONE, KENT ME14 4DT

Application to: Vary a Club Premises Certificate under the Licensing Act 2003

Report Author: **Lorraine Neale**

- Summary:**
1. The Applicant – Lynette Duncan
 2. Type of authorisation applied for: To vary a Club Premises Certificate under the Licensing Act 2003. (Appendix A)
 3. To extend the permitted hours of the club to Midnight on Friday's and Saturday's and Christmas Eve, exclude Good Friday. To allow Live Performances of artists.
 4. Proposed Licensable Activities and hours:

E)	Live Music – Indoors	Friday & Saturday	20.00 to 23.30
F)	Recorded Music – Indoors	Friday & Saturday	20.00 to 24.00
M)	Supply of alcohol; On & Off the premises	Monday to Thursday Friday, Saturday & Christmas Eve Sunday	10.00 to 23.00 10.00 to 24.00 12.00 to 22.30
O)	Opening Hours	Monday to Thursday Friday, Saturday & Christmas Eve Sunday New Years Eve	10.00 to 23.30 10.00 to 00.30 12.00 to 23.00 10.00 to 02.00

The current licensable activities and hours are: -

Alcohol may be sold or supplied during the following permitted hours:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 am to 11.00 pm
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 pm
- c. On Good Friday, 12 noon to 10.30 pm
- d. On New Year's from the end of permitted hours to the start of permitted hours on the following day
- e. On Christmas day, as provided in the embedded conditions

Regulated entertainment is only permitted to the extent of private entertainment (see embedded condition) and is not subject to any time limitation.

Private Entertainment

Dancing, music or other entertainment of the like kind which is not a public entertainment but which is promoted for private gain is permitted without any hours limitation

The opening hours of the club

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 am to 11.30 pm
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 11.00 pm
- c. On Good Friday, 12 noon to 11.00 pm
- d. On Christmas Day, as provided in the embedded conditions
- e. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day

Affected Wards:	Bearsted – North East
Recommendations:	The Committee is asked to determine the application and decide whether to grant a 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:	<p>HUMAN RIGHTS: In considering this application it is necessary to consider the rights of both the applicant and other parties, such as “responsible authorities” and/or “interested parties” (objectors). The procedure for determining licences has a prescribed format to ensure fair representation of the relevant facts by all parties.</p> <p>LEGAL: Under the Licensing Act 2003 the Licensing Authority has a duty to exercise licensing control of relevant premises.</p>
Background Papers:	<p>Licensing Act 2003</p> <p>DCMS Guidance Documents issued under section 182 of the Licensing Act 2003 as amended</p> <p>Maidstone Borough Council Statement of Licensing Policy</p>
Contacts:	Mrs Lorraine Neale at: lorraineneale@maidstone.gov.uk – tel: 01622 602028

Agenda Item No. 1

Report Title: BEARSTED & THURNHAM CLUB, THE GREEN, BEARSTED, MAIDSTONE, KENT ME14 4DT

Application to: Vary a Club Premises Certificate under the Licensing Act 2003

Purpose of the Report

1. The report advises Members of an application to vary a Club Premises Certificate under the Licensing Act 2003, made by Lynette Duncan, in respect of the Bearsted & Thurnham Club, The Green, Bearsted, Maidstone, Kent ME14 4DT to which representations have been received from Interested Parties copies of which are shown in the appendices at the end of this report. There have been no representations received from responsible Authorities.

Issue to be decided and options

2. Members are asked to determine whether to grant or reject the application.

Background

3. The relevant sections are Part 3 of The Licensing Act 2003 and section 4 of The Licensing Act 2003 in particular the Licensing Objectives:
 - The prevention of crime and disorder; 3
 - Public Safety
 - The prevention of public nuisance; and
 - The protection of children from harm
4. The application has been correctly advertised in the local press and a notice displayed on the premises for the required period.
5. No representations were received from Responsible Authorities
6. The table below illustrates the relevant representations which have been received from Interested Parties.

Interested Parties	Licensing Objective	Associated Documents	Appendix
Mr & Mrs Ashdown	Public Nuisance	E-mail	C
J Murphy	Public Nuisance	E-mail	C
Mr & Mrs Stafford	Public Nuisance	E-mail	C
Mr R Henry	Public Nuisance	E-mail	C
Miss Y Beckett Cole Mr A Hadji	Public Nuisance	E-mail	C

A.J . Preece	Public Nuisance	E-mail	C
Mrs G Roberts	Public Nuisance	E-mail	C
H Butterworth	Public Nuisance	E-mail	C

7. **Members are advised that applications cannot be refused in whole or in part, or conditions attached to the licence unless it is necessary to do so to promote the licensing objectives.;**

8. **The Operating Schedule submitted by the Applicant has addressed the licensing objectives in the following manner:**

a) General – all four licensing objectives

To prevent crime and disorder – members only and guests

b) The prevention of crime and disorder

Members only and guests – so no unknown people allowed access

CCTV to car park and bar area

Key fobs for use by bar staff to access till

c) Public safety

Notices inside club to advise of traffic in the side road running along the length of the club

Lighting at entrances to the building and also at the car park

d) Prevention of public nuisance

Notices inside club to request members to leave quietly and to have regard to neighbours

Smoking containers provided to deposit cigarette ends

e) The protection of children from harm

No children allowed in the club at any time

No existing Rules or conditions are being asked being asked to be removed

9. **Relevant sections of The Guidance issued under section 182 of The Licensing Act 2003;**

Chapter 6 Club Premises Certificates

Chapter 10 Conditions Annex D

Part 4 Pool of Conditions relating to Public Nuisance

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

22. Prevention of Public Nuisance

Licensed premises can cause adverse impacts on communities through public nuisance. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from any nuisance caused by the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

The Licensing Authority will interpret 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

Concerns

When addressing the issue of prevention of public nuisance, the applicant should consider those factors arising from the premises or the activities of their customers within the vicinity of the premises that may impact on the likelihood of public nuisance. These may include:-

- The location of the premises and their proximity to residential and other noise sensitive premises such as hospitals, hospices and places of worship.
- The hours of operation, particularly if between 23.00 and 07.00.
- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises.
- The design and layout of premises and in particular the presence of noise limiting features.
- The occupancy capacity of the premises.
- Last admission time.
- The steps the applicant has taken or proposes to take to ensure that staff leave the premises quietly.
- The steps the applicant has taken or proposes to take to prevent disturbance by patrons arriving or leaving the premises.
- Whether routes to and from the premises, on foot or by car or service or delivery vehicles, pass residential premises within the vicinity of the Premises.
- Whether other measures have been taken or are proposed such as the use of CCTV or the employment of registered door supervisors.
- The arrangements made or proposed for parking by patrons, and the effect of this parking on local residents.
- The likelihood of any violence, disorder or policing problems arising if a licence were granted.
- Whether taxis and private hire vehicles serving the premises are likely to disturb local residents.
- The siting of external lighting, including security lighting that is installed inappropriately.
- Whether the operation of the premises would result in increased refuse storage or disposal problems or additional litter in the vicinity of the premises and any measures or proposed measures to deal with this.
- The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees.

