

AGENDA

LICENSING ACT 2003 SUB COMMITTEE MEETING



Date: Thursday 14 August 2014
Time: 10.00 am
Venue: Meeting Room 1C, Maidstone
House

Membership:

Councillors Mrs Grigg, B Mortimer and Mrs Parvin

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 Head of Housing and Community Services -
Application for Premises Licence Under the Licensing Act 2003 -
Social Events Worldwide Limited | 1 - 50 |

Issued on 6 August 2014

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 14/01923/LAPRE

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

Date: 4 AUGUST 2014

Report Title: PARTS OF MOTE PARK, MAIDSTONE

Application for: A premises licence under the Licensing Act 2003

Report Author: Lorraine Neale

- Summary:**
1. The Applicant – Social Events Worldwide Limited
 2. Type of authorisation applied for: A premises licence under the Licensing Act 2003.
 3. Proposed Licensable Activities and hours:

A)	Plays Indoors and outdoors	Monday-Sunday	11.00 to 23.00
B)	Films Indoors and outdoors	Monday-Sunday	11.00 to 23.00
E)	Live Music Indoors and outdoors	Monday-Sunday	11.00 to 23.00
F)	Recorded Music Indoors and outdoors	Monday-Sunday	11.00 to 23.00
G)	Performance of Dance Indoors and outdoors	Monday-Sunday	11.00stet
L)	Late Night refreshment Indoors and outdoors	Monday-Sunday	23.00 to 24.00
M)	Supply of alcohol Indoors and outdoors	Monday-Sunday	11.00 to 23.00
O)	Opening Hours	Monday-Sunday	10.00 to 24.00

N.B. This licence application is to allow for the facility of a maximum of 8 events to take place within the licence area defined. These events will only take place subject to the submission of a full Event management Plan which has been approved by the Safety Advisory Group (SAG) and the agreement of Maidstone Borough Council (the Landlord)

Affected Wards:	High Street – East & Shepway North The park is also bounded by the wards of Boxley, Detling & Thurnham, Bearsted & Downswood & Otham
Recommendations:	The Committee is asked to determine the application and decide whether to grant a premises licence.
Policy Overview:	The decision should be made with regard to the Secretary of State's Guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and that such departure be supported by proper reasons.
Financial Implications:	Costs associated with processing the application are taken from licensing fee income.
Other Material Implications:	<p>HUMAN RIGHTS: In considering this application it is appropriate to consider the rights of both the applicant and other parties, such as “responsible authorities” and/or “other persons” (objectors). The procedure for determining licences has a prescribed format to ensure fair representation of the relevant facts by all parties.</p> <p>LEGAL: Under the Licensing Act 2003 the Licensing Authority has a duty to exercise licensing control of relevant premises.</p>
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: PARTS OF MOTE PARK, MAIDSTONE

Application to: For a premises licence under the Licensing Act 2003. (Appendix A).

Purpose of the Report

The report advises Members of an application for a Premises Licence to be granted under the Licensing Act 2003, made by Social Events Worldwide Ltd, in respect of the premises Parts of Mote Park, Maidstone, (Appendix B) in respect of which 1 objection has been received from other a responsible authority (Appendix C).

Issue to be Decided

1. Members are asked to determine whether to i) grant subject to conditions consistent with the operating schedule modified to such extent as considered appropriate to promote the licensing objectives and any mandatory condition, ii) grant excluding any of the licensable activities applied for, iii) grant refusing to specify a premises supervisor, or iv) reject the application.

Background

2. The relevant sections are Part 3 S16 -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
3. The application has been correctly advertised in the local press and notices displayed at the premises for the required period.
4. There is one representation received from a responsible authority. The table below illustrates the relevant representation which has been received.

	Responsible Authority /Interested Party	Licensing Objective	Associated Documents	Appendix
5. 6.	Environmental Enforcement	Public Nuisance	E mail	C

- 7.
5. There were no representations from other parties.

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

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

8. a) General – all four licensing objectives:

A detailed site plan, Event Management Plan and accompanying risk assessments will be sent to the licensing authority and the responsible authorities for inspection and comment at least 2 months in advance of any licensed event.

The premises license holder will fully consult with the Events Safety Advisory Group and will comply with conditions agreed between the premises license holder and the Event Safety Advisory Group.

The management of the event will comply with all current legislation, and will take account of all relevant current guidance including the Event Safety Guide, BS7909:2008 and managing crowds safely.

All site structures will be in place and available for inspection by the licensing authority on the morning of the event, prior to opening time.

The DPS will satisfy himself that any members of staff dispensing alcohol are fully aware of their legal responsibilities in that respect.

An experienced Event Safety Coordinator will be contracted by the premises License Holder during the planning and duration of the event.

b) The prevention of crime and disorder:

Appropriate levels of security and stewarding will be employed in accordance with Event Management Plan, risk assessments and BS8406:2003. Details of the proposed security together with staffing numbers will be included in the event management plan.

The Premises License Holder will work closely with Kent Police to minimise any risks of crime and disorder.

A drugs policy will be drawn up in consultation with Kent Police, and will form part of the event plan.

c) Public Safety:

Appropriate levels of security and stewarding, first aid / Paramedic cover and Fire Prevention equipment and personnel will be employed in accordance with Event Management Plan and risk assessments.

A full fire risk assessment will be undertaken, and the Premises License Holder will work closely with Kent Fire & Rescue Service.

No glass bottles containing alcohol or other beverages, whether opened or sealed, shall be sold or giving to customers on the premises. All drinks will be dispensed to customers in plastic or paper drinks containers.

