

AGENDA

LICENSING ACT 2003 SUB COMMITTEE MEETING



Date: Tuesday 29 November 2011

Time: 10.00 am

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Mrs Hinder, Parvin and Yates

Legal Representative: Mrs Jayne Bolas

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- | | |
|---|--------|
| 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 Premises Licence under the Licensing Act 2003 for The Bull Inn, Linton Hill, Linton, Maidstone, Kent, ME17 4AW | 1 - 53 |

Continued Over/:

Issued on 15 November 2011

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact LORRAINE NEALE on 01622 602028**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

Agenda Item 4

Agenda Item No: 1 - Summary of Report

Licence Reference MAID0185/LPRM/0611

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

Date: 14TH NOVEMBER 2011

Report Title: THE BULL INN
LINTON HILL
LINTON
MAIDSTONE
KENT
ME17 4AW

Application to: Vary a Premises Licence under the Licensing Act 2003

Report Author: Lorraine Neale

Summary:

1. The Applicant – Shepherd Neame Ltd
2. Type of authorisation applied for: To vary a Premises Licence under the Licensing Act 2003. (Appendix A)
3. To remove the condition on live music – any outdoor performances will cease by 20:00 and replace with outdoor performances will cease by 23:00 and to allow dancing outside until 23:00 to enable the premises to hold weddings and functions in a marquee in the garden.
4. Current and Proposed Licensable Activities and hours:

The licensable activities of the current licence are as follows:-	The proposed licensable activities for the varied licence are as follows:-
E) Live music Monday to Sunday 10:00 - 23:00 (Indoors) Any outdoor performances will cease by 20:00 New Years Eve 10:00 – 01:00	E) Live music Monday to Sunday 10:00 - 23:00 (Indoors & Outdoors) Any outdoor performances will cease by 23:00 New Years Eve 10:00 – 01:00 (Indoors Only)
F) Recorded music Monday to Sunday 10:00 - 01:00 (Indoors) New Years Eve until 01:00 Discos will cease at 00:00	F) Recorded music Monday to Sunday 10:00 - 01:00 (Indoors) New Years Eve until 01:00 Discos will cease at 00:00
G) Performances of dance Monday to Sunday 10:00 - 00:00 (Indoors) Outdoors only until 20:00 New Years Eve until 01:00	G) Performances of dance Monday to Sunday 10:00 – 00:00 (Indoors only) Outdoors only until 23:00 New Years Eve until 01:00 (Indoors only)
J) Facilities for dancing Monday to Sunday 10:00 - 00:00 (Indoors & Outdoors) New Years Eve until 01:00	J) Facilities for dancing Monday to Sunday 10:00 - 00:00 (Indoors & Outdoors) New Years Eve until 01:00
L) Late Night Refreshment Monday to Sunday 23:00 - 01:00 (Indoors only) New Years Eve until 23:00 - 05:00	L) Late Night Refreshment Monday to Sunday 23:00 - 01:00 (Indoors only) New Years Eve until 23:00 - 05:00
M) Sale or Supply of Alcohol Monday to Sunday 10:00 - 00:00 (On & Off Premises) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day	M) Sale or Supply of Alcohol Monday to Sunday 10:00 - 00:00 (On & Off Premises) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day
O) Opening Hours Monday to Sunday 10:00 - 01:00	O) Opening Hours Monday to Sunday 10:00 - 01:00

Affected Wards: Coxheath and Hunton

Recommendations: **The Committee is asked to decide whether to vary the terms of the licence.**

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

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

Other Material Implications: **HUMAN RIGHTS:** In considering this application it is 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.

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

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

Contacts: Mrs Lorraine Neale at: lorraineneale@maidstone.gov.uk – tel: 01622 602028

Agenda Item No. 1

Report Title: THE BULL INN, LINTON HILL, LINTON, MAIDSTONE, KENT, ME17 4AW

Application for: To vary a premises licence granted under the Licensing Act 2003

Purpose of the Report

The report advises Members of an application for a Premises Licence to be varied under the Licensing Act 2003, made by Shepherd Neame Ltd, in respect of the premises The Bull Inn, Linton Hill, Linton, Maidstone, Kent, ME17 4AW in respect of which 16 representations (Appendix C) have been received from Interested Parties. There have been no representations received from a Responsible Authority.