Additional Steps

The following examples of additional steps are given as examples for applicants to consider in the preparation of their Operating Schedule, having regard to their particular type of premises or activities:-

- Effective and responsible management of premises.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance.
- Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries.
- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics).
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises.
- The incorporation of measures for ensuring the safe and swift dispersal of patrons away from premises and events without causing nuisance or public safety concerns to local residents.
- Effective ventilation systems to prevent nuisance from odour.

N.B. Where relevant representations are received which the Licensing Sub Committee consider material particular consideration will be given to the impact on residential amenity of proposals for the provision of late night refreshment where these are either located in, or encourage people to move through, residential areas.

c) Options

Legal options open to members -

- GRANT as per the OPERATING SCHEDULE accompanying the application submitted by the applicant.
- GRANT WITH MODIFICATIONS i.e. alter or omit or add new condition(s) to the licence to such extent as the Licensing Sub Committee considers necessary for the promotion of the licensing objectives.
- REJECT the whole or part of the application necessary for the promotions of the licensing objectives.

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".

Implications Assessment

10. The decision should be made with regard to the Secretary of State's Guidance. Members should be aware that if such a departure is made the risk of appeal / challenge is increased.
11. **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.

Conclusion

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

List of Appendices

Appendix A	Application Form
Appendix B	Premise Licence
Appendix C	Representations
Appendix D	Plan of the Premises
Appendix E	Plan of the area
Appendix F	Human Rights Articles
Appendix G	Order of Proceedings

Appeal

13. **The applicant or the Chief Officer of Police 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 by bring an appeal.**

Contact: Email:	Senior Licensing Officer lorraineneale@maidstone.gov.uk
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WR/200907730

Patrol £40
CASH 3/5/09
Maidstone

**Application to vary a club premises
certificate to be granted under the
Licensing Act 2003**



Reps by 4/9

PAID BY
CHSOW.

£190
SW
7/8/09.

- (1) The Licensing Section
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent ME15 6JQ

PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING APPLICATION

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records

- (2) *BEARSTED & THURNHAM* club applies for a club premises certificate under section 84 of the Licensing Act 2003 for the premises named in Part 1 below

Club premises certificate number

MAID 0185 / LCLB / 1715

Part 1 - Club Premises details

Name of club <i>BEARSTED & THURNHAM CLUB</i>	
Postal address of premises, if any, or if none, Ordnance Survey map reference or description <i>THE GREEN BEARSTED MAIDSTONE KENT</i>	
Post town <i>MAIDSTONE</i>	Postcode <i>ME14 4DT</i>
Daytime contact telephone number (if any) <i>01622 736 592</i>	
E-mail address (optional) <i>BTCUBC@btconnect.com</i>	

Name of person performing duties of a secretary to the club <i>LYNETTE DUNCAN</i>	
Address of person performing duties of a secretary to the club <i>20 ANERLEY CLOSE ALLINGTON PARK</i>	
Post town <i>MAIDSTONE</i>	Post code <i>ME16 0ER</i>
Daytime contact telephone number (if any) <i>01622 681096</i>	
E-mail address (optional) <i>DUNCANLYNET@aol.com</i>	

Part 2 - Applicant details

Daytime contact telephone number (if any)

AS PART ONE

E-mail address
(optional)

Current postal address if different from premises address

Post town

Postcode

Part 3 - Variation

Please tick ✓ yes

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



If not do you want the variation to take effect from

Day Month Year

--	--	--	--	--	--	--	--	--	--

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

EXTEND PERMITTED HOURS OF THE CLUB TO MIDNIGHT
ON FRIDAY AND SATURDAY AND CHRISTMAS EVE -

EXCLUDE GOOD FRIDAY - TO ALLOW LIVE PERFORMANCES
OF ARTISTS.

THE EXTENDED HOURS WILL BE APPROXIMATELY 1/2 PER
MONTH AT THE MOST.

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

10

NO -	
MAY	90

Part 4 - Club Operating Schedule

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

What qualifying club activities do you intend to conduct on the club premises which will be affected by your application?

Provision of regulated entertainment

Please tick ✓ yes

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

Provision of entertainment facilities for:

- | | |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (if ticking yes, fill in box L)



The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place (if ticking yes, fill in box L)



In all cases complete boxes M, N, O, and P

A

Plays			Will the performance of a play take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) <i>N/A</i> Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon			
Tue			
Wed			State any seasonal variations for performing plays (please read guidance note 4)
Thur			
Fri			Non-standard timings. Where the club intends to use the premises for the performance of a play at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

B

Films			Will the exhibition of films take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) <i>N/A</i> Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon			
Tue			
Wed			State any seasonal variations for the exhibition of film (please read guidance note 4)
Thur			
Fri			Non-standard timings. Where the club intends to use the premises for the exhibition of film at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

C

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

D

Boxing or wrestling entertainments			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	N/A Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)
Tue			
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)
Thur			
Fri			Non-standard timings. Where the club intends to use the premises for the boxing or wrestling entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

E

Live music			Will the performance of live music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon			
Tue			
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)
Thur			
Fri	20-00 08-00 AM	11-30pm	Non-standard timings. Where the club intends to use the premises for the performance of live music at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat	20-00 08-00 AM	11-30pm	
Sun			

F

Recorded music			Will the playing of recorded music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Please give further details here (please read guidance note 3) ON DAILY BASIS. UNAMPLIFIED MUSIC ON SKY TV.
Mon			
Tue			
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)
Thur			
Fri	20-00	24-00	Non-standard timings. Where the club intends to use the premises for the playing of recorded music at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat	20-00	24-00	
Sun			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) N/A Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon			
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)
Wed			Non-standard timings. Where the club intends to use the premises for the performance of dance at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