The Event Management Plan and accompanying risk assessments will take into account the safety of the public at all times they are on site. Specific arrangements will take in to account the safety of disabled people.

Unobstructed exits for the public and access for emergency vehicles will be maintained whilst the premises are open.

Safety checks will be carried out by the Event Safety Officer prior to admitting the public.

When disabled people are present, adequate arrangements must exist to enable their safe evacuation in the event of an emergency. Staff must be aware of disabilities and react according to a pre-determined plan and disabled people on the premises must be aware of the arrangements in place to enable their safe evacuation in the event of an emergency. All escape routes and exits must be kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.

Any use of special effects will be notified to the licensing authority at least ten days prior to the event.

Drinking water (e.g. tap water) shall be available to patrons in sufficient quantities at all times when patrons are present on the premises.

d) The prevention of public nuisance:

A noise management plan including procedures for monitoring levels during the event, the locations to be monitored, management authority for reducing sound levels and procedures for dealing with complaints will be sent to Licensing authority and the responsible authorities for inspection and comment at least 2 months in advance of the licensed event. Signs will request that departing customers respect the local area and neighbours.

External lighting will be positioned so as to not cause nuisance to neighbouring or adjoining properties.

The Licensee shall ensure that waste and refuse are removed in timely manner to a licensed waste facility.

e) The Protection of children from harm:

All entertainment offered will be suitable for admitted children.

A lost children facility will always be provided, to be staffed by CRB checked staff. Procedures for reuniting lost children with their carers will be detailed in the Event Management Plan.

A 'Challenge 25' policy will be imposed on the sale of alcohol, with no sale to those appearing under 25 and unable to provide PASS accredited ID or a passport or photo-card driver's licence when requested

Environmental Health made representation which was received on 16.07.2014 (Appendix C), requesting that the following conditions be attached to the licence.

- The Premises Licence Holder will make available a telephone number or numbers, staffed continually throughout the duration of the event, for members of the public to contact, in order for concerns relating directly to the event to be addressed immediately. This person will be located either on site or nearby i.e. in Mote Park.
- At least one contact telephone number must be provided to Maidstone Borough Council's Environmental Enforcement Team in advance of the event so that if complaints of noise

nuisance, including those outside normal office hours, are received during any stage of the event, including the installation, appropriate instructions can be given to reduce noise levels.

- Up to 2300 hours music noise levels in the 63Hz and 125Hz octave bands shall not exceed $L_{eq,15min}$ 70dB in any 15 minute period at designated monitoring points agreed with the Environmental Enforcement Team. This will apply to category A events only.
- Music noise levels after 2300 hours shall be inaudible at the designated monitoring points agreed with the Environmental Enforcement Team.
- Sound level monitoring equipment to monitor compliance with these conditions must be a IEC Type 1 Standard capable of providing a read-out in dB(A) in 60 seconds to 15 minute dB(A) L_{eq} values. Measurements to be taken in compliance with BS744-1:2003 – Description and measurement of environmental noise.
- Where requested Noise measurements data shall be submitted to the Environmental Enforcement Team within 28 days of the end of each music event. This should be provided in 15 minute periods as per the requirements in the previous conditions. This will apply to category A events only.
- Where monitoring is required (during Category A events) suitable competent person(s) will be used to monitor and produce a post event report.
- Category A events: Category A events are those outdoor events in which any noise may be discernable beyond the boundaries of the park.
- Category B events: Outdoor events where noise will not be audible inside any noise sensitive dwellings. There is no requirement for Music noise level monitoring at these events.
- The Music Noise Level (MNL), as described in section 3 of the Noise Council Code of Practice on Environmental Noise Control at Concerts, should not exceed 65dB(A) (L_{eq} 15min) at the agreed monitoring points set by the Environmental Enforcement Team.

The applicant Social Events Worldwide Ltd 's representative (Luke Bendall) has not agreed to the EHO conditions forming part of the operating schedule and therefore EHO have maintained their representation.

There is already a licence in place for Mote Park (Appendix D) which would allow the following in the requested area, its use is subject to permission being given by the Parks and Leisure Department..

A)	Plays	Monday-Saturday Sunday	09.00 to 23.00 09.00 to 22.30
B)	Films	Monday-Saturday Sunday	09.00 to 23.00 09.00 to 22.30
E)	Live Music	Monday-Saturday Sunday	09.00 to 23.00 09.00 to 22.30
F)	Recorded Music	Monday-Saturday Sunday	09.00 to 23.00 09.00 to 22.30
G)	Performance of Dance	Monday-Saturday Sunday	09.00 to 23.00 09.00 to 22.30
O)	Opening Hours	Monday-Saturday Sunday	09.00 to 23.00 09.00 to 22.30

Also, Temporary Event Notices could be given and the Live Music Act and amendments to the 2003 Licensing Act created certain exemptions and removed some activities from the requirement of a licence, those which may be relevant are that plays and dance with audiences below 500 are deregulated,.

The licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 500 persons on premises authorised by a premises licence to supply alcohol for consumption on the premises (at a time when those premises are open for the purposes of being used for the supply of alcohol for consumption on the premises, are removed

Also removed was the licensing requirement for unamplified live music taking place between 8am and 11pm, with an audience of less than 500, in any place. .

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

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

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

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.