Issue to be Decided

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

Background

1. The relevant sections are Part 3 ss 16-19, 23 & 24 of The Licensing Act 2003 and section 4 of The Licensing Act 2003 in particular the Licensing Objectives:
 - The prevention of crime and disorder;
 - Public Safety
 - The prevention of public nuisance; and
 - The protection of children from harm
2. The application has been correctly advertised in the local press and a notice displayed on the premises for the required period.
3. 16 representations were received from Interested Parties.
4. The table below illustrates the relevant representations which have been received

Responsible Authority/Interested Party	Licensing Objective	Associated Documents	Appendix
Micheal Druce	Public Nuisance	Letter	C
Mr J McKenzie	Public Nuisance	Letter & Petition	C
D Sawyer	Public Nuisance	Letter	C
Mrs R McKenzie	Public Nuisance	Petition	C
Mr M L Hubbs	Public Nuisance	Petition	C

Mr & Mrs Cross	Public Nuisance	Petition	C
Mrs I Druce	Public Nuisance	Petition	C
Mr & Mrs Cooper	Public Nuisance	Petition	C
Mrs D Nichol	Public Nuisance	Petition	C
Mr & Mrs Maskel	Public Nuisance	E Mail & Petition	C
Miss K Studd	Public Nuisance	Petition	C
M Harman	Public Nuisance	Petition	C
D Martin	Public Nuisance	Petition	C
M Waller	Public Nuisance	Petition	C
Mrs M Studd	Public Nuisance	Petition	C
G Johnson	Public Nuisance	Petition	C

The interested parties believe that extending the time to 23:00 for any outside function would adversely affect the peaceful enjoyment of their homes and possessions.

The current licence has the following conditions attached to the operating schedule:

General

At the time the Premises Licence has been granted and whilst it is in force, the DPS in situ must have completed and attained the following qualifications;

Basic Food Hygiene Course
National Certificate for Personal Licence Holders
Cellar Management Course

Prevention of Crime and Disorder

No persons shall be admitted to, or allowed to remain on the premises who are or are suspected to be under the influence of, or in possession of, any illegal/illicit substance.

Public Safety

Health and Safety Risk assessments shall be carried out prior to the Premises licence being effective and a copy retained for inspection upon request by an officer of the local Licensing Authority, Police or Fire Authority or other relevant person.

Fire Risk assessments shall be carried out prior to the Premises Licence being effective and a copy retained for inspection upon request by an officer of the local Fire Authority, Licensing or Police Authority or other relevant person.

On occasions of special events where audience members exceed normal limits, there shall be adequate staff/stewards available to ensure safety of patrons. The number of staff/stewards shall be near to or equivalent to:- One member of staff per one hundred persons or part thereof.

Public Nuisance

Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between 23.00 and 10.00

In the absence of adequate daylight, the lighting in any area, in which the public or club members and guests are present, shall be fully operational at all times.

Protection of Children From Harm

No person under the age of 18 shall be permitted on the premises unless accompanied by an adult.

5. **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.;**
6. **The Operating Schedule submitted by the Applicant has addressed the licensing objectives in the following manner:**

a) General – all four licensing objectives

ALL CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE WILL REMAIN THE SAME

b) The prevention of crime and disorder

ALL CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE WILL REMAIN THE SAME

c) Public safety

ALL CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE WILL REMAIN THE SAME

d) Prevention of public nuisance

ALL CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE WILL REMAIN THE SAME AND THE DESIGNATED PREMISES SUPERVISOR WILL LIASE WITH NEIGHBOURS IF THERE IS A PROBLEM WITH THE OUTBREAK OF NOISE.

e) The protection of children from harm

ALL CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE WILL REMAIN THE SAME

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

Chapters 8 & 9 Premises Licences & Determining Applications

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.

10. **Options**

Legal options open to members -

- GRANT the licence subject to such conditions as are consistent with the operating schedule accompanying the application; MODIFIED to such extent as the Licensing sub-committee considers necessary for the promotion of the licensing objectives and any relevant mandatory condition
 - EXCLUDE from the licence any of the licensable activities applied for.
 - REFUSE to specify a person in the licence as premises supervisor
 - REJECT the application.
11. Members of the Licensing Act 2003 – Licensing Sub – Committee are reminded of their duty under section 17 of the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the Licensing Authority's responsibility to co – operate in the reduction of crime and disorder in the Borough

Section 17 of the Crime and Disorder Act 1988 states:

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

12. **Implications Assessment**

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

13. **Human Rights**

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

- Article 8 – Right to respect for private and family life
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to Fair Hearing
- Article 10 – Freedom of Expression

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

14. **Conclusion**

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

15. **List of Appendices**

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

16. **Appeals**

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

Contact:
Email:

Senior Licensing Officer
lorraineneale@maidstone.gov.uk

last lps 8/11/11.