H

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

Provision of facilities for making music			Please give a description of the type of facilities for making music that the club will be providing N / A
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Will the facilities for making music be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)
Tue			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)
Wed			Non-standard timings. Where the club intends to use the premises for the provision of facilities for making music at different times from those listed in the column on the left, please list. (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

J

Provision of facilities for dancing			Please give a description of the type of facilities for dancing that the club will be providing N / A
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Will the facilities for dancing be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)
Tue			State any seasonal variations for the provision of dancing facilities (please read guidance note 4)
Wed			Non-standard timings. Where the club intends to use the premises for the provision of dancing facilities at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility the club will be providing <p style="text-align: center;">N/A</p>
			Will the entertainment facility be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) <div style="display: flex; justify-content: space-around;"> Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/> </div>
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon			
Tue			
			State any seasonal variations for the provision of this entertainment facilities of a similar description to that falling within (I) or (J) (please read guidance note 4)
Wed			
Thur			
			Non-standard timings. Where the club intends to use the premises for the provision of this entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

L

Supply of alcohol			Will the supply of alcohol be for consumption - please tick box <input checked="" type="checkbox"/> (please read guidance note 7)
Standard days and timings (please read guidance note 6)			On the premises <input type="checkbox"/> Off the premises <input type="checkbox"/> Both <input checked="" type="checkbox"/>
Day	Start	Finish	
Mon	1000	2300	State any seasonal variations (please read guidance note 4)
Tue	1000	2300	
Wed	1000	2300	
Thur	1000	2300	Non-standard timings. Where the club intends to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list. (please read guidance note 5)
Fri	1000	2400	
Sat	1000	2400	
Sun	1200	2230	

ON FRIDAY AND SATURDAY TILL 2400 HRS ONLY
WHEN A PERFORMER IS BOOKED.

2400 HRS ON CHRISTMAS EVE DEPENDING ON
THE DAY OF THE WEEK THAT THIS FALLS

M

Hours club premises are open to members and guests Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	1000	2330	N/A
Tue	1000	2330	
Wed	1000	2330	
Thur	1000	2330	Non-standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, please list. (please read guidance note 5)
Fri	1000	0030	
Sat	1000	0030	
Sun	1200	2300	

CHRISTMAS EVE 1000 - 0030
NEW YEARS EVE 1000 - 0200

P Describe the steps you intend to take to promote the four licensing objectives:

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

TO PREVENT CRIME & DISORDER - MEMBERS ONLY & GUESTS
ETC.

b) The prevention of crime and disorder

- MEMBERS ONLY AND GUESTS - SO NO UNKNOWN PEOPLE ALLOWED ACCESS.
- CCTV TO CAR PARK AREA & BAR AREA
- KEY FOBS FOR USE BY BAR STAFF TO ACCESS TILL

c) Public safety

- NOTICES INSIDE CLUB TO ADVISE OF TRAFFIC IN THE SIDE ROAD RUNNING ALONG THE LENGTH OF THE CLUB
- LIGHTING AT ENTRANCES TO THE BUILDING AND ALSO AT THE CAR PARK.

d) The prevention of public nuisance

- NOTICES INSIDE CLUB TO REQUEST MEMBERS TO LEAVE QUIETLY AND TO HAVE REGARD TO NEIGHBOURS
- SMOKING CONTAINERS PROVIDED TO DEPOSIT CIGARETTE ENDS.

e) The protection of children from harm

NO CHILDREN ALLOWED IN THE CLUB AT ANY TIME.

APPENDIX A

Please tick ✓ yes

....

- I have made or enclosed payment of the fee ☒
- I have sent copies of this application and the plan to the responsible authorities ☒
- I understand that I must now advertise my application ☒
- I have enclosed the club premises certificate or relevant part of it or explanation ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 - Signature (please read guidance note 10)

I, LYNETTE JANE DUNCAN
have authority to bind the club

make this application on behalf of the club and

Signature 

Date 31st July 2009

Capacity CLUB SECRETARY

Address for correspondence associated with this application (please read guidance note 11)

BEARSTED & THURNHAM CLUB
THE GREEN
BEARSTED

Post town MAIDSTONE

Postcode ME14 4DT

Telephone number (if any) 01622 736592

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

BTCLUB@btconnect.com

Club premises certificate

Maidstone Borough Council
Licensing Section
(1) London House
5-11 London Road
Maidstone
Kent
ME16 8HR

Club premises certificate number MAID0185/LCLB/1610

Club details

Name of club in whose name this certificate is granted and relevant registered postal address of club BEARSTED AND THURNHAM CLUB	
Address THE GREEN, BEARSTED	
Post Town MAIDSTONE	Postcode ME14 4DT
Telephone number 01622 736592	

If different from above the postal address of the club premises to which this certificate relates, if any, or if non, Ordnance Survey map reference or description	
Post Town	Postcode
Telephone number	

Where the club premises certificate is time limited the dates N/A

(1) Insert licensing authority details

- **The supply and sale of alcohol to members and guests**
- **The provision of regulated entertainment (only permitted to the extent of private entertainment – see embedded condition)**

The times the certificate authorises the carrying out of qualifying club activities

Alcohol may be sold or supplied during the following permitted hours:

- a. **On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 am to 11.00 pm**
- b. **On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 pm**
- c. **On Good Friday, 12 noon to 10.30 pm**
- d. **On New Year's from the end of permitted hours to the start of permitted hours on the following day**
- e. **On Christmas day, as provided in the embedded conditions**

Regulated entertainment is only permitted to the extent of private entertainment (see embedded condition) and is not subject to any time limitation.

The opening hours of the club

- a. **On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 am to 11.30 pm**
- b. **On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 11.00 pm**
- c. **On Good Friday, 12 noon to 11.00 pm**
- d. **On Christmas Day, as provided in the embedded conditions**
- e. **On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day**

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

On and Off

N/A

N/A

ANNEX 3 – Conditions attached after a hearing by the licensing authority

N/A

ANNEX 4 – Plans

As attached

Permitted hours

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c. On Good Friday, 12 noon to 10.30 p.m.
- d. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- e. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- f. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
- g. On Christmas day, as provided by the rules of the club and notified in writing by the chairman or secretary of the club to the chief executive of the justices for the petty sessions area in which the premises are. The said hours shall:
 - i. not exceed six and a half hours;
 - ii. not begin earlier than 12 noon;
 - iii. not end later than 10.30 p.m.
 - iv. provide for a break of at least 2 hours, including 3 p.m. to 5 p.m.;
 - v. not extend for more than three and a half hours after 5 p.m.