11. Options

Legal options open to members -

- a) 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 appropriate for the promotion of the licensing objectives and any relevant mandatory condition
- b) EXCLUDE from the licence any of the licensable activities applied for
- c) REFUSE to specify a person in the licence as premises supervisor
- d)

REJECT the application

Members of the Licensing Act 2003 – Licensing Sub – Committee are reminded of their duty under section 17 of the Crime and Disorder Act 1998 to consider the crime and disorder

implications of their decisions and the Licensing Authority's responsibility to co – operate in the reduction of crime and disorder in the Borough

Section 17 of the Crime and Disorder Act 1988 states:

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

12. **Implications Assessment**

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

13. **Human Rights**

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

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

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

14. **Conclusion**

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

15. **List of Appendices**

Appendix A	Application Form
Appendix B	Plan of Premises
Appendix C	EHO representation
Appendix D	Mote Park current premise licence and premise plan
Appendix E	Plan of area (whole park and SW of lake)
Appendix F	Human Rights Articles
Appendix G	Order of Proceedings

16. **Appeals**

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

Contact: Email:	Senior Licensing Officer lorraineale@maidstone.gov.uk
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Maidstone Borough Council

The Licensing Partnership
PO Box 182
Sevenoaks
Kent
TN13 1GP

LICENSING PARTNERSHIP

20 JUN 2014

SEVENOAKS DISTRICT COUNCIL

**Application for a premises licence to be granted
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 Social Events Worldwide Limited

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

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

Mote Park
Off Mote Avenue

Post town	Maidstone	Post code	ME15 7SU
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Telephone number at premises (if any)	
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Non-domestic rateable value of premises	£0
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Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |

- | | | |
|---|--------------------------|-----------------------------|
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital | <input type="checkbox"/> | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
 - statutory function or ☐
 - a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

I am 18 years old or over		<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Social Events Worldwide Limited
Address Maidstone TV Studios New Cut Road Maidstone Kent ME14 5NZ
Registered number (where applicable) 08167368
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) 01622 684660
E-mail address (optional) luke@thesocialfestival.com

Part 3 Operating Schedule

When do you want the premises licence to start?

Day Month Year

1	3	0	9	2	0	1	4
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23 08 2014

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day Month Year

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

Please give a general description of the premises (please read guidance note1)
Grassed area within Mote Park -

This licence application is to allow for the facility of a maximum of 8 events to take place within the licence area defined. These events will only take place subject to the submission of a full Event Management Plan which has been approved by the Safety Advisory Group (SAG) and the agreement of Maidstone Borough Council (the Landlord).

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

9999

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- | | |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input checked="" type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" 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 checked="" 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 checked="" 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)

☒

Supply of alcohol (if ticking yes, fill in box M)

☒

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 checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Performance of dramatic works in conjunction with the performance of amplified and acoustic music of all genres on outdoor and indoor stages		
Mon	1100	2300			
Tue	1100	2300			
Wed	1100	2300			
Thur	1100	2300	State any seasonal variations for performing plays (please read guidance note 4) Performance will take place over 8 individual events per calendar year		
Fri	1100	2300			
Sat	1100	2300			
Sun	1100	2300			
			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		

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 checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Performance of films as part of the performance of amplified and acoustic music of all genres on outdoor and indoor stages		
Mon	1100	2300			
Tue	1100	2300			
Wed	1100	2300			
Thur	1100	2300	State any seasonal variations for the exhibition of films (please read guidance note 4) Performance will take place over 8 individual events per calendar year		
Fri	1100	2300			
Sat	1100	2300			
Sun	1100	2300			
			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)		

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			<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)
Fri			
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					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur					
			<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)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Performance of amplified and acoustic music of all genres on outdoor and indoor stages			
Mon	1100	2300				
Tue	1100	2300				
			State any seasonal variations for the performance of live music (please read guidance note 4) Performance will take place over 8 individual events per calendar year			
Wed	1100	2300				
Thur	1100	2300				
			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 (please read guidance note 5)			
Fri	1100	2300				
Sat	1100	2300				
Sun	1100	2300				

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Performance by dj's, bands and music of all genres as part of amplified and acoustic music on outdoor and indoor stages		
Mon	1100	2300			
Tue	1100	2300			
			State any seasonal variations for the playing of recorded music (please read guidance note 4) Performance will take place over 8 individual events per calendar year		
Wed	1100	2300			
Thur	1100	2300			
			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 (please read guidance note 5)		
Fri	1100	2300			
Sat	1100	2300			
Sun	1100	2300			

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"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	1100	2300	Please give further details here (please read guidance note 3) Dance included as part of amplified music of all genres on outdoor and indoor stages		
Tue	1100	2300			
Wed	1100	2300	State any seasonal variations for the performance of dance (please read guidance note 4) Performance will take place over 8 individual events per calendar year		
Thur	1100	2300			
Fri	1100	2300	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	1100	2300			
Sun	1100	2300			

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					

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing Provision of instruments, tuition and music workshops to the public			
			Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Provision of instruments, workshops, etc as part of the performance of amplified music of all genres on outdoor and indoor stages			
Mon	1100	2300				
Tue	1100	2300				
			State any seasonal variations for the provision of facilities for making music (please read guidance note 4) Performance will take place over 8 individual events per calendar year			
Wed	1100	2300				
Thur	1100	2300				
			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 (please read guidance note 5)			
Fri	1100	2300				
Sat	1100	2300				
Sun	1100	2300				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
			Please give a description of the facilities for dancing you will be providing provision of dance floors			
Day	Start	Finish	Please give further details here (please read guidance note 3) Dancing will take place as part of the performance of amplified music of all genres on outdoor and indoor stages			
Mon	1100	2300				
Tue	1100	2300				
Wed	1100	2300				
			State any seasonal variations for providing dancing facilities (please read guidance note 4) Performance will take place over 8 individual events per calendar year			
Thur	1100	2300				
Fri	1100	2300				
Sat	1100	2300				
			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sun	1100	2300				