APPENDIX A

LICENSING PARTNERSHIP

11 OCT 2011

SEVENOAKS DISTRICT COUNCIL

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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.

I/We Shepherd Neame Ltd

(Insert name(s) of applicant)

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

Premises licence number
MAID0185/LPRM/05/0611/3

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
THE BULL INN
LINTON HILL
LINTON

Post town	MAIDSTONE, KENT	Post code	ME17 4AW
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Telephone number at premises (if any)	01622 743612
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Non-domestic rateable value of premises	£18500
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Part 2 – Applicant details

Daytime contact telephone number	01795 532206		
E-mail address (optional)	gbarnes@shepherd-neame.co.uk		
Current postal address if different from premises address	Mr G H A Barnes Shepherd Neame Ltd 17 Court Street Faversham Kent		
Post Town	Faversham	Postcode	ME13 7AX

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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

To remove the condition on live music - any outdoor performances will cease by 20.00
and replace with outdoor performances will cease at 23.00

To allow dancing outside until 23.00.

This is to enable the premises to hold weddings and functions in a marquee in the garden

There are no other changes to the premises licence

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

Part 4 Operating Schedule

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

Provision of regulated entertainment

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 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:

- | | |
|--|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input checked="" 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"/> |

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

☐

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

☐

In all cases complete boxes N, O and P

A

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

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	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					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

C

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

D

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

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) Live music in the garden until 23.00 to enable weddings & functions to be held in an outside marquee.		
Mon	10.00	23.00			
Tue	10.00	23.00			
Wed	10.00	23.00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur	10.00	23.00			
Fri	10.00	23.00			
Sat	10.00	23.00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) New Years Eve 10.00 - 01.00 (inside only)		
Sun	10.00	23.00			

F

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

I

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

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input checked="" type="checkbox"/>
			<u>Please give a description of the facilities for dancing you will be providing</u> Dancing at weddings and functions held in a marquee in the garden	
Day	Start	Finish		
Mon	10.00	23.00	<u>Please give further details here</u> (please read guidance note 3)	
Tue	10.00	23.00		
Wed	10.00	23.00	<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)	
Thur	10.00	23.00		
Fri	10.00	23.00	<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u> (please read guidance note 5) New Years Eve 10.00 - 01.00 (inside only)	
Sat	10.00	23.00		
Sun	10.00	23.00		

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)			<u>Please give a description of the type of entertainment facility you will be providing</u>	
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)	
Wed				
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)	
Fri				
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sun				

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	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					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

M

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

N

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

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	10.00	01.00	
Tue	10.00	01.00	
Wed	10.00	01.00	
Thur	10.00	01.00	
Fri	10.00	01.00	
Sat	10.00	01.00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) From the end of permitted hours on New Years Eve to the start of permitted hours on new Years Day
Sun	10.00	01.00	

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

Please tick yes

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☒

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

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

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

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

All condtions consistent with the operating schedule willl remain the same

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

The designated premises superviisor will liaise with neighbours if there is a problem with the outbreak of noise

e) The protection of children from harm


Please tick yes

- I have made or enclosed payment of the fee ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I understand that I must now advertise my application ☒
- I have enclosed the premises licence 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 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	10.10.11
Capacity	Tenanted Trade & Property Director