The above restrictions do not prohibit:

- a. during the first twenty minutes after the above hours, the consumption of the alcohol on the premises;
- b. during the first twenty minutes after the above hours, the taking of alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- c. during the first thirty minutes after the above hours, the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied as ancillary to the meals;
- d. the supply to, or consumption by, any person of alcohol in any premises where they are residing.

Private Entertainment

Dancing, music or other entertainment of the like kind which is not a public entertainment but which is promoted for private gain is permitted without any hours limitation

Protection of children

If more than one hundred persons under 14 ("juniors") are attending an entertainment for juniors or an entertainment at which the majority of those attending are juniors, there shall be sufficient adult attendants, properly instructed as to their duties:

- a. to prevent more juniors or other persons being admitted to the building or part thereof than the building or part can properly accommodate; and
 - b. to control the movement of juniors and other persons admitted while entering and leaving the building or part; and
- to take all reasonable precautions for the safety of the children

Protection of children

No person under the age of 17 years shall take part in any performance in which his life or limbs are endangered.

Lorraine Neale

From: Limes on the Green Luxury Bed & Breakfast [info@limesonthegreen.co.uk]
Sent: 31 August 2009 20:26
To: Licensing
Subject: Bearsted and Thurnham Club, Bearsted Green

Dear Sirs

We would like to submit an objection to Bearsted and Thurnham Club's application to extend their license up to 12.00 pm with an extra half an hour 'drinking-up time'.

With their present license up to 11.00 pm the level of noise generated by people drinking outside the door of the club is already unacceptable to local residents. If their application is granted then unacceptable noise levels will continue into the early hours of the mornings at weekends. This is most unacceptable.

We would like to point out that the above Club's application to extend their license was brought to our attention only today! This is because it was obscured by a hanging basket of flowers and was pinned to the front door of the Club itself. We understood that notices of this kind should be attached to lampposts/street furniture outside the curtilage of the premises. The Club is in clear breach of these rules.

Please acknowledge that you have received our objections and complaint.

Thank you.

Steve and Sonia Ashdown
The Limes
The Green
Bearsted
ME14 4DR

Public Nuisance.

Lorraine Neale

From: Cerian Lythgoe
Sent: 03 September 2009 10:57
To: Licensing
Subject: FW: Extension of licensing application

Please see the below e-mail which has been received

Cerian Lythgoe
 Customer Services Advisor
 Contact Centre
 Maidstone Borough Council
cerianlythgoe@maidstone.gov.uk

I note you have access to the web and I shall be grateful if you will take just a minute to consider two new electronic facilities that you may be interested in using:

E Citizen - to log on and view details of your council tax or business rates account on line, at your convenience; and

E Billing - to receive your bill electronically rather than through the mail and thereby help reduce our carbon footprint.

These are in addition to the current Direct Debit Facility to pay your accounts.

Please simply reply to this email to register your interest and give me a telephone number that will be convenient for me to call you back on and set them up for you.

From: JANE MURPHY [mailto:jmurphee@btinternet.com]
Sent: 02 September 2009 16:53
To: Contact Centre Telephones
Subject: Extension of licensing application

Dear Sir/Madam

Re: Proposed extension of licensing hours, Bearsted Working Men's Club, Bearsted Green

I am writing to register my concern at the above application for a licensing extension. I feel that the hours during which the club is able to serve alcohol are already adequate and that further extension to these hours will cause unnecessary disturbance to the local inhabitants. I live in Church Lane and can hear the noise created by drinkers outside the club at night (they have go outside to smoke). It is a working men's club in a quiet residential area rather than a club in the centre of town. Please do not allow further stress to be caused to local residents who are unable to get to sleep at a decent hour and are constrained to listened to the raucous banter of late night drinkers.

Yours faithfully,

Jane Murphy
 Church Lane, Bearsted.

P.N.

Lorraine Neale

From: Morris & Sandy Stafford [Morris&Sandy@mstaff.demon.co.uk]
Sent: 01 September 2009 10:59
To: Lorraine Neale

Vicarage Gate
Church Lane
Bearsted
Kent
ME14 4EE

Re: Extension of license at Bearsted & Thurnham Club, Bearsted

Dear Ms Neale,

We note that an application has been made to extend the license at the above premises. We would like to strongly oppose this as it will add to the noise and congestion around the green at night in a residential area.

Yours sincerely

Morris & Sandy Stafford

P.S.

Lorraine Neale

From: Richard Henry [richardhenry@btinternet.com]
Sent: 01 September 2009 13:44
To: Licensing
Subject: Bearsted and Thurnham Working Mens Club

Dear Sir/Madam,

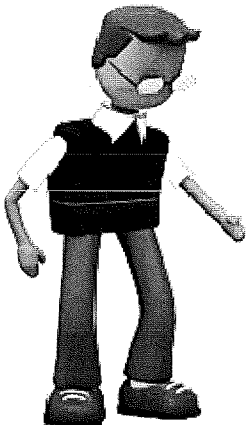
I have been asked by some local residents to comment on the application to extend the Opening Hours of what I believe is now called The Bearsted and Thurnham Gentlemens Club of The Green, Bearsted, ME14 4DT.

I personally feel that the current licensing hours are adequate and satisfactory for such an establishment. I would, however, add that it should be considered entirely reasonable to remain open for the proposed additional time on the festive occasions of Christmas and New Years Eves. BUT to permit an extension on every Friday and Saturday night is most UNreasonable. The Club is in a residential area adjacent to and opposite several cottages whose families would have to endure light, noise and cigarette pollution together with general disturbance from within and outside these premises which would surely ensue. To permit inclusion of "entertainment" really would be inappropriate.

In summary I would respectfully request that the Licencing Authority refuse the application which would allow trading late into the night week in week out because this cannot justifiably be acceptable to the near neighbours of this Club and would be grossly detrimental to their amenity.