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) Performance will take place over 8 individual events per calendar year		
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 checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Hot Food maybe available to attendees prior to closing the site no later than 24:00		
Mon	2300	2400			
Tue	2300	2400			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 4) Performance will take place over 8 individual events per calendar year		
Wed	2300	2400			
Thur	2300	2400			
			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)		
Fri	2300	2400			
Sat	2300	2400			
Sun	2300	2400			

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 checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) Performance will take place over 8 individual events per calendar year		
Mon	1100	2300			
Tue	1100	2300			
Wed	1100	2300			
Thur	1100	2300			
Fri	1100	2300			
			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)		
Sat	1100	2300			
Sun	1100	2300			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Luke Bendall	
Address 15 Bishopstone Drive Saltdean Brighton East Sussex	
Postcode	BN2 8FF
Personal Licence number (if known)	
Issuing licensing authority (if known) Brighton	

N

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)

Where entertainment is not suitable for children under a certain age, those children will not be admitted to the premises

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	1000	2400	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)
Tue	1000	2400	
Wed	1000	2400	
Thur	1000	2400	
Fri	1000	2400	
Sat	1000	2400	
Sun	1000	2400	

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)

A detailed site plan, Event Management Plan and accompanying risk assessments will be sent to the licensing authority and the responsible authorities for inspection and comment at least 2 months in advance of any licensed event.

The premise license holder will fully consult with the Events safety advisory group and will comply with conditions agreed between the premises license holder and the Event safety group.

The management of the event will comply with all current legislation, and will take account of all relevant current guidance including the Event Safety Guide, BS7909:2008 and Managing crowds safely.

All site structures will be in place and available for inspection by the licensing authority on the morning of the event, prior to opening time.

The DPS will satisfy himself that any members of staff dispensing alcohol is fully aware of their legal responsibilities in that respect.

An experienced Event Safety Coordinator will be contracted by the premises License Holder during the planning and duration of the event.

b) The prevention of crime and disorder

Appropriate levels of security and stewarding will be employed in accordance with Event Management Plan, risk assessments and BS8406:2003. Details of the proposed security including staffing numbers will be included in the event management plan.

The Premises License Holder will work closely with Kent Police to minimise any risks of crime and disorder.

A drugs policy will be drawn up in consultation with Kent Police, and will form part of the event

c) Public safety

Appropriate levels of security and stewarding, first aid / Paramedic cover and Fire Prevention equipment and personnel will be employed in accordance with Event Management Plan and risk assessments.

A full fire risk assessment will be undertaken, and the Premises License Holder will work closely with Kent Fire & Rescue Service.

No glass bottles containing alcohol or other beverages, whether opened or sealed, shall be sold or given to customers on the premises. All drinks will be dispensed to customers in plastic or paper drinks containers.

The Event Management Plan and accompanying risk assessments will take into account the safety of the public at all times they are on site. Specific arrangements will take into account the safety of disabled people.

Unobstructed exits for the public and access for emergency vehicles will be maintained whilst the premises are open.

Safety checks will be carried out by the Event Safety Officer prior to admitting the public.

When disabled people are present, adequate arrangements must exist to enable their safe evacuation in the event of an emergency. Staff must be aware of disabilities and react according to a pre-determined plan and disabled people on the premises must be aware of the arrangements in place to enable their safe evacuation in the event of an emergency. All escape routes and exits must be kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.

Any use of special effects will be notified to the licensing authority at least ten days prior to the event.

Drinking water (e.g. tap water) shall be available to patrons in sufficient quantities at all times when patrons are present on the premises.

d) The prevention of public nuisance

A noise management plan including procedures for monitoring levels during the event, the locations to be monitored, management authority for reducing sound levels and procedures for dealing with complaints will be sent to Licensing authority and the responsible authorities for inspection and comment at least 2 months in advance of the licensed event. Signs will request that departing customers respect the local area and neighbours.

External lighting will be positioned so as to not cause nuisance to neighbouring or adjoining properties.

The Licensee shall ensure that waste and refuse are removed in a timely manner to a licensed waste facility.

e) The protection of children from harm

All entertainment offered will be suitable for admitted children unless the event is subject to age conditions.

A lost children facility will always be provided, to be staffed by CRB checked staff. Procedures for reuniting lost children with their carers will be detailed in the Event Management Plan.

A 'Challenge 25' policy will be imposed on the sale of alcohol, with no sale to those appearing under 25 and unable to provide PASS accredited ID or a passport or photo-card driver's licence when requested.

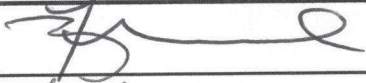
Please tick yes

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

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 4 – Signatures (please read guidance note 10)

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

Signature	
Date	18/6/14
Capacity	Director

For joint applications signature of 2nd applicant 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.**