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

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

Mr G H A Barnes
Shepherd Neame Ltd
17 Court Street
Faversham
Kent

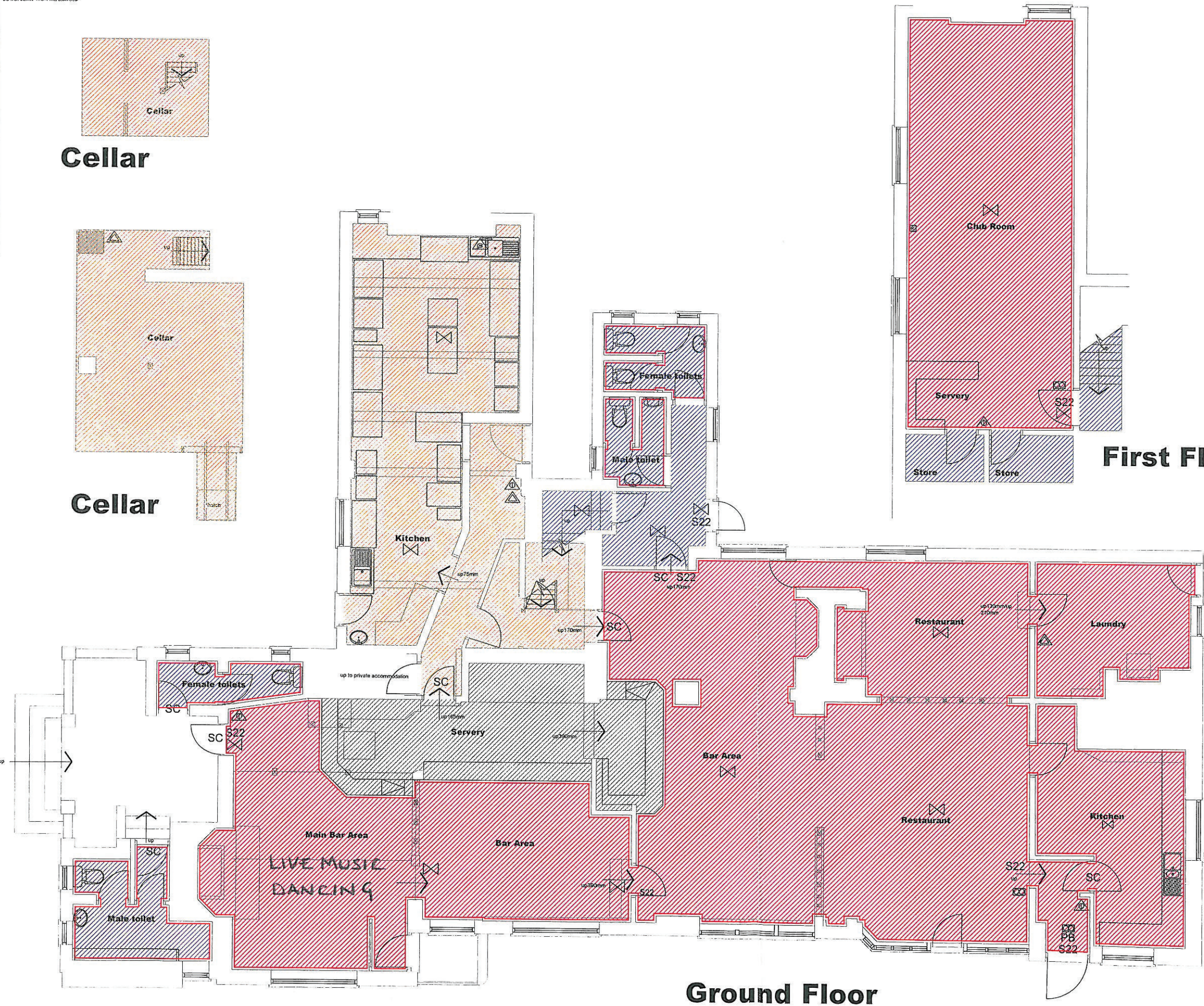
Post town	Faversham	Post code	ME13 7AX
------------------	-----------	------------------	----------

Telephone number (if any)	01795 532206
----------------------------------	--------------

If you would prefer us to correspond with you by e-mail your e-mail address (optional)
gbarnes@shepherd-neame.co.uk

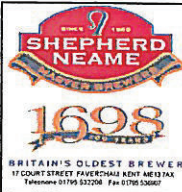
THIS DRAWING IS THE PROPERTY OF SHEPHERD NEAME LIMITED AND SHOULD NOT BE COPIED OR REPRODUCED WITHOUT THE WRITTEN CONSENT OF SHEPHERD NEAME LIMITED. ALL CRITICAL DIMENSIONS TO BE CHECKED PRIOR TO FABRICATION/CONSTRUCTION, AND ANY DISCREPANCY REPORTED TO THE PROJECT MANAGER. DO NOT SCALE FROM THIS DRAWING.

29



LICENSING COLOUR KEY	
Red Outline	Ambit of the licensed premise
Pink	Area where intoxicating liquor may be consumed
Brown	Areas for the storage of liquor and the bar counter
Yellow	Kitchen & staff areas
Blue	Toilets and circulation space

FIRE FIGHTING LEGEND	
PB	Door provided with 'Push Bar' mechanism
PP	Door provided with 'Push Pad' mechanism
S	Door fitted with intumescent smoke seals
FD60	Door assembly to resist the passage of fire for 60 minutes
FD30	Door assembly to resist the passage of fire for 30 minutes
SC	Door fitted with self-closing mechanism
KLS	'Keep locked shut sign'
S22	Running man sign
S20	'Fire door keep clear sign'
E	Fire exit sign
⊗	Non-maintained emergency escape light
⊗	Maintained emergency escape light
⊗	Area covered by automatic heat detection
⊗	Area covered by automatic smoke detection
⊗	Maintained directional illuminated exit light
⊗	Non-maintained directional illuminated exit light
⊗	Foam fire extinguisher
⊗	Water fire extinguisher
⊗	Fire blanket
⊗	Carbon dioxide extinguisher
⊗	Fire alarm call point
⊗	Fire alarm control panel
⊗	Alarm sounder/bell



