

MAIDSTONE BOROUGH COUNCIL

Licensing Act 2003 Sub Committee

**MINUTES OF THE MEETING HELD ON TUESDAY 15 NOVEMBER
2016**

Present: **Councillors Joy, J Sams and Springett**

17. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

18. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

19. 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.

20. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES -
APPLICATION FOR A PREMISES LICENCE TO BE VARIED UNDER THE
LICENSING ACT 2003 FOR BREDHURST VILLAGE HALL

The Chairman requested all those persons participating in the hearing to identify themselves as follows:

Councillor Denise Joy - Chairman
Councillor Janetta Sams – Member
Councillor Val Springett – Member
Robin Harris – Legal Advisor
Poppy Collier – Committee Clerk
Tim Gough – Applicant
Alan Tuff – Witness for the applicant
John Chalmers - Objector
Graham Elford-Knox – Objector
Martin Jones – Objector
Vanessa Jones – Objector
Pamela Newman – Objector

The Chairman confirmed that all parties had received a copy of the hearing procedure document, and explained the procedures for submissions, discussion and cross-examination. The sub-committee Members affirmed that they had pre-read all papers and documents contained in the report regarding the hearing.

It was stated that no draft conditions had been agreed between the applicant and any of the other parties.

The legal advisor provided a brief outline of the application and the representations received.

The Chairman invited the applicant, Mr Tim Gough, to provide opening remarks. Mr Gough, Chairman of the Bredhurst Village Hall Management Committee, advised that they had received no complaints regarding events held at the hall, and no representations from the Police.

Mr Gough stated that:

- The maximum allowed number of Temporary Events Notices (TENs) had been applied for and granted during the previous year. No live music events had been held over the previous year due to all TENs licences being used for other purposes. The Management Committee wished to reinstate these as they were a good source of income and popular within the local community.
- The variation of the licence was required to raise income from weddings and parties, and would be used to make improvements to the Village Hall. Research undertaken suggested that a lack of bar service was deterring prospective hirers. The local, regular booked events would continue unaffected, but those regular users would also benefit from the clarity provided by the extension of the licence allowing the sale of alcohol.
- Procedures were in place to ensure activities carried out at the Hall were considerate to the surrounding area, and the Management Committee implemented and maintained processes regarding fire safety, first aid, safe-guarding and data protection. Signage at the venue directed visitors to respect the neighbouring properties. Hirers who wished to provide their own refreshments were requested to complete a form featuring the licensing requirements, ensuring that they were compliant.
- The Management Committee had no intention for the venue to be used as a social club or public house, and the charitable status of the hall also prevented these uses.

Mr Gough addressed the objections that had been received as follows:

- It was clear on the hiring form that hirer's were not allowed to take their event outside of the boundaries of the Hall;
- No issues with broken glass had been identified by the venue's cleaner or reported to the Management Committee by others;
- No complaints regarding noise had been received;
- The notice given and advertising of events did not relate to the licensing objectives;
- An extension in the hours of sale of alcohol would not entail an increase in the number of guests at an event;
- A restriction to control smoking had been included in the draft conditions.

- The law required only one licensed staff member to be present when the bar would be in use.

The Chairman invited other interested parties to ask questions of Mr Gough, who raised the following points:

- There had been 15 TENs used during the year and no issues had been recorded, however there were concerns that an increase in events would create new problems. How many additional events were envisioned?
- Why had no regular hirers provided evidence in support of the applicant?
- How would hirers be confined to the boundaries of the hall?
- If the hall was already fully booked from Monday – Thursday, why was a licence being sought for these days?
- If hirers use their own bars will a representative of the hall management committee be on site?

In response to questions Mr Gough stated that:

- It was not envisioned that the number of events would increase substantially. The intention was that the bar would be available for hire, but not all events would require it.
- The hire agreement stipulated that guests must remain within the boundaries of the hall as marked on the plan that accompanied the agreement.
- Some regular hirers may require the use of the bar for special events and functions such as Christmas lunches.
- A representative of the hall management committee would not be present at events where the hirer was providing their own alcohol. The hire form made reference to relevant legislation and explained potential offences.

The legal advisor provided clarification that the consultation process following the application, and who had responded to the consultation, did not in itself relate to the licensing objectives.

The Chairman invited the witnesses for the applicant to speak.

Mr Tuff addressed the committee and explained that:

- The variation would allow the hall to meet increased demand and hoped to increase revenue.
- There was a hire cost of £30 for the regular and local groups. Although running costs had increased, this hire fee had not. The additional income from events including bar hire would help the hall to retain the £30 hire fee for local groups.
- The terms and conditions of hire, and the controls that were already in place, fulfilled the requirements of the licensing objectives.

The Chairman advised that commercial considerations had no link to the licensing objectives.