Yours Faithfully,

Richard Henry,
The Old Vicarage, Church Lane, Bearsted ME14 4EE.



P. 2

Lorraine Neale

From: Yasmina Beckett Cole [yasminabeckettcole@yahoo.co.uk]
Sent: 01 September 2009 15:52
To: Lorraine Neale
Subject: RE: THURNHAM & BEARSTED CLUB APPLICATION FOR EXTENSION ON LICENSE

Hi Lorraine

Can you see any reason for me popping a copy of my attachment/letter in the post to you?

I just need reassuring that my e-mail with attachment is sufficient. Many thanks.

Yasmina

--- On Tue, 1/9/09, Lorraine Neale <LorraineNeale@maidstone.gov.uk> wrote:

From: Lorraine Neale <LorraineNeale@maidstone.gov.uk>
 Subject: RE: THURNHAM & BEARSTED CLUB APPLICATION FOR EXTENSION ON LICENSE
 To: "Yasmina Beckett Cole" <yasminabeckettcole@yahoo.co.uk>
 Date: Tuesday, 1 September, 2009, 2:36 PM

Hi Yasmina

Yes I can open the letter now, I will be writing to you shortly with regards to the process for the hearing.

Lorraine Neale

Senior Licensing Officer

t-01622 602028

f-01622 602978

From: Yasmina Beckett Cole [mailto:yasminabeckettcole@yahoo.co.uk]
Sent: 01 September 2009 14:44
To: Lorraine Neale
Subject: THURNHAM & BEARSTED CLUB APPLICATION FOR EXTENSION ON LICENSE

Hello Lorraine

I have sent an alternative attachment, please confirm that you are able to open it.

Many thanks.

Yasmina Beckett Cole

Our new reception is open at the Maidstone Gateway, King Street, Maidstone, Kent ME15 6JQ

<http://www.digitalmaidstone.co.uk>

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Lorraine Neale

From: Yasmina Beckett Cole [yasminabeckettcole@yahoo.co.uk]
Sent: 01 September 2009 14:44
To: Lorraine Neale
Subject: THURNHAM & BEARSTED CLUB APPLICATION FOR EXTENSION ON LICENSE
Attachments: THURNHAM & BEARSTED CLUB APPLICATION FOR EXTENSION ON LICENSE Sept. 09.docx

Hello Lorraine

I have sent an alternative attachment, please confirm that you are able to open it.

Many thanks.

Yasmina Beckett Cole

Miss Y Beckett Cole
& Mr A. Hadji
L'Esprit, The Green
Bearsted, Maidstone
Kent. ME14 4DU

Tel:

F.A.O Lorraine Neale
Maidstone Borough Council
Licensing Department
Maidstone House
King Street
Maidstone
Kent. ME15 6JQ

1st September 2009

Dear Sir/Madam

Re: Thurnham & Bearsted Club, The Green, Maidstone, Kent.
Application for extension to License to 12.00 midnight,

It has been brought to our attention within the last twenty four hours by a neighbour that the Thurnham & Bearsted Club is applying for an extension on their license.

Our property is situated next to the club house and we are somewhat distressed to discover that we were not informed by the club of their intention to request an extension.

Within recent months we have had cause to make several complaints to the Club with regard to several issues. Some of which do not have relevance to the request to extend the license. However, we do feel that it is important to bring to your attention the various problems we as residents now face. This will offer you an increased awareness into the problems that currently exist to assist you with the decision making process.

1. Club members persist in smoking down the side of the club, next to our house. We are therefore forced to inhale their smoke over the garden wall.
Since the No-Smoking ban came into force we have had to endure Club members throwing their cigarettes butts over over our garden wall.
2. We consider our garden to be an extension of the privacy of our home. As a consequence of the No-Smoking ban the members collect together outside and we are forced to hear foul language (swearing) and increased tones of voice during the men's conversations, this includes all of their mobile telephone

-2-

conversations whilst we sit in the garden. (members are banned from using mobile phones in the clubhouse)

One does not need much of an imagination to conceive the content of mens conversations and behaviour when men come together in a social environment that involves alcohol as is particularly found in a 'Men only drinking club. '

We have grandchildren who regularly stay over and play in the garden. Overhearing their conversations and noise levels are not confined to just our garden, we are able to hear them within the property itself, particularly when the windows are open. On one recent occasion whilst we had company, we were forced to hear men talking about the size of women's breast whilst sitting in our own home, we were very embaraced. Whilst we are not prudes, we do not wish to endure the innapropriate content of their conversations and increased tones of voice within the confinements of our own home. I am sure that the members themselves would not accept the invasion of privacy in their own homes that we are being forced to endure. They too would be first to raise objections to protect themselves and their families.

3. **Occassionally, the club provides their members with an extension on time with live entertainment and a disco, we have found these evenings to be unbearable to cope with.** Our bedroom window is directly above all the gatherings outside the side of the club house, the level of noise from the entertainment combined with the noise of the smokers gathered at the side of the club makes it impossible to sleep.

The situation eventually reached a point whereby, we were forced to make a complaint, I personally called a meeting with the Chair and Vice Chair of the club. The meeting took place on Monday 2nd March 2009, all the issues mentioned here were raised.

I was assured that they would be taking steps to prevent the members from smoking down the side of the club, pointing out their responsibility and need to comply with Health & Safety Regulations. I was also assured that they would be ensuring that the members would Smoke in the front of the club in the appropriate seating area provided. The club has not seen fit to ensure that their members comply to this commitment. On several ocasions during the meeting I was assured that the club wished to be observant of the local residents wishes, **I was assured that the noise levels with regards to the entertainment would be reduced and kept to a minimum. In addition they would ensure that all the members would have vacated the premises by 12.00pm.**

-3-

If the license was to be extended this would enable the bar to continue to serve until midnight, this in turn would grant the members permission to stay and finish their drinks until possibly 1.00 am. The members then stand outside the premises and continue to talk in very loud voices, as would be expected from individuals who are intoxicated with alcohol.

We purchased our property seven years ago, the Club house has always been a respectful and discreet establishment. Never would we have considered purchasing a home next to a Public House. The Club Managers who were in residence when we purchased our property left two years ago, we have observed many negative changes and consequences to the running of the club since their departure. The Club has over the last year been heavily promoting the club membership, we have personally become aware that membership has been extended to a different calibre of member. This is reflected in the level of foul language and in the disrespectful content and noise level of their conversations.