PROJECT		Bull Inn, Linton Hill, Linton Nr Maidstone, KENT, ME17 4AW	
DRAWING DESCRIPTION		licensing plans As Existing	
SIZE	1000mm x 1000mm	DWG NO	1470 - 01
A3	Licensing Drawing	DATE	11 APRIL 2024

8/10/11



Senior Licensing Officer
Maldstone House
King Street
Maldstone
Kent
ME15 6JQ

Michael Druce
51 Camomile Drive
Maldstone
Kent
ME14 5FL

Dear Sirs

24/10/11

Bull at Linton (Public House) – Application to hold live entertainment until 11.00 p.m at their premises on numerous days of the week.

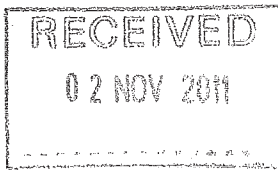
My mother who will shortly be 86 lives in No. 3 the Alms Houses opposite the Bull public house along with another lady 86 next door and two 70+ single ladies in adjoining premises. My mother has asked me to write to confirm her objection to the above application on the grounds of Nuisance.

There have been a few events in the summer where the music ceased at around 9.00 p.m. and she has no objection to this and even attended a couple of these.

With these alms houses which are specifically provided for the aged population of Linton, less than 50 meters from the rear/side of the public house, I trust that you can see that such noise pollution could cause anguish/health problems to such elderly persons.

Yours Sincerely,

Michael Druce



'Jona' Linton Hill,
Linton, Maidstone.
Kent. ME17 4AW
31/10/2011

The Licensing Department.
Maidstone Borough Council.
Maidstone House,
King Street, ME15 6SQ.

Ref. Application by Shepherd Neame Ltd, 17 Court Street,
Faversham, Kent, ME13 7AX for 'Live Music and
Dancing until 11.00pm' at The Bull Inn, Linton
Hill, Linton, Maidstone, Kent. ME17 4AW.

Dear Sir/Madam.

I am writing to object to the proposed change to
the licence for outdoor music until 11.00pm at the Bull
Inn.

The Bull Inn currently runs a programme of outdoor
music events over the summer, which end at 10.00pm
to which I have no objection. To extend this to
11.00pm and with no obvious restriction as to how
many events can take place will be a significant

intrusion into the rural environment we currently enjoy in the Conservation Area of Linton.

Music from the current outdoor programme of events is very loud in our garden and inside the house, preventing going to sleep before 10.00pm and overruling any social activities outside.

As a local resident who makes use of the Bull Inn's facilities I am pleased that the business appears to be doing well and congratulate the current Landlord/Landlady on receiving interest in the Inn. This, however, is not justification for such a proposed change to the Licence.

Thankyou for your attention.
Yours Sincerely.



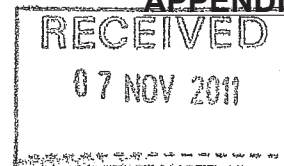
Mr. John McKenzie.

ps. I am disappointed that there was no official communication to local residents about this change, only two A4 notices in the Inn windows.

SJM

JANESAWYER

THE WHITE HOUSE
WHEELER'S LANE
LINTON
MAIDSTONE
KENT ME17 4BL

P 1/1
APPENDIX C

Mr Steven Noble
Maidstone Borough Council
Licensing Department
The Gateway
King Street, Maidstone
Kent ME15 6JQ

TEL.

FAX.

Fax to: 01622 602978

7 November 2011

Dear Mr Noble

Licence no MAIDO185/LPRM/0611/3
The Bull Inn, Linton

Further to your telephone call to me today, I am grateful to you for explaining how my objection of 4 November to the above application did not fall within the grounds set out by the Licensing Act, namely, it does not identify a Crime and Disorder, a Public Nuisance, a Protection of Children, or a Noise issue.

Accordingly, I wish my objection to be taken as having specific regard to Noise as, under the existing very limited modification of the Licence, noise is audible as far away as this address and therefore also within the area defined in my objection 6 – aggravated as it could be by the almost unlimited opportunity for generating noise as indicated in my points 1 and 2. You reassure me that other aspects of my complaint are not permanently ruled out eg on Public Nuisance grounds since objection may be made at any time in the future.

Whilst writing, I should for the record confirm that I understand a serious incident took place at The Bull on the evening of 30 October and that the police were called for the protection of staff.

