

# AGENDA

## LICENSING ACT 2003 COMMITTEE MEETING



Date: Tuesday 1 September 2015  
Time: 10.00 am  
Venue: Room B, Town Hall, High Street,  
Maidstone

Membership:

Councillors Mrs Hinder, Mrs Parvin and  
Mrs Robertson

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Page No.

1. Disclosures by Members and Officers
  2. Disclosures of Lobbying
  3. To consider whether any items should be taken in private because of the possible disclosure of exempt information
  4. Report of the Head of Housing and Community Services -  
Bearsted Football Club, Honey Lane, Otham, Kent
- 1 - 33

**Continued Over/:**

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**Issued on 21 August 2015**

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 Poppy Brewer on 01622 602242**. To find out more about the work of the Committee, please visit [www.maidstone.gov.uk](http://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** 15/02243/LAPRE

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

**Date:** 19 AUGUST 2015

**Report Title:** BEARSTED FOOTBALL CLUB, HONEY LANE, OTHAM, KENT

**Application for:** A premises licence under the Licensing Act 2003

**Report Author:** Lorraine Neale

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

			Main Event
M	Supply of Alcohol	Mon - Sun	08:00 – 21:30
O	Opening Hours	Mon - Sun	08:00 – 21:30

**Affected Wards:** Downswood & Otham

**Recommendations:** The Committee is asked to determine the application and decide whether to grant the 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:** **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.

**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](mailto:lorraineneale@maidstone.gov.uk) – tel: 01622 602028

## Agenda Item No. 1

**Report Title: BEARSTED FOOTBALL CLUB, HONEY LANE, OTHAM, KENT**

**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 Mr Roy Benton, in respect of the premises Bearsted Football Club, Honey Lane, Otham, Kent, (Appendix B) in respect of which 2 objections have been received from other parties (Appendix C).

### Issue to be Decided

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

### Background

2. The relevant sections are Part 3 S16 -19, and 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

3. The application has been correctly advertised in the local press and notices displayed at the premises for the required period.

4. There are no representations received from responsible authorities.

5. There are two representations from other parties.

6. The table below illustrates the relevant representations which have been received

Responsible Authority /Interested Party	Licensing Objective	Associated Documents	Appendix
Valerie Moon	Public Nuisance	E-Mail	C
Teresa Irving on behalf of Otham Parish Council	Crime and Disorder Public Nuisance Public Safety Children from Harm	E-Mail	C

The objections are that the premises will cause further traffic hazard and congestion to parking, adding to the problems already experienced in the village. Already people in attendance at the site show a lack of consideration to the residents. Supply of alcohol at the premises is likely to lead to disorder and encourage drink driving. Any increase to the traffic in the area that may be due to the premises, may create an unsafe environment to pedestrians, riders and cyclists. Children at the premises may not be adequately supervised.

**7. 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.;**

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

**a) General – all four licensing objectives:**

Adequate notices to be displayed. Monthly committee meetings to discuss any issues.

**b) The prevention of crime and disorder:**

Notice indicating hours of licensable activity. Clear notices to conduct themselves in an orderly manner and not to cause annoyance to residents or persons passing by. Drugs policy.

**c) Public Safety:**

External lighting, access for emergency services, match day stewards and first aiders available.

**d) The prevention of public nuisance:**

Noise reduction measures. Notice of reminder to be considerate to neighbours.

**e) The Protection of children from harm:**

Challenge 21/25 scheme. All of our managers are CRB checked and are qualified first aiders. Children will not be allowed on the premises without adult supervision.

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

**Chapter 2 – The licensing objectives.**

**Chapters 8 & 9 Premises Licences & Determining Applications**

**Chapter 10 Conditions**

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

**20. Prevention of Crime and Disorder**

**21. The Promotion of Public Safety**

**22. Prevention of Public Nuisance**

**23. Protection of Children from Harm**

**20. Prevention of Crime and Disorder**

**Concerns**

The applicant should consider factors arising from the premises or the activities of their customers within the vicinity of the premises that may impact on the prevention of crime and disorder. These may include:

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Drugs
- Violent behaviour
- Anti-social behaviour