Within the last two weeks the club has invested in the construction of a walled courtyard area to the front of the club. Interestingly, we were issued with a letter to notify us to anticipate increased noise levels whilst the work was carried out. Why were we not advised of their request for an extension on their license, in particular when you consider our recent complaints and subsequent discussions regarding noise levels?

The new walled courtyard area we feel reflects the clubs intention to promote its services and encourage increase usage and subsequent revenue. We feel strongly that the boundaries that separate the club from the two Public Houses on the Green (The Oak on the Green and The White Swan) have become almost not existant. Whilst we appreciate that change must occur, that we have to make way for progression and change, it is strongly felt by ourselves that these changes are to benefit ONLY the bank account of the club at the expense of the local residents.

We are personally considerably concerned that the influx of activities in the club will prevent future purchasers from purchasing our property in the future. It would mostly surely be reflected in the purchase price we were able to secure.

We are of the understanding that a Parish Councillor has been contacted by a neighbour, this has our full support, and if necessary we will consider involving a local Member of Parliament.

4-

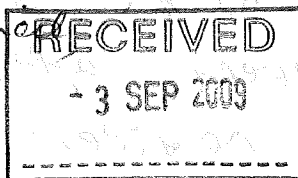
We hope that the request by The Thurnham & Bearsted Club for an extension on their license will be declined by Maidstone Borough Council. Granting an extension on opening and subsequent drinking times would simply amplify an existing problem which requires prevention and monitorisation, not compliance of unreasonable behaviour.

Yours sincerely.

Miss Y. Y. Beckett Cole
Mr A. Hadji

Please note: It is our hope that you will receive sufficient communication from local residents objecting to granting the extension of the license to Thurnham & Bearsted Club, the application may then be referred to a hearing. Living directly next to the club, we personally would very much like the opportunity to attend any future hearing to deliver our protest. We will be going away on holiday between the 6th – 24th September 2009, and would be most grateful if any future hearing date would provide ourselves and the other residents sufficient time to compile information to support our protest of this matter.

Mr Neil Harris,
Licensing Section,
 Maidstone Borough Council
King St,
Maidstone,
Kent.



[CONFIDENTIAL]

Cara Cottage
Beasted Green,
Nr Maidstone,
Kent.
ME14 4DN.

September 1st 2009.

RE: Beasted & Duntan Club
— Application to extend Drinking Hours to
12 o midnight.

Dear Mr Harris,

As local residents in the vicinity of the
above club on Beasted Green several of us are
concerned to learn of their application to extend
bar licensing hours on Friday & Saturday nights
to midnight.

Please note firstly that local residents
received NO NOTIFICATION of this proposal.
The notice is on ^{off the road} the door of the club on their
private premises, half hidden by a hanging
basket, and NOT visible by members of the
public passing by. As a result we had no
knowledge of it until a neighbor heard of
it by chance through the grapevine and alerted
us yesterday afternoon — and that the cut-off
for comments/objections was today.
I understand from the council this morning
that it was "advertised" in the KM Extra
newspaper — which we do not receive and have
not had delivered for some time.

Firstly therefore I wish to object that proper
public consultation has not taken place and
that local residents' views — those most affected
by a change — have ³⁹ been disregarded inappropriately.

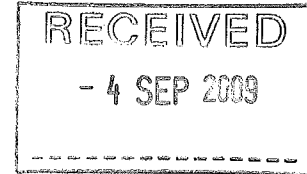
Secondly, club members drink on the summer months and often spill onto the village green after closing time, keeping long-suffering residents awake into the early hours with noisy, boorish, drunken language and behaviour. Obviously the longer and later drinking is allowed the worse this will get, depriving residents of their sleep. Primarily, this is a residential area.

In recent years there have been regular incidents of ^{anti-social and} inappropriate behaviour by certain local club members late at night, when they are 'well-oiled' with alcohol; usually on a Friday &/or Saturday night, and displaying little regard for local residents' property or peace being disturbed in the early hours of the morning.

Please lead these concerns and register mine and my husband's objections to any further extension of licensing hours.

Yours sincerely,
A.J. Pecca

Lyndhurst
The Street
Bearsted
Kent
ME4 4EW



31st August, 2009

Maidstone Borough Council

To Whom it may concern:

Dear Sirs,

Re: Bearsted Social Club

I live near to the above social club and would ask you to turn down their application for an extended drinking licence. Even with its current arrangements I have noticed how much noisier the outside area has become since the smoking ban was introduced, with people sitting outside chatting loudly and smoking until at least 12.00 o'clock midnight, seven nights a week. The establishment is closely nestled between two rows of terraced houses and to extend this further would be totally unfair and disruptive to those residents in the houses immediately nearby - most of whom who have to get up early to go to work either locally or into London by train.

Please allow Bearsted Green residents some reprieve from what is becoming an almost 24 hour social scene. Surely with two other extremely busy establishments nearby: the Oak on the Green P.H and The White Horse P.H., it is possible to drink late without allowing the local Gentlemens' Social Club to turn into a glorified public house.

Yours faithfully,

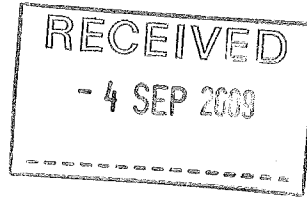
A handwritten signature in cursive script, reading "Georgina Roberts". The signature is written in dark ink and is positioned above the printed name.

Mrs Georgina Roberts

APPENDIX C

5, Invicta Villas
The Green
Bearsted
Kent
ME14 4DT

3/09/09



MS Lorraine Neale
Licensing Section
Maidstone Borough Council

Ref: Bearsted and Thurnham Club – License Extension

Dear MS Neale,

I'm writing to oppose the application of the above, from it's current time of 11pm to 12 o'clock midnight and further to 12:30 for drinking up on Fridays and Saturdays.

On Bearsted Green there are currently two restaurants, two public houses as well as The Club and all within two minutes walk of each other. Both pubs, The White Horse and The Oak, have a license until midnight on Fridays and Saturdays, The White Horse midnight through the week. Both use this license to the full. Although The White Horse does have it's house in order we currently endure appalling noise from the Oak until well past midnight. Bellowing, screaming, continual shouting, laughter and around 12:30 many taxis pulling up. Every single neighbour to the Oak is a residential dwelling. I believe, as do several of my neighbors that this should be addressed in the near future.

