

**MAIDSTONE BOROUGH COUNCIL**

**Licensing Act 2003 Sub Committee**

**MINUTES OF THE MEETING HELD ON TUESDAY 1 SEPTEMBER  
2015**

**Present:**            **Councillors Mrs Hinder, McLoughlin and Mrs Parvin**

11.    DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

12.    DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

13.    TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE  
BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION

**RESOLVED:** That the items on the Agenda be taken in public as proposed.

14.    REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES -  
BEARSTED FOOTBALL CLUB, HONEY LANE, OTHAM, KENT

The Chairman requested those present to introduce themselves, all parties were advised of the procedures, and Members confirmed they had read all the papers.

It was confirmed that no draft conditions had been agreed between the applicant and objectors, no witnesses were to be called, and all present wished to speak on the item.

Mr Duncan Andrews, Chairman of Bearsted Football Club, explained that the application had been submitted by the catering Manager, Mrs Lesley Stevens. The club had been a part of Otham for twenty years, and use of the space had been secured by lease for a further twenty years. The new lease granted the club exclusive use of the grounds. These had been improved with flood lights and a stand, which prevented the club from being relegated from its league. The league also requested the provision of refreshments during matches. All other clubs in the league were able to sell alcohol, and so the application if approved would bring Bearsted Football Club in line with the rest of the league.

Mr Andrews stated that, in order to demonstrate the Club's intention to improve relations with Otham, the Club would appoint identifiable stewards to monitor the vehicles leaving the grounds; stewards on the

exit and entrance to the club house would ensure that drinks remained within the building; that alcohol would only be provided after noon; and that drive slowly signs would be erected.

Councillor Dr Robin Gardner, representing Otham Parish Council, asked what the connection was between alcohol and fitness. Mr Andrews responded that the club needed to provide the expected facilities that all the other clubs in the league provided, and that the same argument could be made about any football club or pub with a football side.

Ms Teresa Irving, clerk to Otham Parish Council, stated that complaints had been received regarding breaches of conditions where the pitches and changing rooms were not being used within agreed times. Mr Andrews explained that the landlord had sublet the pitches to other organisations to play outside of the current conditions, but that the new lease ensured that the conditions would no longer be abused, as only Bearsted Football Club had rights to use the grounds.

At this point in the proceedings the Legal Advisor clarified that the issue previously raised related to planning enforcement, which was not within the remit of the Licensing Act 2003 sub-Committee, and the regimes could not be duplicated. The panel could only consider the application in regard to licensing conditions. It was also confirmed that public health issues were not included within the Licensing Act 2003 sub-Committee in England, but public safety was.

Councillor Mrs Stella Trench of Otham Parish Council asked why the applicant was now happy to amend the start time for sale of alcohol to noon. Mr Andrews answered that Mrs Stevens who had completed the application had contacted the Licensing team, who advised that most applications applied from 8 a.m. onwards, however 12 p.m. noon was all that was required for the club. Councillor Trench iterated that the hours had seemed long and potentially disruptive, and enquired whether the effect of alcohol sale on the public house near the football club had been considered. Mr Andrews replied that the league did not allow clubs to use facilities nearby, and required provision within the grounds. The clubhouse would not feature a full bar or televised sports and so would not affect the public house's trade. Mr Andrew's stated that the application was born of necessity as the league's rules stated that refreshments must be provided.

Councillor Trench asked why an application to sell alcohol seven days a week had been submitted. Mr Andrews explained that this would prevent the club from having to put in individual applications for fixtures as and when they occurred. Councillor Trench put forward that the licence could be in place just for the days that football is played, to which Mr Andrews explained that there could be one off events such as quiz nights or barbecues, and so the club wanted approval to do what was needed when required.

Members were then given the opportunity to ask questions.

With regard to what assurance could be given that the scale of events would not increase, the Legal Advisor clarified that the licence before the panel was an on licence, meaning that it was limited to the premises and did not extend to the outdoors.

Mr Andrews confirmed that the club house refreshment room was small with clear visibility, and that all children would be accompanied by adults. There were 17 teams in total, including the first team who were over eighteen years old and part of the Kent Invicta League, and other age specific teams such as under 18's, under 16's, ranging down to five year olds. Mr Andrews clarified that normal business consisted of Saturday and Sunday, however there could also be fixtures on bank holidays or other occasions. The conditions attached to the use of floodlights also allowed these to be used on Tuesdays, Wednesdays and Thursdays, and if a fixture was played then refreshments would be served on these nights. Fixtures on these days usually occurred 6 or 7 times a season. Stewards would be used to monitor vehicles exiting the grounds visitors would not be expected to stay after alcohol sale stopped at 9.30 p.m.

Mr Andrews affirmed that the bar was required for match days and occasional other events only, and likewise would be manned only when enough attendees were expected.