### **Additional Steps**

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

- Effective and responsible management of premises.
- Training and supervision of staff.
- Adoption of current best practice guidance (some examples are Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by BBPA).
- Acceptance of accredited 'proof of age' pass cards or 'new type' driving licences with photographs, passports or an official identity card issued by H M Forces.
- Provision of effective CCTV in and around premises.
- Employment of Security Industry Authority licensed door staff. (If two or more are employed there must be at least one male and one female).
- Provision of toughened or plastic glasses.
- Provision of secure deposit boxes for confiscated items ('sin bins').
- Provision of litterbins, security measures, e.g. lighting, outside premises.
- Membership of a Pub Watch scheme.
- The current 'Chill Out Hour' operating at the late night venues in the Borough of Maidstone which is the agreement whereby late night venues cease to sell alcohol yet continue to provide music and dancing for a further hour (at a reduced volume and with the heavy bass beat removed) has proved to be a success in reducing late night crime and disorder.
- Membership of Maidsafe (Nite Net).

## **21. The Promotion of Public Safety**

The Licensing Authority wishes to ensure the safety of everyone on licensed premises.

### **Concerns**

#### **Capacity**

Where existing legislation does not provide adequately for the safety of the public, club members or guests, the occupancy capacity for premises and events (to include performers and staff) may be an important factor in promoting public safety. Subject to the requirements of the following paragraph the Licensing Authority will expect the issue of occupancy capacity and adequate controls of the numbers of persons on premises or attending an event to be considered by an applicant when completing an Operating Schedule. Where a relevant representation is received in respect of capacity the Licensing Authority will consider setting capacity limits in consultation with the Kent and Medway Fire and Rescue Authority for the following premises:

- Nightclubs
- Cinemas
- Theatres
- Other premises where regulated entertainment within the meaning of the Act is being provided.

The Applicant might also consider the following concerns when assessing the appropriate capacity for premises or events in the Maidstone area. These could include:-

- The design and layout of the premises.
- The nature of the premises or event.
- The nature of the licensable activities being provided.
- The provision or removal of temporary structures, such as a stage or furniture.
- The number of staff available to supervise customers both ordinarily and in the event of an emergency.
- The customer profile (e.g. age, disability).
- The attendance by customers whose first language is not English.
- Availability of suitable and sufficient sanitary accommodation.
- The nature and provision of facilities for ventilation.
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.

Where capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to consider the arrangements

that will be put in place to ensure that the capacity of the premises is not exceeded.

### **Additional Steps**

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

- Suitable and sufficient risk assessments.
- Effective and responsible management of premises
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons.
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons.
- Adoption of best practice guidance.
- Provision of effective CCTV in and around premises.
- Provision of toughened or plastic non disposable glasses/bottles.
- Implementation of crowd management measures.
- Regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

## **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.

### **Chapter 23 Protection of Children from Harm**

The relaxation in the Licensing Act giving accompanied children greater access to licensed premises is seen as a positive step, which may bring about a social change in family friendly leisure but the risk of harm to children remains the paramount consideration. Clearly, this relaxation places additional responsibilities upon licence holders as well as upon parents and others accompanying children.



The protection of children from harm includes the protection of children from moral, psychological and physical harm and, in relation to the exhibition of films, the transmission of programmes by video or DVD. This includes the protection of children from exposure to strong language, sexual imagery and sexual expletives.

In certain circumstances children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and the lack of understanding of danger.

### Concerns

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 prevention of children from harm. These may include the potential for children to:-

- purchase, acquire or consume alcohol
- be exposed to drugs, drug taking or drug dealing
- be exposed to gambling
- be exposed to activities of an adult or sexual nature
- be exposed to incidents of violence or disorder
- be exposed to environmental pollution such as noise
- be exposed to special hazards such as falls from a height

### Additional Steps

The following examples of additional steps are given to assist applicants. The Licensing Authority considers them to be important matters that applicants should take account of in the preparation of their Operating Schedule, having regard to their particular type of premises and/or activities:-

- Effective and responsible management of premises.  
Provision of a sufficient number of people employed or engaged to secure the protection of children from harm.
- Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm.
- Adoption of best practice guidance (Public Places Charter).
- Limitations on the hours when children may be present, in all or parts of the premises.
- Limitations or exclusions by age when certain activities are taking place.
- Imposition of requirements for children to be accompanied by an adult.
- Acceptance of accredited 'proof of age' cards, 'new type' driving licences with photographs, passport, an official identity card issued by HM Forces or by an EU country bearing the photograph and date of birth of bearer.