The Chairman then invited questions of the applicant from Members of the panel.

In response to questions Mr Gough stated that:

- He had attended a meeting of Bredhurst Parish Council in the previous year to discuss the hall management team's plans, but had not felt the experience was productive. Instead Mr Gough invited questions to be submitted in writing so that full answers could be provided by the whole of the Bredhurst Village Hall Management Committee.
- The Bredhurst Village Hall Management Committee AGM was open to the public. General contact details were displayed at the hall throughout the year.
- The application for a licence had not been mentioned on the hall's facebook page or website because these were marketing tools.
- Regular bookings would be unchanged by the granting of a licence although they would also benefit from the licence.
- The use of the bar would have to be specifically requested by an event or group.

The Chairman invited Mrs Jones as an interested party to make opening statements.

Mrs Jones addressed the committee and stated that:

- The Diocese had adopted a neutral stance on the application.
- Bredhurst Parish Council had not felt that their requests had been met. At the parish council meeting that Mr Gough said he had attended, 28 members of the public had turned up to speak and the majority of those were opposed to the licence.
- It was recognised that there was no requirement for events to be advertised, but it was felt that more consultation with the village would be beneficial.
- An email from the senior licensing officer had stated that four events at the hall in the previous year had not been licensed as they had exceeded the maximum number of TENS.
- The hall was in close proximity to a public field and children's play area. Although guests to the hall would be expected to remain within the boundaries, there would be nothing to prevent them from using the public field. There were concerns regarding the nuisance that hall users who had been drinking might cause to users of the field and play area.
- Additional public safety concerns included parking outside of the hall and congestion issues, and the easy availability of the key to the hall and potential for break-ins or burglary.

The Chairman then invited questions of Mrs Jones from the applicant. Mrs Jones responded as follows:

- The photos that had been presented to the committee as evidence – depicting hall guests using the public children’s play area – had been taken from Bredhurst Village Hall’s own facebook page and were viewable from September 2015. No additional instances had been recorded since then.
- The concerns raised centred on children and other users of the public field being confronted by drinkers or debris left by drinkers.

The Chairman opened questions of Mrs Jones by the panel. In response to questions Mrs Jones advised that:

- Written complaints regarding events at the hall had been submitted to the clerk of Bredhurst Parish Council.
- A meeting of the parish council usually attracted two or three members of the public. However on the evening on which the application was considered 28 members of the public were in attendance.

The Chairman invited witnesses for the other interested party to address the committee.

Mr Chalmers stated that Bredhurst Village was small, and that 15 TENS should be sufficient to service the needs of the residents. There was a worry that an increase in the sale or consumption of alcohol on site would lead to antisocial behaviour. Mr Chalmers accepted that the origin of litter within the area could not be established or definitively attributed to the village hall.

The Chairman invited first Mrs Jones as an interested party to provide closing statements and this was declined. The Chairman then invited the applicant Mr Gough to provide closing statements. Mr Gough stated that the village hall was a community facility.

The Chairman asked the panel if they had any final questions.

In response to questions it was explained that Members of Bredhurst Parish Council were welcome to attend the Village Hall Management Committee AGM, and trustee positions were also available. It was noted that an application to become a trustee was required 10 days in advance of the AGM.

The committee retired to private session to consider the application at 11.45 a.m., and reconvened at 1.02 p.m.

RESOLVED: That the application be granted.

Reasons for determination:

Prevention of Crime and Disorder

The sub-committee noted the written representations and the points made at the hearing under this licensing objective. However, the sub-committee

noted that there were no representations from responsible authorities and considered that the proposed operating schedule was sufficient to meet this objective.

Public Safety

The sub-committee noted the written and oral representations made under this heading. The sub-committee noted that no responsible authority had made representations and were of the view that matters beyond the scope of the safety of the public using the premises were put forward. On that basis, the application as applied for meets this licensing objective.

Prevention of nuisance

The sub-committee noted the written and oral representations under this heading and noted the lack of a representative from any responsible authority. The sub-committee were not satisfied that there was sufficient evidence linking the proposed variation to any failure to meet this licensing objective. The sub-committee were of the view that licensing the premises would provide greater control through regulation and give residents access to a review of the licence in the event of any issues. Therefore the operating schedule is sufficient to meet this objective.

Protection of children from harm

The sub-committee noted the written and oral representations under this heading and the lack of a responsible authority objection. The sub-committee felt that the scope of the representations went beyond the definition of the objective in the guidance. The application therefore meets this objective.

Note: The sub-committee were mindful of the concerns raised by residents and in the first instance look to the designated premises supervisor to work with Bredhurst Parish Council and residents to ensure that the premises remains within the objectives. The sub-committee encourages all parties to continue the dialogue that has been started today.

21. DURATION OF MEETING

10.00 a.m. to 13.05 p.m.