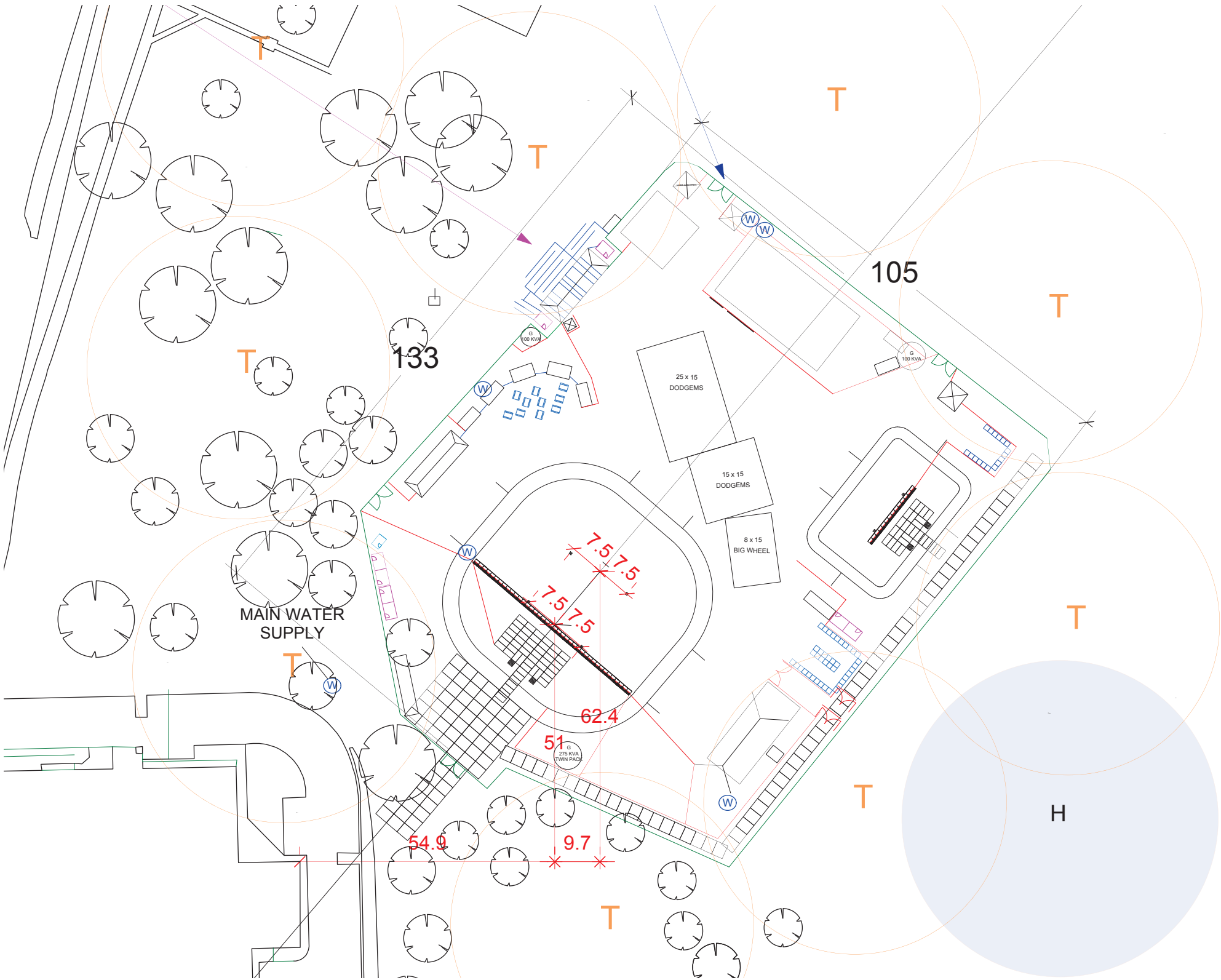
Signature	
Date	
Capacity	

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

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.



Production Title		THE SOCIAL FESITVAL	
Drawing Title		REVISION 17.0	
Designer	NEIL CRANSTON	Director	SOCIAL WORLDWIDE
Drawn By	NC	Scale	1.1
Venue	MOTE PARK, KENT, UK	Drawing No.	SITE PLAN _____ of _____ 1
Date	13/09/13		
CAD File Name	TSPSPVTD		



From: Michael Swoffer
Sent: 16 July 2014 10:32
To: 'luke@thesocialfestival.com'
Cc: Lorraine Neale; Louise Davis; Martyn Jeynes
Subject: Mote Park License Conditions
Attachments: Mote Park License Conditions.doc

Good morning Luke

Please find attached the license conditions we are proposing for the application. We have briefly discussed the issues regarding the bass noise from last year and mentioned that the conditions will cover this noise issue along with who and what is being monitored. The changes from last year is basically that the bass is controlled more and you carry out the monitoring with a sufficient Sound Level Meter and competent person using it.

I was awaiting further information from you regarding the system you are going to use but still have not received anything. The consultation period for this application ends on the 18th July so only have a couple of days to discuss and agree the conditions. From our point of view the conditions are fair as they protect the local neighbours and we believe they are achievable but if you wish to discuss anything please contact me.

Many thanks

Michael Swoffer

Pollution Technical Officer

Environmental Enforcement

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent, ME15 6JQ

t 01622 602458 w www.maidstone.gov.uk

Mote Park License Conditions

Following a number of complaints associated with the Social Event in Mote Park in 2013 the Environmental Enforcement requires the following conditions added to the license:

- The Premises Licence Holder will make available a telephone number or numbers, staffed continually throughout the duration of the event, for members of the public to contact, in order for concerns relating directly to the event to be addressed immediately. This person will be located either on site or nearby i.e in Mote Park.
- At least one contact telephone number must be provided to Maidstone Borough Council's Environmental Enforcement Team in advance of the event so that if complaints of noise nuisance, including those outside normal office hours, are received during any stage of the event, including the installation, appropriate instructions can be given to reduce noise levels.
- Up to 2300 hours music noise levels in the 63Hz and 125Hz octave bands shall not exceed $L_{eq,15min}$ 70dB in any 15 minute period at designated monitoring points agreed with the Environmental Enforcement Team. This will apply to category A events only.