N.B. In exceptional circumstances, where **appropriate**, and only where the licensing authority has received relevant representations, it may impose conditions restricting access or excluding children from premises or part of licensed premises:-

- a) at certain times of the day, or
- b) when certain licensable activities are taking place, or
- c) to which children aged under 16 years should have access only when supervised by an adult, or
- d) to which unsupervised children under 16 will be permitted access.

Examples of premises where these conditions may be considered include those where:-

- a) There have been convictions for serving alcohol to minors or where there is some evidence of under-age drinking.
- b) There is a known association with drug taking or dealing.

- c) There is a strong element of gambling on the premises.
- d) Entertainment of an adult or sexual nature is commonly provided.
- e) There is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except where under 18 discos are being held)
- f) Licensable activities are taking place during times when children under 16 may be expected to be attending compulsory full-time education.

## 10. **Options**

Legal options open to members –

**1. Grant the licence subject to such conditions as are consistent with the operating schedule accompanying the application; modified to such an extent as the Licensing Sub – Committee considers appropriate for the promotion of the licensing objectives and any relevant mandatory condition.**

**2. Refuse to specify a person in the licence as a designated premises supervisor.**

**3. 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".

## 11. **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.

## 12. **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

## 13. **Conclusion**

Members must ensure that the application is considered on its merits, as well as against the

relevant guidance, policy and statutory framework.

#### 14. List of Appendices

- Appendix A Application Form
- Appendix B Plan of Premises
- Appendix C Other parties representation
- Appendix D Plan of area
- Appendix E Human Rights Articles
- Appendix F Order of Proceedings

#### 15. 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:	<b>Senior Licensing Officer</b> <a href="mailto:lorraineneale@maidstone.gov.uk">lorraineneale@maidstone.gov.uk</a>
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## Appendix A


**Sevenoaks**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk)  
 Telephone: 01732 227004

\* required information

**Section 1 of 19**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

\* Is the applicant's business registered in the UK with Companies House? ☐ Yes ☒ No

\* Is the applicant's business registered outside the UK? ☐ Yes ☒ No

\* Business name  If the applicant's business is registered, use its registered name.

\* VAT number   Put "none" if the applicant is not registered for VAT.

**Continued from previous page...**

\* Legal status

\* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Applicant Business Address**

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☐ An agent that is a business or organisation, including a sole trader
- ☒ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.



*Continued from previous page...*

**Your Address**

Address official correspondence should be sent to.

* Building number or name	<input type="text" value="384"/>
* Street	<input type="text" value="LONDON ROAD"/>
District	<input type="text" value="AYLESFORD"/>
* City or town	<input type="text" value="MAIDSTONE"/>
County or administrative area	<input type="text" value="KENT"/>
* Postcode	<input type="text" value="ME20 7JY"/>
* Country	<input type="text" value="United Kingdom"/>

**Section 2 of 19**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address    ☐ OS map reference    ☐ Description

**Postal Address Of Premises**

Building number or name	<input type="text" value="BEARSTED FOOTBALL CLUB"/>
Street	<input type="text" value="HONEY LANE"/>
District	<input type="text" value="OTHAM"/>
City or town	<input type="text" value="MAIDSTONE"/>
County or administrative area	<input type="text" value="KENT"/>
Postcode	<input type="text" value="ME15 8RG"/>
Country	<input type="text" value="United Kingdom"/>

**Further Details**

Telephone number	<input type="text" value="07849 809875"/>
Non-domestic rateable value of premises (£)	<input type="text" value="0"/>

### Section 3 of 19

#### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☐ A limited company
- ☐ A partnership
- ☐ An unincorporated association
- ☒ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales
- ☐ Other (for example a statutory corporation)

### Section 4 of 19

#### NON INDIVIDUAL APPLICANTS

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

##### Non Individual Applicant's Name

Name

##### Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)



Continued from previous page...

**Address**

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

**Contact Details**

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Add another applicant

**Section 5 of 19**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of 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.

FOOTBALL CLUBHOUSE WITH RECEPTION AREA. KITCHEN, CHANGING ROOMS AND TOILETS.  
OUTSIDE A CAR PARK, 3 FOOTBALL PITCHES, SMALL PATIO AREA OUTSIDE CLUBHOUSE.