We currently endure a lot of the same from the club and although their present license only takes them to 11pm they persistently on a very regular basis are still out on the patio until 11:45 IN THE WEEK. The language is also appalling, which can be heard, not just from the front garden but in our lounge and bedroom through the window. I have complained several times in the last twelve months including speaking to a member of the committee and having an informal chat with a Mr. Ian Hills in environmental health. These problems are with their existing license of 11pm.

The club has always had a small area at the front where members would sit and I have been here since 1999. Since the smoking ban the numbers have increased and their behavior has deteriorated. This is a Private Club or meant to be. What went on in there was unknown. Now it goes on outside! Under our lounge and bedroom windows and it starts mid afternoon. There is certainly a newer, younger membership and their behaviour is vulgar to say the least. Several woman I know and including myself cross the road to pass.

The Bearsted and Thurnham Club is a PRIVATE mens club. The fact it is a private club cannot be stressed enough. It is not a public house or bar or restaurant. It is not a suitable venue for late drinking and regular music events, stag nights etc. Even without the

present smoking laws. It does not have the right location. All of the neighbours of the club are residential dwellings in very close proximity to it. Three of us are raising our families here. These changes they're proposing are more suitable for a venue in town.

Many of the smaller properties on the Green are rented and all are around the Oak and the Club. Tenants don't complain of noise pollution they move. Two cottages adjacent to the Oak are empty for the above reasons.

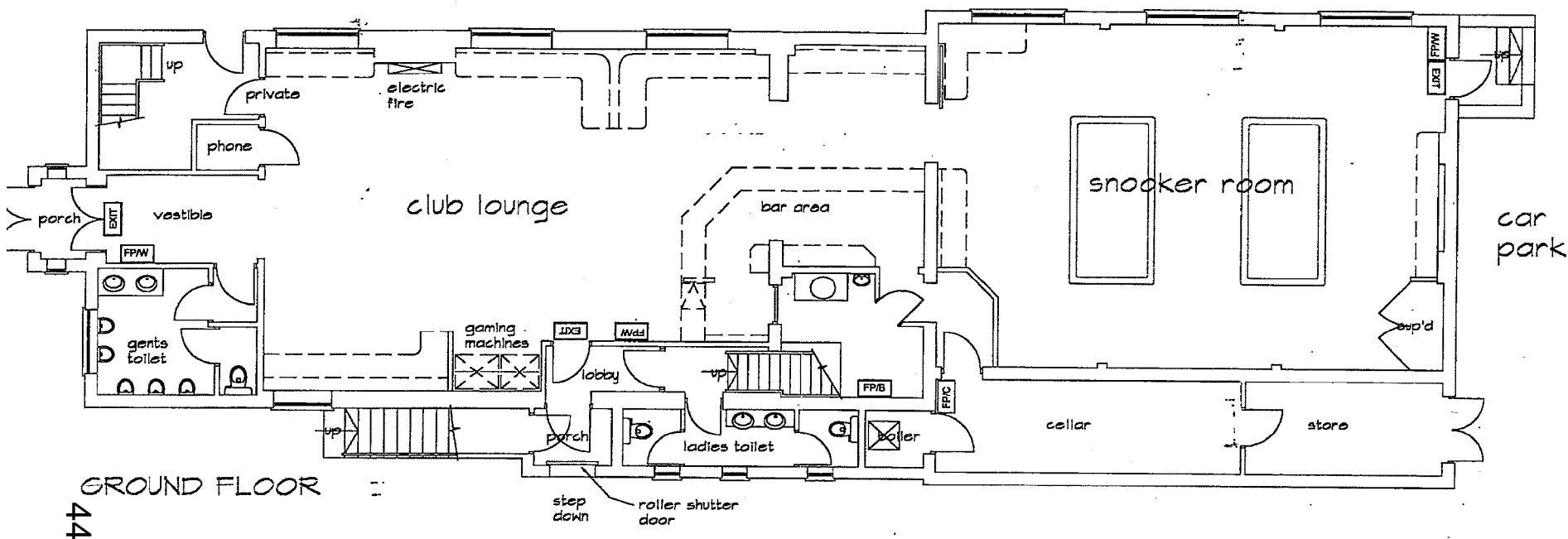
I know that the bar at the Club is subsidized. It is expensive to drink in the pubs but the facilities are there for members who wish to drink beyond 11pm, and for those who wish to drink beyond midnight they can head off into town.

If this license was granted I know I would have to take our spare mattress to the back of our house. Most of the smaller cottages have two bedrooms. My sons sleep in the other. I hope that this letter has painted a clear and honest picture of the situation for the committee and I look forward to your communication.


Yours sincerely

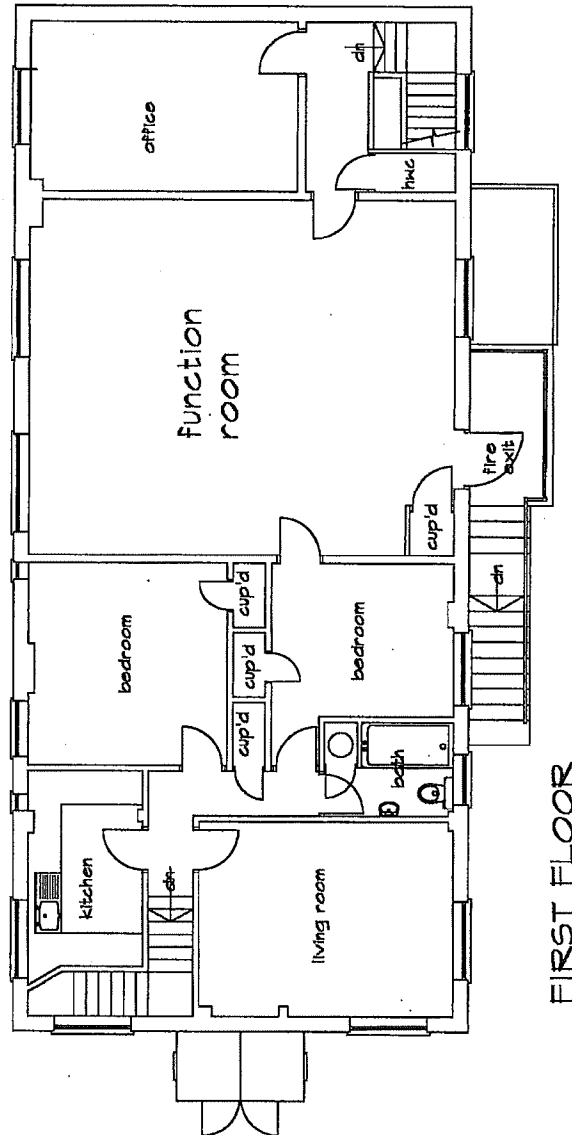
A handwritten signature in cursive script, appearing to read 'Helen Butterworth', followed by a period.