- Music noise levels after 2300 hours shall be inaudible at the designated monitoring points agreed with the Environmental Enforcement Team.
- Sound level monitoring equipment to monitor compliance with these conditions must be a IEC Type 1 Standard capable of providing a read-out in dB(A) in 60 seconds to 15 minute dB(A) Leq values. Measurements to be taken in compliance with BS744-1:2003 – Description and measurement of environmental noise.
- Where requested Noise measurements data shall be submitted to the Environmental Enforcement Team within 28 days of the end of each music event. This should be provided in 15 minute periods as per the requirements in the previous conditions. This will apply to category A events only.
- Where monitoring is required (during Category A events) suitable competent person(s) will be used to monitor and produce a post event report.
- Category A events: Category A events are those outdoor events in which any noise may be discernable beyond the boundaries of the park.
- Category B events: Outdoor events where noise will not be audible inside any noise sensitive dwellings. There is no requirement for Music noise level monitoring at these events.
- The Music Noise Level (MNL), as described in section 3 of the Noise Council Code of Practice on Environmental Noise Control at Concerts, should not exceed 65dB(A) (Leaq 15min) at the agreed monitoring points set by the Environmental Enforcement Team.

Premises Licence

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

Premises Licence Number – MAID0185/LPRM/2169

Part 1 – Premises details

Postal address of premises or if none, Ordnance Survey map reference or description

MOTE PARK

Post Town **MAIDSTONE, KENT**

Post Code **NOT PROVIDED**

Telephone Number **NONE**

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence:-

- **Plays**
- **Films**
- **Live Music**
- **Recorded Music**
- **Performances of Dance**

The times the licence authorises the carrying out of licensable activities:-

- **Plays: (Predominantly performed during the Summer months)**

09:00 – 23:00 Monday to Saturday
09:00 – 22:30 Sunday

- **Films: (Predominantly shown during the early and late Summer months)**

09:00 – 23:00 Monday to Saturday
09:00 – 22:30 Sunday

- **Live Music: (Predominantly performed during the Summer months)**

09:00 – 23:00 Monday to Saturday
09:00 – 22:30 Sunday

(1) Insert licensing authority details

- **Recorded Music:**

09:00 – 23:00 Monday to Saturday
09:00 – 22:30 Sunday

- **Performances of Dance: (Performed predominantly during the Summer months)**

09:00 – 23:00 Monday to Saturday
09:00 – 22:30 Sunday

The opening hours of the premises

The area will remain open but licensable activities will cease, dependent on daylight hours in most cases:

09:00 – 23:00 Monday to Saturday
09:00 – 22:30 Sunday

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

N/A

Part 2

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

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

Tel: 01622 602000

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

N/A

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

N/A

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

N/A

Admission of children to any film must be restricted in accordance with the classification of the British Board of Film Censors

Or

Where notified by the Licensing Authority in relation to a specific film in accordance with the recommendation of the Licensing Authority.

For the purposes of this condition:-

“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:-

No additional Conditions

Prevention of Crime and Disorder:-

Adequate stewarding and supervision shall be supplied at all events where large audiences are expected to attend.

Public Safety:-

Each event shall be risk assessed to determine whether any special measures need to be introduced to ensure public safety. A copy of the risk assessment for each event shall be retained for inspection upon request by any authorised person. Recommendations as a result of the risk assessment will be followed.

Event preparation shall include close liaison with all relevant safety and security agencies. Certificates and paperwork collated shall be retained and presented to any relevant person or authority upon request.

Public Nuisance:-

All amplified music and announcements will be managed by the event organiser in consultation with Maidstone Borough Councils Environmental Health Section.

The Music Noise Level (MNL), measured as fifteen minute LAeq, shall not exceed the following guidelines at any outdoor event where live or recorded music is played:

Concert days per calendar year	Venue Category	Guideline
1-3	Urban Stadia or Arena	The MNL should not exceed 75 dBA over a 15 minute period at the nearest noise – sensitive dwelling
1-3	Other Urban and Rural Venues	The MNL should not exceed 65 dBA over a 15 minute period at the nearest noise – sensitive dwelling
4-12	All Venues	The MNL should not exceed the background noise level by more than 15 dBA over a 15 minute period at the nearest noise – sensitive dwelling

The licence holder shall publish a telephone number for complaints, manned throughout the event and pro-actively investigate and act on any complaints received.

Music Noise levels shall not exceed 95 dBA at the mixing position.

The licence holder shall monitor noise throughout any event where live or recorded music is played and adjust levels to comply with the table above.