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

**Section 6 of 19**

**PROVISION OF PLAYS**



*Continued from previous page...*

Will you be providing plays?

☐ Yes ☒ No

**Section 7 of 19**

**PROVISION OF FILMS**

Will you be providing films?

☐ Yes ☒ No

**Section 8 of 19**

**PROVISION OF INDOOR SPORTING EVENTS**

Will you be providing indoor sporting events?

☐ Yes ☒ No

**Section 9 of 19**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

**Section 10 of 19**

**PROVISION OF LIVE MUSIC**

Will you be providing live music?

☐ Yes ☒ No

**Section 11 of 19**

**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

☐ Yes ☒ No

**Section 12 of 19**

**PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

☐ Yes ☒ No

**Section 13 of 19**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

**Section 14 of 19**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

☐ Yes ☒ No

**Section 15 of 19**

Continued from previous page...

### SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

#### Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.

(e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

☒ On the premises

☐ Off the premises

☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

WE HAVE OUR FOOTBALL TOURNAMENT IN JUNE EACH YEAR AND A PRESENTATION DAY AND MAY LIKE TO HAVE A PRE SEASON BBQ



Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

**Name**

First name

Family name

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number  
(if known)

Issuing licensing authority  
(if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 19**

Continued from previous page...

### ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

### Section 17 of 19

### HOURS PREMISES ARE OPEN TO THE PUBLIC

#### Standard Days And Timings

##### MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

##### THURSDAY

Start

End

Start

End

##### FRIDAY

Start

End

Start

End

##### SATURDAY

Start

End

Start

End

##### SUNDAY

Start

End

Start

End

State any seasonal variations



**Continued from previous page...**

For example (but not exclusively) where the activity will occur on additional days during the summer months.

--

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

--

**Section 18 of 19**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

ADEQUATE NOTICES NOTICES DISPLAYED MONTHLY COMMITTEE MEETINGS TO DISCUSS ANY ISSUES
--

b) The prevention of crime and disorder

NOTICE INDICATING HOURS OF LICENCEABLE ACTIVITY CLEAR NOTICES TO CONDUCT THEMSELVES IN AN ORDERLY MANNER AND NOT CAUSE ANNOYANCE TO RESIDENTS OR PERSONS PASSING BY. DRUGS POLICY.
--

c) Public safety

EXTERNAL LIGHTING ACCESS FOR EMERGENCY SERVICES MATCH DAY STEWARDS FIRST AIDERS AVAILABLE
--

d) The prevention of public nuisance

NOISE REDUCTION MEASURES NOTICE OF REMINDER TO BE CONSIDERATE TO NEIGHBOURS
--

e) The protection of children from harm

CHALLENGE 21/25 SCHEME ALL OF OUR MANAGERS ARE CRB CHECKED AND ARE QUALIFIED FIRST AIDERS CHILDREN WILL NOT BE ALLOWED ON THE PREMISES WITHOUT ADULT SUPERVISION
--

Continued from previous page...

Section 19 of 19

DECLARATION

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date

 /  / 

dd

mm

yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/sevenoaks/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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**