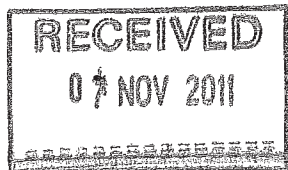
Yours sincerely

D.W.G. Sawyer

D W G Sawyer

Mr Sawyer refers to points 1 & 2 and objection 6 which were made in a previous letter received on 7.11.11 by the Licensing Department, the detail for those references are as follows:-

- I There is no restriction on the number of days in the year when this may happen i.e. it would be possible on every one of any 365 consecutive days.
- 2 There is no restriction on the number of times per day such activity may take place.
- 6 No regard has been addressed to the intrusion such activity would have on the neighbouring surroundings, habitations or residents affected in the area bounded by Heath Road, Vanity Lane, Wheeler's Lane, the A229 and the church environs – all of which are in a Special Landscape Area – encompassing the Greensand Ridge and including the Linton Conservation Area itself which is in the process of expansion by the Borough.



The Householders on Linton Hill,
Maidstone,
Kent,
ME17 4AW.

Monday 31st October 2011

Re: Music License
Shepherd Neame,
The Bull Inn,
Linton Hill,
Linton,
ME17 4AW.

Ref 11/02901/LAPRE

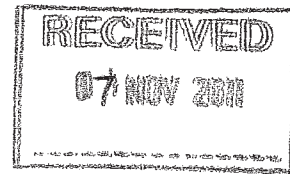
Dear Sir/Madam,

We, the undersigned, hereby give notice of our objection to the late music license for The Bull Inn, Linton Hill. This is on the grounds that our houses are in close proximity to the pub itself. We believe the length of time that we will be subjected to the loud music from the pub's outside entertainment area will be a nuisance to the householders on Linton Hill. On the 30th October the pub was subject to an incident where police and paramedics had to be called, we would not like a repeat of this and therefore feel strongly that the late music license should not be followed through. It has also come to our attention that the Bull Inn is starting to cater for wedding functions and parties. This means we would then be subjected to the loud music not only at night but throughout the day causing more disruption than originally planned.

Yours faithfully,

The Householders,
Linton Hill,
Linton.

Mr. J. McKenzie
 Iona, Linton Hill,
 Linton, Maidstone,
 Kent ME17 4AW



J. H. 24/10/11

MRS REUD P. McKenzie
 Iona, Linton Hill,
 Linton, Maidstone,
 Kent. ME17 4AW
 P. A. McKie

MA M L HUBBS
 THE OLD VICARAGE
 LINTON.
 ME17 4AW

Mr & Mrs Cross
 School Cottage
 Linton Hill
 Linton
 M/S



[Handwritten signature]

MRS IRENE DRUCE
 3 THE ARMS HOUSES
 LINTON HILL

LINTON
 MAIDSTONE ROAD
 ME17 4AW

Irene Druce

25.10.11.

MR + MRS P. COOPER

FORGE COTTAGE

LINTON HILL

LINTON

ME17 4AW

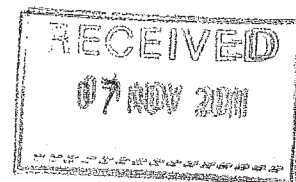
Klopp

[Handwritten signature]

MRS D NICOL
 MILADYS FORGE HOUSE
 LINTON HILL
 LINTON
 ME17 4AW

[Handwritten signature]

MR & MRS MASKELL
 HILL FARM COTTAGE LINTON;
 ME 17 4AL
 M Maskell



Mrs J. MASKELL -
 J Maskell

MISS K. SWOLD
 The Old Forge Cottage,
 Linton Hill,
 Linton,
 Maidstone,
 Kent.
 ME17 4AW

K. SWOLD 24/10/11

MARK HARMAN

Mark

DAVID MARTIN

David

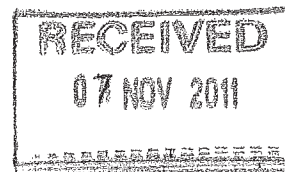
OLD FORGE
LINTON HILL

LINTON

ICENT ME17
4BN

HILL HOUSE

LINTON ME17 4AL



M. WALLON

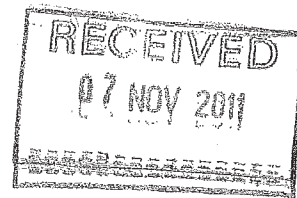
5 THE ALMSHOUSES

LINTON HILL

MAIDSTONE

ME17 4AW.