Protection of Children from Harm:-

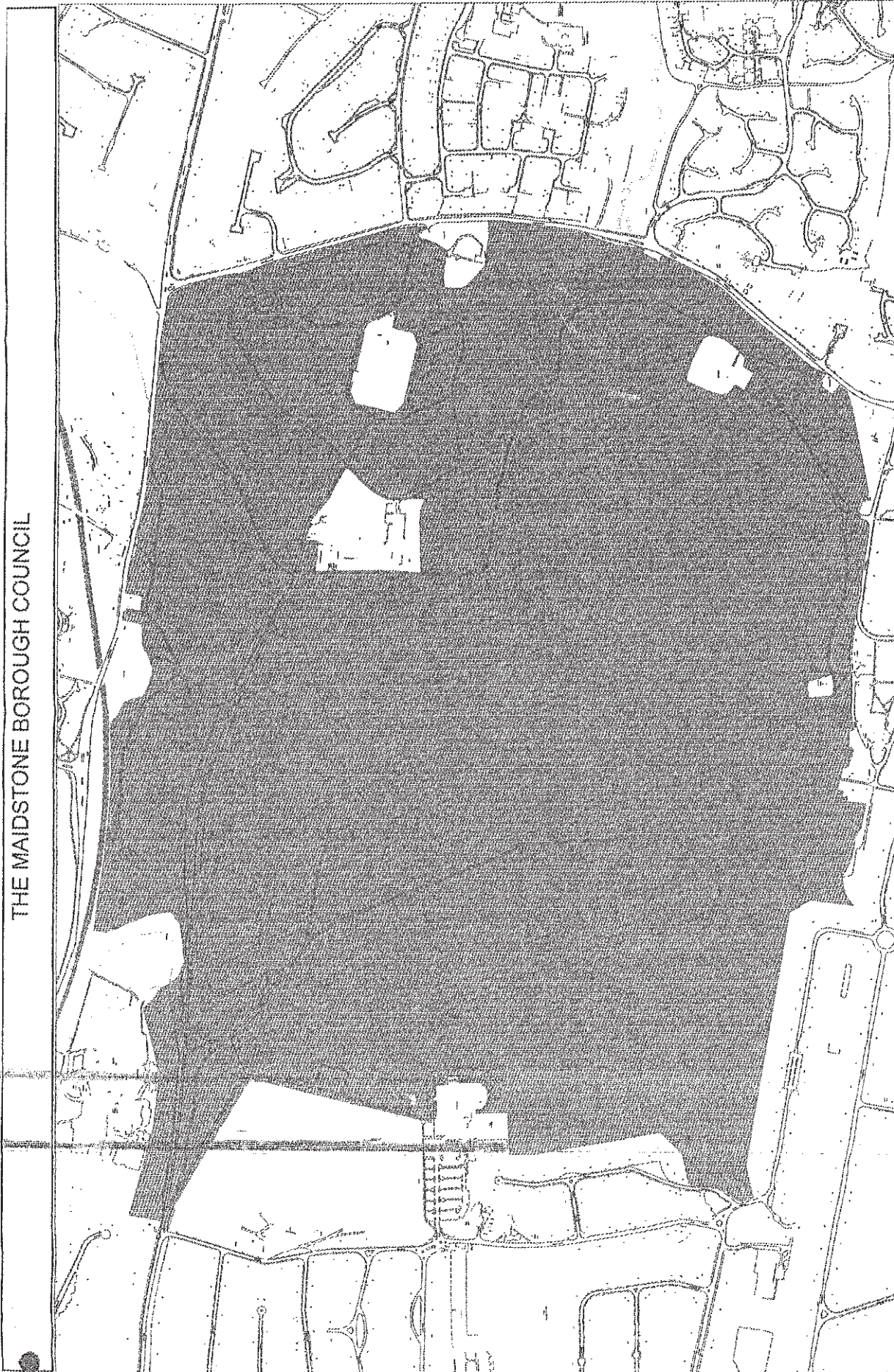
Any Licensable activity provided will be in the form of family entertainment only and shall not include any activity of an adult nature.