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

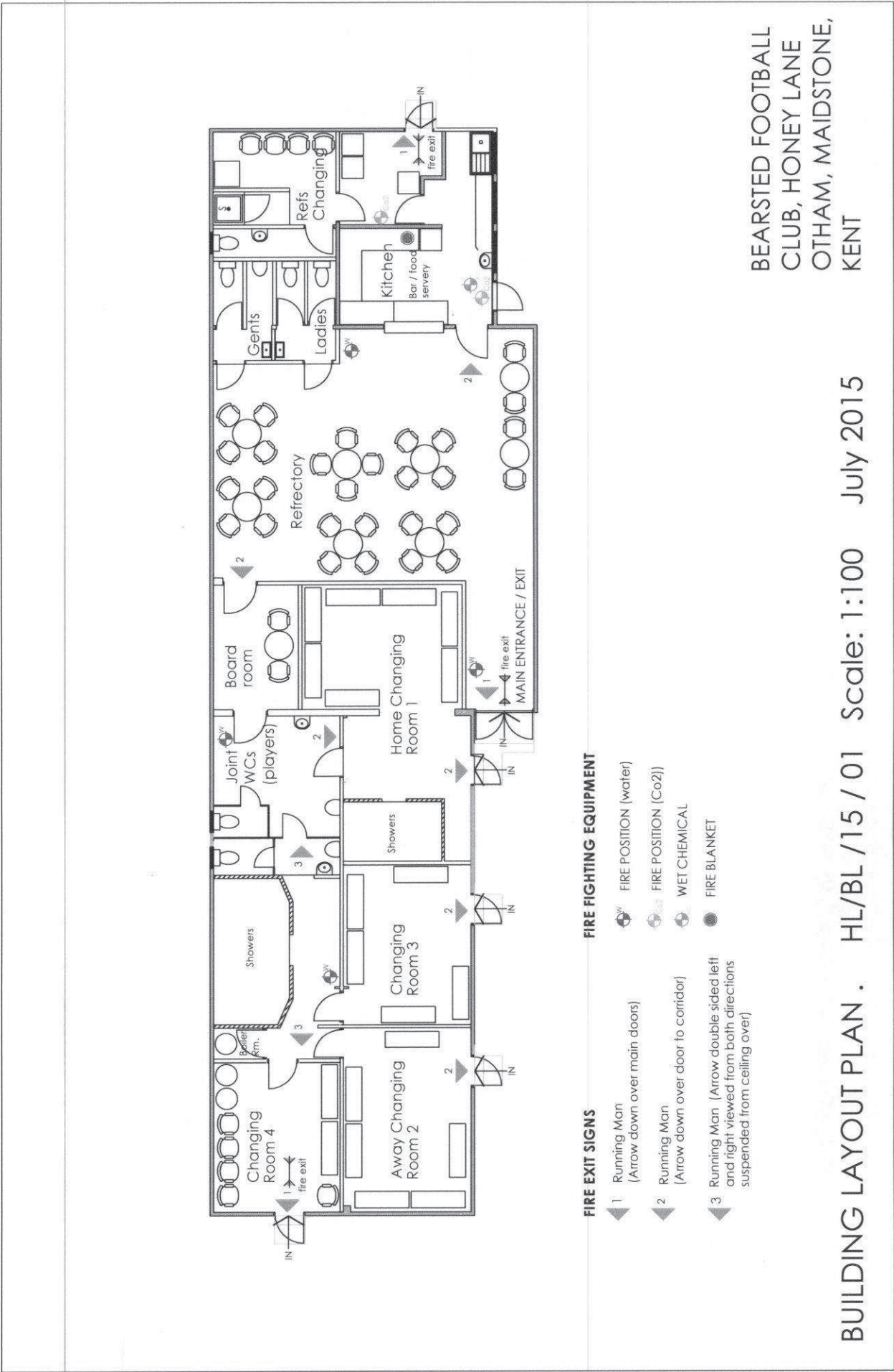
Error message

Is Digitally signed

☐

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 Next >





**From:** Teresa Irving  
**Sent:** 07 August 2015 13:00  
**To:** Lorraine Neale  
**Cc:** OPC - Val Moon  
**Subject:** FW: Licence application at Bearsted Football Ground, Otham

**Importance:** High

Dear Lorraine,

I have been asked to forward the following comments from Valerie Moon, a resident of Otham.  
(Valerie is also a parish councillor, but the comments below are sent in her capacity as a resident).

Valerie tried to send her email direct to you but kept having it returned marked 'undeliverable'.

Kind regards,

*Teresa*

Teresa Irving  
Clerk to Otham & Downswood Parish Councils

**From:** valerie moon  
**Sent:** 07 August 2015 10:34  
**To:** Teresa Irving  
**Subject:** Fwd: Licence application at Bearsted Football Ground, Otham  
**Importance:** High

Here it is.

Begin forwarded message:

**From:** valerie moon  
**Subject:** Fwd: Licence application at Bearsted Football Ground, Otham  
**Date:** 6 August 2015 20:51:55 GMT+01:00  
**To:** [neilharris@maidstone.co.uk](mailto:neilharris@maidstone.co.uk)

Begin forwarded message:

**From:** valerie moon  
**Subject:** Licence application at Bearsted Football Ground, Otham  
**Date:** 6 August 2015 20:45:55 GMT+01:00  
**To:** [neilharris@maidstone.co.uk](mailto:neilharris@maidstone.co.uk)



Dear Lorraine

I am writing to express my objections to the application to the above on the basis of Public Nuisance. This is a semi-rural environment. The football pitch started as life as low key local club which has continued to develop into a much bigger club higher up in the league which is not appropriate due to its proximity to the local community.