M. Wallon, 24-10-11



Mrs M. Studd

THE OLD FORCE COTTES

LINTON HILL

LINTON

MAIDSTONE

RENT

ME17 4AW

M. Studd 24-10-11

GRAYS JOHNSON

4 THE ALMS HOUSES

LINTON HILL

LINTON

ME17 4AW

G. Johnson 25.10.11.

Lorraine Neale

From: Stephen Noble
Sent: 08 November 2011 16:40
To: Lorraine Neale
Subject: FW: the bull inn linton

From: Licensing [mailto:licensing@sevenoaks.gov.uk]
Sent: 08 November 2011 15:34
To: Stephen Noble
Subject: FW: the bull inn linton

From: Janette Maskell [mailto:janette.maskell@sevenoaks.gov.uk]
Sent: 08 November 2011 12:03
To: Licensing
Subject: the bull inn linton

Dear Mr Noble,

Thank you for your e-mail.

We have seen the application for the amended license and we object to the extended times that have been requested to every day to 23.00hrs

We understand that there is a variation of the license allowed 12 times in a year, which we experienced this year with recorded music very loud, so loud in fact that we could hear the words of the songs above our television. This has at times gone on until nearly 22.35hrs.

If they are granted to have live music outside, then we assume that this music will be even louder and we are about a quarter a mile away from the Bull.

We do not wish to have our days or our sleep disturbed by loud music live or otherwise. We wish to be able to sit in our sitting room or even in our garden, especially in the summer time without being overwhelmed by loud music. So what guarantee can you give us that this music will have the sound level controlled?

Would you please inform us when the decision is to be made, and we will attend the meeting.

yours Sincerely,

Mr & Mrs Maskell
Hill Farm Cottage.
Linton Hill, Linton.

FOLLOW US ON twitter

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Visit the Council at WWW.SEVENOAKS.GOV.UK

Premises Licence

Maidstone Borough Council
Licensing Section
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ

Appendix D

Premises Licence Number – MAID0185/LPRM/05/0611/3

Part 1 – Premises details

Postal address of premises or if none, Ordnance Survey map reference or description The Bull Inn Linton Hill Linton	
Post Town Nr Maidstone, Kent	Post Code ME17 4AW
Telephone Number 01622 743612	

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence:- Live Music Recorded Music Performances of Dance Provision of facilities of Dancing Late Night Refreshment Supply of alcohol

The times the licence authorises the carrying out of licensable activities:- Live Music 10:00 – 23:00 Monday to Sunday Any outdoor performances will cease by 20:00 10:00 – 01:00 New Years Eve Recorded Music 10:00 – 01:00 Monday to Sunday New Years Eve until 01:00 Discos will cease at 00:00 Performances of Dance 10:00 – 00:00 Monday to Sunday Outdoors only until 20:00 New Years Eve until 01:00
--

(1) Insert licensing authority details

Provision of facilities for dancing

10:00 – 00:00 Monday to Sunday
New Years Eve until 01:00

Late Night Refreshment

23:00 – 01:00 Monday to Sunday
23:00 – 05:00 New Years Eve

Supply of Alcohol

10:00 – 00:00 Monday to Sunday
From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

The opening hours of the premises

10:00 – 01:00 Monday to Sunday

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

On and Off Supplies

Part 2

Name, (registered) address, telephone number and E-mail (where relevant) of holder of premises licence

**Shepherd Neame Ltd
17 Court Street
Faversham
Kent
ME13 7AX**

**01795 532206
gbarnes@shepherd-neame.co.uk**

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

138256

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

**Tara Louise Alden
Mill Beck
Boys Hall Road
Willesborough
Ashford
Kent TN24 0LA**

01622 743612

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

Ashford Borough Council – LN/02005/0855

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

- (a) at a time where there is no designated premises supervisor in respect of the premises licence, or**
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.**

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

Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where –

- (a) the film classification body is not specified in the licence, or**
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,**

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section –

“children” means person aged under 18; and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

General

At the time the Premises Licence has been granted and whilst it is in force, the DPS in situ must have completed and attained the following qualifications;

Basic Food Hygiene Course
National Certificate for Personal Licence Holders
Cellar Management Course

Prevention of Crime and Disorder

No persons shall be admitted to, or allowed to remain on the premises who are or are suspected to be under the influence of, or in possession of, any illegal/illicit substance.

Public Safety

Health and Safety Risk assessments shall be carried out prior to the Premises licence being effective and a copy retained for inspection upon request by an officer of the local Licensing Authority, Police or Fire Authority or other relevant person.

Fire Risk assessments shall be carried out prior to the Premises Licence being effective and a copy retained for inspection upon request by an officer of the local Fire Authority, Licensing or Police Authority or other relevant person.