N/A

As attached

N/A

THE MAIDSTONE BOROUGH COUNCIL



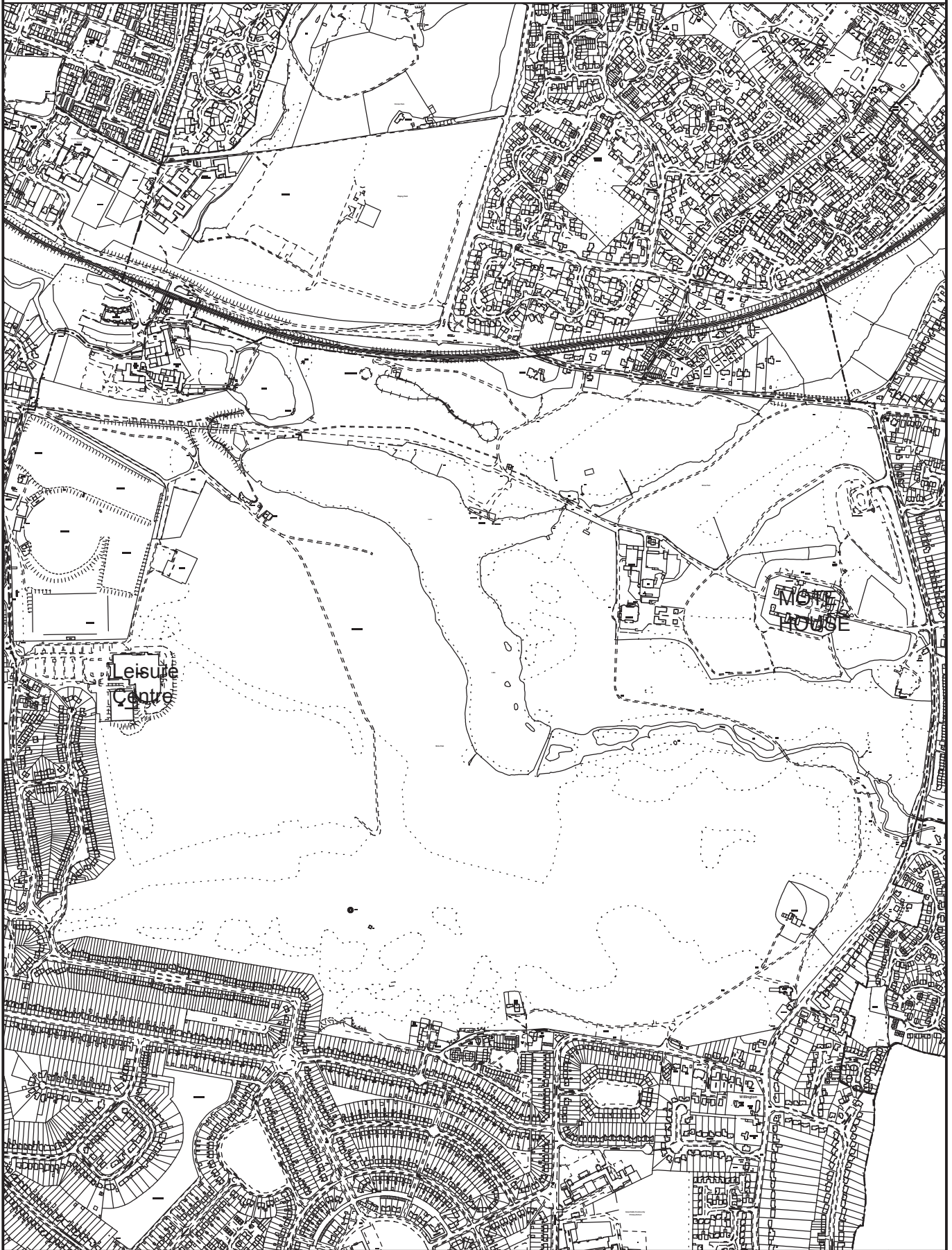
AREA FOR PREMISES LICENCE IN MOTE PARK

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SCALE: 1:6000



MOTE PARK, MOTE AVENUE, MAIDSTONE, KENT. ME15 7SU.



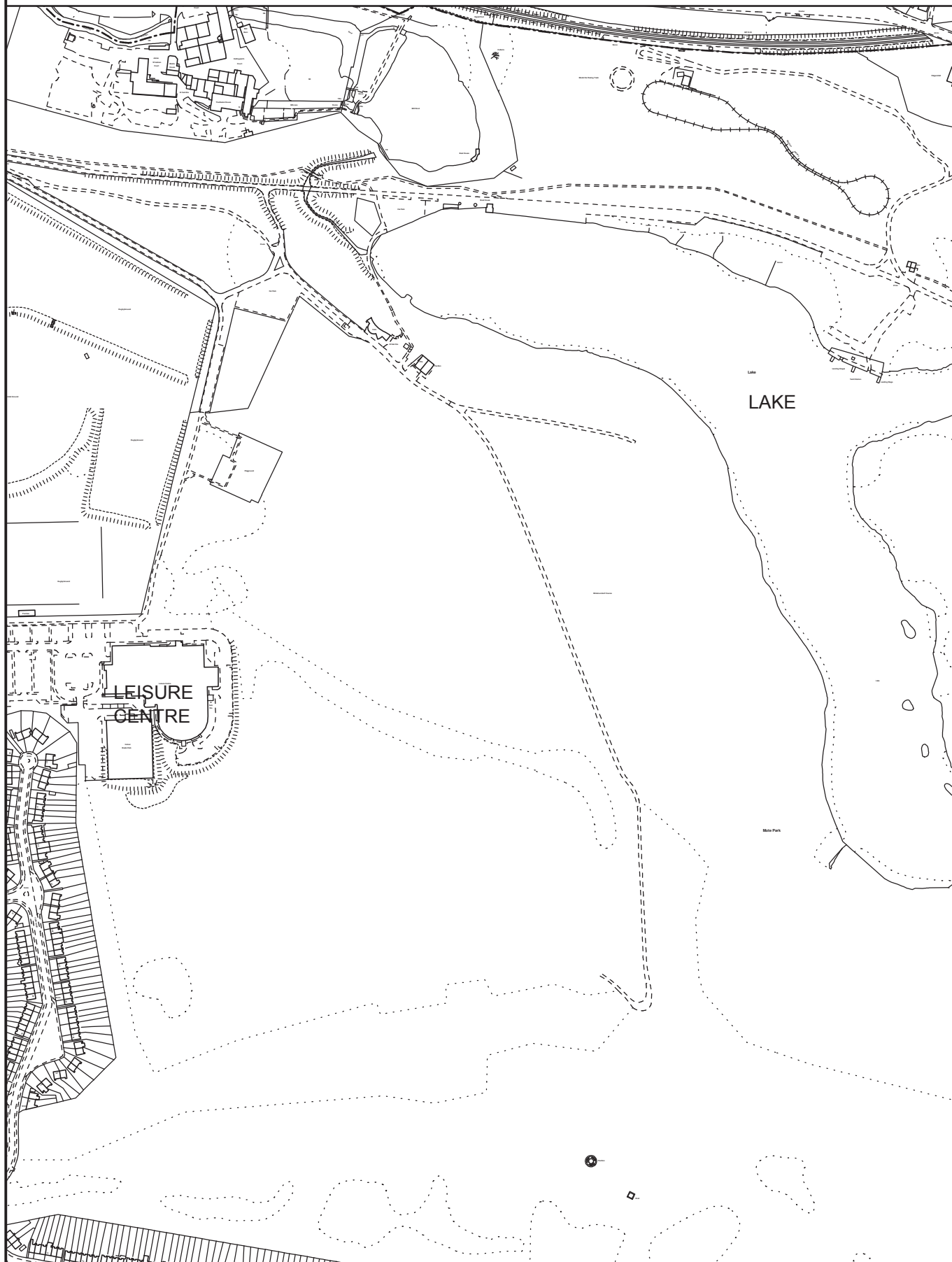
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HUMAN RIGHTS

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.