The roads around here are country lanes where vehicles have difficulty passing each other and many pedestrians walk along the side of the road. When the footballers leave at the end of the match it is quite hazardous given the speed at which some of them drive and the concentration of vehicles on the road. To add alcohol to the situation could result in a serious accident.

If the purpose of the licence is to hold social events in the evening then there would seem no need to apply from early in the morning for 7 days a week and should be at the very least restricted, although I would prefer to see it denied.

Yours sincerely

Valerie Moon  
Local Resident

**From:** Teresa Irving  
**Sent:** 07 August 2015 16:16  
**To:** Lorraine Neale  
**Cc:** OPC - Mike Bottle  
**Subject:** Bearsted FC Licensing Application  
**Attachments:** Bearsted FC Licensing Application.doc

Dear Lorraine,

Please find attached the view of Otham Parish Council regarding the Licensing Application by Breasted FC.

Kind regards,

*Teresa*

Teresa Irving  
Clerk to Otham Parish Council

# OTHAM PARISH COUNCIL

Clerk: Mrs T. Irving  
7 Firs Close, Aylesford, Kent ME20 7LH  
Tel No. 01622 717466 Email: [teresa.irving@btinternet.com](mailto:teresa.irving@btinternet.com)



The tools that shaped our village

Ms Lorraine Neale  
Snr Licensing Officer  
Maidstone Borough Council  
Maidstone Gateway  
King Street  
Maidstone  
Kent ME15 6JQ

8 August, 2015.

Dear Ms Neale,

**Re. 15/02243/LAPRE – Premises License: Bearsted Football Club, Honey Lane, Otham Kent.**

The above proposal for a Premises License has raised considerable objections within the village.

Complaints from residents state that their quality of life, and indeed human rights, have already been seriously eroded by the existence of the club in a rural location. Residents feel that these new proposals would add to existing problems and become an even more serious vexatious infringement of their rights. Anything that causes an adverse effect on the quality of life of local people must outweigh any benefit for other people.

**Public nuisance.** The site is only accessed via narrow country lanes. There is no bus service. None of the players in any of the teams are residents of Otham.

The inevitable increase in members of the public attending the club can only add to traffic flows. Moreover, there are documented complaints of congestion caused by parking on the narrow approach lanes.

Bearsted Football Club have never shown any consideration to the residents of Otham. The noise generated by the club is both inconsiderate and offensive to the residents.

If a license to serve alcohol is granted this will cause further public nuisance.

**Crime and Disorder.** It is likely that disorder may result from the ingestion of alcohol. The only access to the club is by car. Clearly no responsible club member (or guest) would be able to drink and then drive away from the club.

Whilst we appreciate Licensing do not take into account planning conditions, there is a history of flouting planning procedures, and detailed conditions imposed by both the Borough and the Planning Appeals' Inspectorate, and Tree Preservation orders. We believe

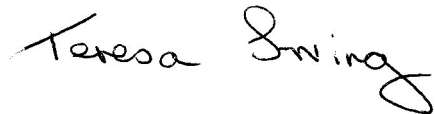
the precedent that has been set for ignoring these conditions, suggests Licensing Laws may also be ignored.

**Public safety.** Sport causes dehydration. Drinking alcohol causes further dehydration and this can lead to physical illness in people who undertake exercise and then drink alcohol. Additional traffic may cause 'peak' flows through the village creating an unsafe environment for other users of the narrow roads such as pedestrians, riders and cyclists.

**Protecting children from harm.** Children visiting the club will not be properly supervised if alcohol is being consumed at the club. This may put children at risk.

The Parish Council wishes to see the Premises License refused and asks for your support in rejecting this application.

Yours Sincerely,

A handwritten signature in black ink that reads "Teresa Irving". The signature is written in a cursive style with a large, stylized 'I'.

**Teresa Irving**  
**CLERK TO THE COUNCIL**

# APPENDIX D



**Bearsted Football Club**

Scale: 1:2500

Printed on: 14/8/2015 at 13:57 PM

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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)**

<b>RESPONSIBLE AUTHORITY</b>	<b>Tick if applicable</b>
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.