Mr Andrews detailed that the arrangements under the previous lease had been difficult to tie down, however the new lease secured tenure and use. The club had been in a position in which thousands of pounds had been invested into the facility with no concrete security of tenure. The previous terms of lease allowed the first team use of the first pitch and first call on the other two pitches. The football club was allowed use of the club house when the first team was playing, but only for football use. It was a 15 year tenure of casual lease. The club had taken over the maintenance of the pitches and club house. Mr Andrews explained that the club didn't pay players but was well run, and funded by sponsors and fundraising activities.

The Legal Advisor clarified that, should the club house be extended, a variation of licence would be required.

Mr Andrews continued that there was only one exit door and so glasses would be prevented from leaving the bar by stewards placed there, and explained that this was also a Kent Invicta League requirement.

Councillor Trench sought confirmation that alcohol would only be sold on match or event days, which Mr Andrews confirmed was the case. Councillor Trench then inquired as to whether the club's partnering with Otham Parish Council could be a condition of the licence, to which the Legal Advisor explained that this could not be a condition imposed by the sub-Committee.

Ms Irving told the panel that Otham Parish Council had received complaints regarding shouting and foul language, and raised concern regarding driving and alcohol. Mr Andrews noted that there was a

movement across sport to stamp out bad language, and that signs on the doors at the club tackled this as did referees. Where less senior players were featured there was less risk of foul language.

All parties were then given the opportunity to give their closing remarks.

Councillor Dr Gardner addressed the panel on the issue of the local pub adjacent to the football ground, stating that the publican had confirmed that the pub was not currently used by the club, and indicating that she was more than happy to serve the club if they required alcohol.

Mr Andrews stated that the application before the sub-Committee covered the concerns raised.

Ms Irving confirmed that all had been covered in the evidence submitted, and in addition stated that it would be desirable if there was more communication between Otham Parish Council and the Bearsted Football Club.

Councillor Trench found the reduction of the hours for sale of alcohol and the clarification that the venue would only serve alcohol during events very helpful.

Members were asked if they had any further questions of clarification.

Mr Andrews confirmed he was present every Saturday, and that Mrs Stevens would be supervising all other events during which the bar was open.

There were no further questions.

The Committee then returned to consider the application and

**RESOLVED:** That the application for a Premises Licence be granted subject to modified conditions necessary for the promotion of the licensing objectives.

The revised conditions were as follows:

**Mandatory conditions from the Licensing Act 2003 conditions consistent with the operating schedule at page 20 of the agenda:-**

- **Specifically the age related scheme to be challenge 21 and no children to be on the premises without adult supervision.**

Conditions imposed by Members:

- **Hours for sale of alcohol: 12 noon to 21:30 daily on the premises.**

- **The entrance/exit to the premises will be supervised to ensure alcohol is not taken off the premises, and glass vessels are not taken off the premises.**
- **The drive to the premises will be signed on the entrance and exit to indicate that vehicles should be driven slowly and carefully.**

#### Reasons for Determination:

Members have carefully considered the evidence given before them today and that within the agenda. Members of the Sub-Committee are of the view that the granting of this licence with conditions and for a reduced time is appropriate and proportionate to the evidence before them relating to the 4 licensing objectives.

The conditions relate to promotion of public safety, protection of children from harm and prevention of public nuisance, Members are not of the view based on what they have heard and read that sale of alcohol as permitted would create crime and disorder in the area of the premises.

In considering human rights Members have balanced the position of residents and the applicant and are not satisfied that granting this licence would interfere with human rights of itself.

The sub-Committee took account of the fact that no Responsible Authorities have made representations on any objective and particularly on crime and disorder or noise.

The sub-Committee heard views on alcohol and public health but cannot take this into account as public safety does not include health of itself.

Concerns regarding drink driving and speeding away from the premises are matters dealt with in general legislation and these would not be within the control of the licensee but are matters for personal compliance. There was no evidence to support the view that sale of alcohol under this licence would cause public nuisance. The on licence relates to the interior of the club house and relates to alcohol only, and is adequate distance away from residential property.

#### Informative:

This premises licence is an on licence only and, therefore, sale of alcohol for consumption off the premises or sale outside the premises is not permitted by this licence.

Members were pleased to hear that the applicant and the Parish Council both believe that better engagement between them to resolve any issues would be positive and would hope that this would occur in future.

The sub-Committee are not able to consider of condition matters which are not relevant to the promotion of the four licensing objectives and

related to licensable activities at the premises to which the application relates. Where matters of concern relate to planning matters or any other legislation they should be reported to the appropriate body.

If issues should arise during the operation of a licence, which are related to licensable activity at the premises and the promotion of the licensing objectives application may be made for review of the premises licence, in accordance with the Licensing Act 2003.