Helen Butterworth


**SCHEDULE**

FPW	FIRE POINT - WATER EXTINGUISHER
FPB	FIRE POINT - BLANKET
FPC	FIRE POINT - CO2 EXTINGUISHER
EXIT	FIRE EXIT

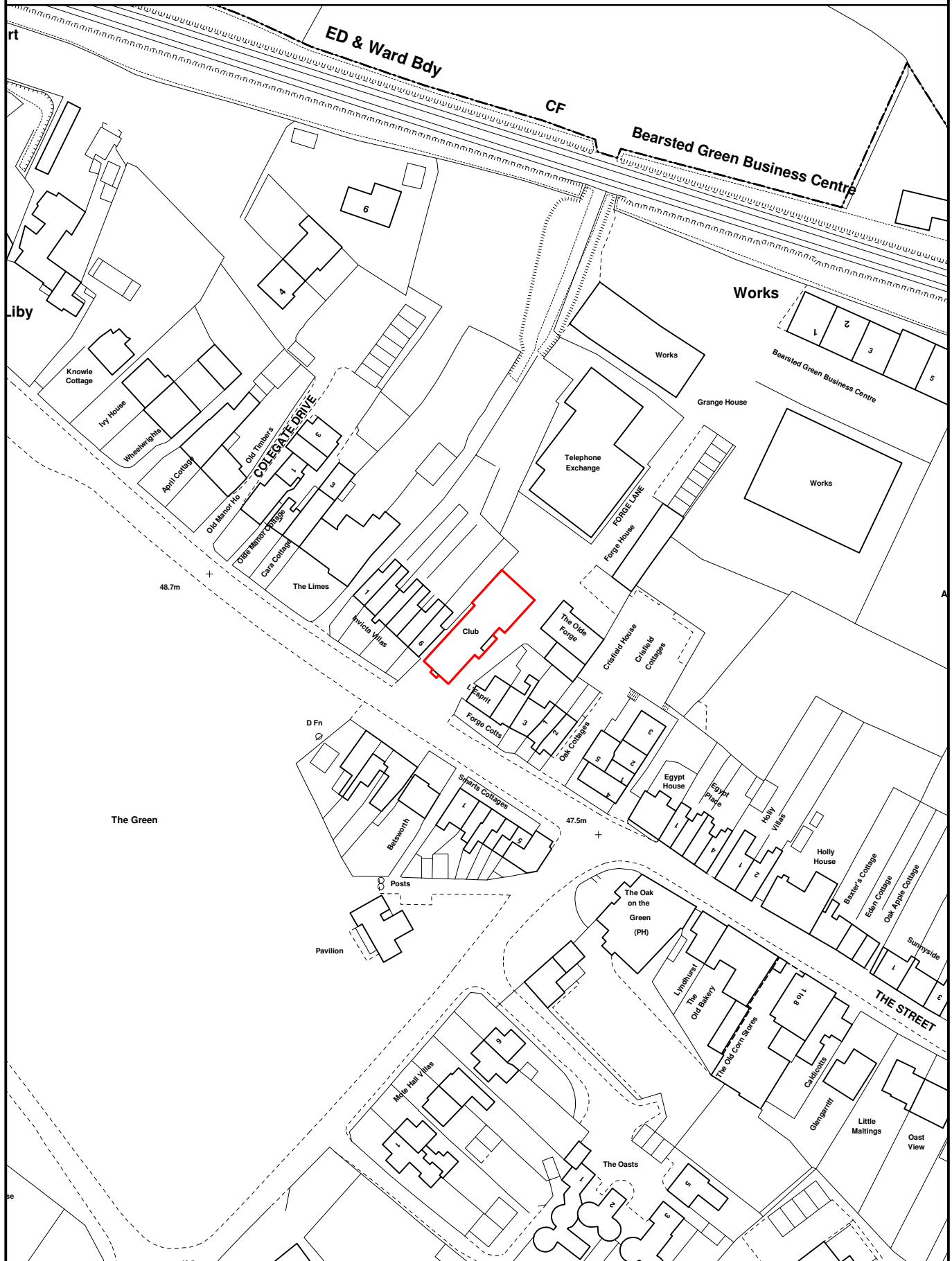
Date	Revision	Rev.
CLIENT BEARSTED AND THURNHAM CLUB THE GREEN BEARSTED, KENT		
TITLE EXISTING GROUND FLOOR PLAN		
 Kentec Draughting & Technical Services 10/12 HIGH STREET, KENDAL, KENT ME4 8EP, ENGLAND Telephone: (01534) 840800/841041 Fax: (01534) 848901 E-mail: kentec2000@aol.com		
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CHECKED:		
SHEET SIZE:	A1	
SCALE:	1/100	
DATE:	JULY/05	DRAWING NO: KT/5808/01
		ISSUE



FIRST FLOOR

Date	Revision	Rev.
CLIENT BEARSTED AND THURNHAM CLUB THE GREEN BEARSTED, KENT		
TITLE FIRST FLOOR PLAN		
<div>  Kentec Draughting & Technical Services 10/13 BIRCH STREET, GRIMSHAM, KENT ME5 8UP, ENGLAND Telephone: (01634) 241041 Fax: (01634) 241041 E-mail: kentec@kentec.co.uk </div>		
DRAWN: AWP	© copyright of this drawing is owned by Kentec Group Ltd and may not be copied or reproduced in whole or in part without the written permission of Kentec Group Ltd.	
CHECKED:	DRAWING NO: KT/5808/02	
SHEET SIZE: A1	ISSUE	
SCALE: 1/100	DATE: JULY/05	

Bearsted and Thurnham Club, The Green, Bearsted



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Appendix F

HUMAN RIGHTS

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.