On occasions of special events where audience members exceed normal limits, there shall be adequate staff/stewards available to ensure safety of patrons. The number of staff/stewards shall be near to or equivalent to:- One member of staff per one hundred persons or part thereof.

Public Nuisance

Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between 23.00 and 10.00

In the absence of adequate daylight, the lighting in any area, in which the public or club members and guests are present, shall be fully operational at all times.

Protection of Children From Harm

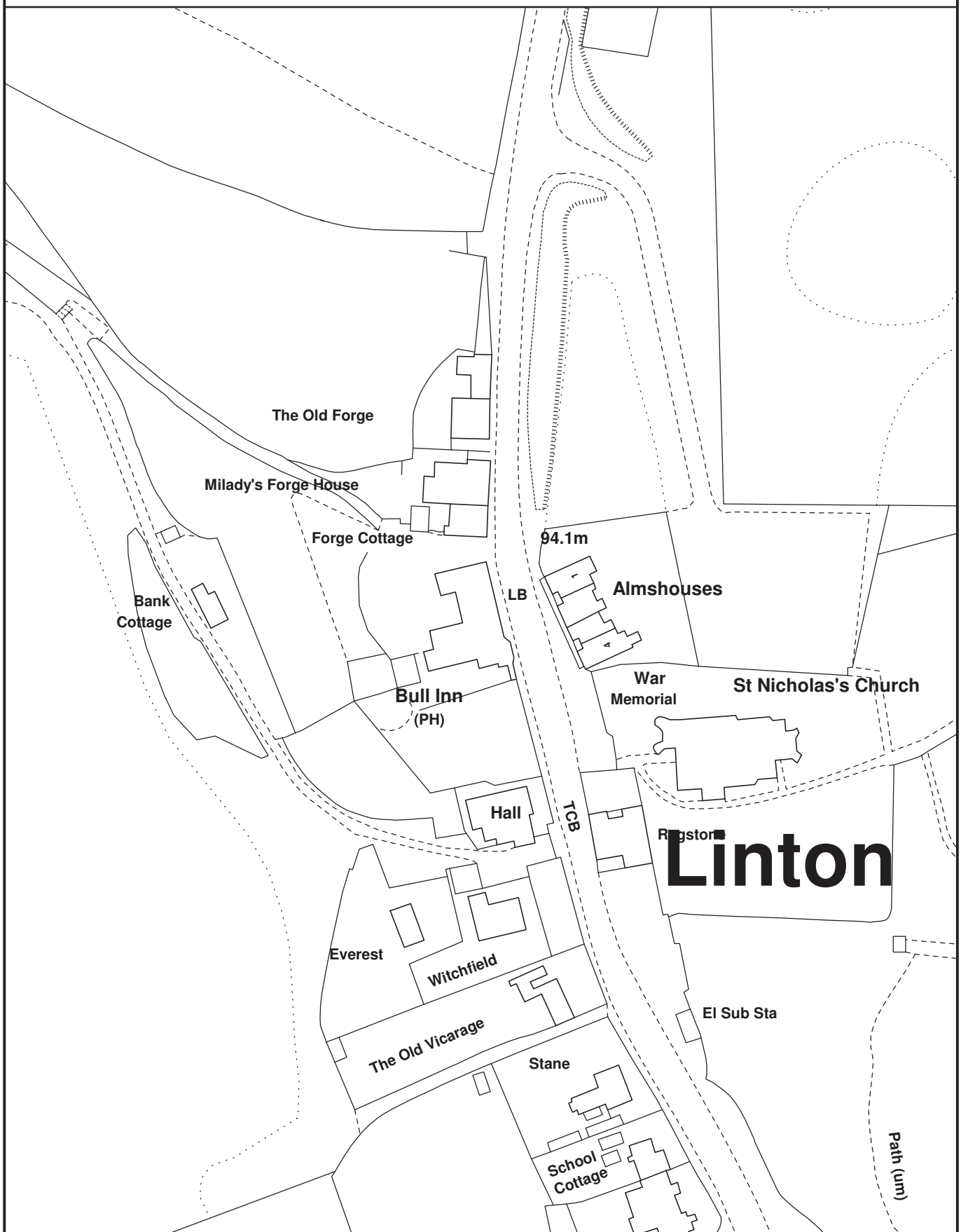
No person under the age of 18 shall be permitted on the premises unless accompanied by an adult.

N/A

As attached

N/A

THE BULL INN, LINTON HILL, LINTON, MAIDSTONE, KENT. ME17 4AW



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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.