

LICENSING ACT 2003 SUB COMMITTEE MEETING

Date: Friday 6 November 2020

Time: 10.00 am

Venue: Remote Meeting - The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council Website.

Membership:

Councillors Brindle, Garten, Joy, Hinder (Substitute Member)

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Election of Chairman
4. Disclosures by Members and Officers
5. Disclosures of Lobbying
6. To consider whether any items should be taken in private because of the possible disclosure of exempt information
7. Application to vary a club premise certificate under the Licensing Act 2003 for Marden Cricket and Hockey Club, Maidstone Road, Marden' Kent' TN12 9AG

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ALTERNATIVE FORMATS

The reports included in Part I of this agenda can be available in alternative formats. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Democratic Services on committee@maidstone.gov.uk or 01622 602899.**

Issued on Thursday 29 October 2020

Alison Broom

Alison Broom, Chief Executive

Agenda Item 7

Agenda Item No: 1 - Summary of Report

Licence Reference 20/02032/LACPC
Report To: LICENSING SUB – COMMITTEE
(UNDER THE LICENSING ACT 2003)

Date: 23RD OCTOBER 2020
Report Title: Marden Cricket and Hockey Club

Application for: To vary a club premises certificate under the Licensing Act 2003

Report Author: :
Lorraine Neale

- Summary:**
1. The Applicant – The Committee of Marden Cricket and Hockey Club
 2. Type of authorisation applied for: To vary a club premises certificate under the Licensing Act 2003..
 3. Proposed Licensable Activities and hours: (Appendix 1)

| | | Current Hours | | Hours: New Application | |
|---|---|--|---|--|---|
| B | Films | N/A | N/A | Mon-Thurs Fri Sat Sun | 08:00-23:59 08:00-01:00 08:00-02:00 08:00-23:00 |
| E | Live Music (Indoors & Outdoors) | Mon-Sun *NYE | 18:00-23:00 19:00-02:00 | Mon-Fri Sat & Sun NYE | No change 11:00-23:00 18:00-02:00 |
| F | Recorded Music (Indoors & Outdoors) | Mon-Sun NYE | 18:00-23:00 19:00-02:00 | Mon-Sun NYE | 09:00- 23:00 09:00-02:00 |
| M | Supply of alcohol (On & Off the premises) | Mon-Sun NYE | 11:00-23:00 11:00-03:00 | Sun-Fri Sat NYE | No change 10:00- 23:00 No change |
| O | Opening Hours | Mon-Thurs Friday Saturday Sunday NYE | 11:00-23:59 11:00-01:00 11:00-02:00 11:00-23:00 11:00-03:00 | Mon-Thurs Friday Saturday Sunday NYE | 08:00 - 23:59 08:00 - 01:00 08:00 - 02:00 08:00 - 23:00 08:00-03:00 |

*NYE New Years Eve

Current Non Standard

Extended hours for up to 8 occasions a year, always on a Friday or Saturday.

Friday Occasions: Live Music 18:00 to 01:00, Recorded Music 18:00 to 01:00 and Supply of Alcohol 18:00 to 01:00

Saturday Occasions: Live Music 18:00 to 01:00, Recorded Music 18:00 to 01:00 and Supply of Alcohol 18:00 to 02:00

On New Year's Eve from 11.00 hours until 03.00 hours on New Year's Day

| | |
|-------------------------------------|--|
| Affected Wards: | Marden and Yalding |
| Recommendations: | The Committee is asked to determine the application and decide whether to grant the club premises certificate. |
| 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: lorryneale@maidstone.gov.uk – tel: 01622 602528 |

Agenda Item No. 1

Affected Wards: Marden and Yalding

Recommendations: The Committee is asked to determine the application and decide whether to grant the club premises certificate.

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 – tel: 01622 602528

Report Title: Marden Cricket and Hockey Club

Application to: To vary a club premises certificate licence under the Licensing Act 2003. (Appendix A).

Purpose of the Report

The report advises Members of an application for a club premises certificate to be granted under the Licensing Act 2003, made by The Committee of Marden Cricket and Hockey Club, in respect of the premises Marden Cricket and Hockey Club, Maidstone Road, Marden, Kent, TN12 9AG, Maidstone, (Appendix 1) in respect of which 9 objections have been received from other parties (Appendix 3).

Issue to be Decided

1. Members are asked to determine whether to:
 - 1) grant as applied for
 - 2) grant with conditions
 - 3) exclude any licensable activity
 - 4) or reject the application

Background

- 2 The relevant sections are Part 4 S71 -79 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 9 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 |
|--|--|-----------------------------|-----------------|
| Fiona and Jason Kitchen 15 & 23/9 | Public Nuisance | E-Mail | C |
| Mark Walker | Public Nuisance Public Safety | E-Mail | C |
| Duncan Shadbolt | Public Nuisance | E-Mail | C |
| Theresa Gibson | Public Nuisance Public Safety | E-Mail | C |
| Heidi Scott | Public Nuisance Public Safety | E-Mail | C |
| Paul Newton 16 & 25/9 | Public Nuisance | E-Mail | C |
| Karen Lomas | Crime and Disorder Public Nuisance Public Safety | E-Mail | C |
| Mary Bartram | Crime and Disorder Public Nuisance Public Safety | E-Mail | C |
| Richard Carpenter | Public Nuisance | E-Mail | C |

The objections are that the granting of a club premise certificate for the hours requested would impact considerably on nearby residents and cause additional noise pollution over an extended period. Also the extended hours could lead to an increase in drink driving in what is a relatively rural area which in turn impacts public safety due to the lack of footpaths in the vicinity of the site.

- 9. 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.;**
- 10. The Operating Schedule submitted by the Applicant has addressed the licensing objectives in the following manner:**

a) General – all four licensing objectives:

The club is a members only sports club with access restricted to members and their guests and not open to the general public. The premises is fully secured and alarmed to protect stock in relation to alcohol. Staff are trained not to serve inebriated or abusive customers. The premises has no close neighbours and opportunities to cause a public nuisance are limited. Minors are permitted in the bar area, but staff are trained in Challenge 18 protocol. Staff are DBS checked through England Hockey or England Cricket Board.

b) The prevention of crime and disorder:

Premises are fully secured and alarmed to protect stock of alcohol.

CCTV in operation.

Cash secured in safe or off premises.

Those already inebriated are refused alcohol.

c) Public Safety:

The Club is not open to the public, only to members and their guests and therefore public safety is not an issue.

Hirer's of the facilities, visiting sports teams and their supporters are considered to be guests of the club.

d) The prevention of public nuisance:

The location of the premises on the edge of the village reduces the risk of any public nuisance.

Vehicles leaving the premises don't exit onto residential roads, no immediate neighbours.

CCTV and security measures in place to prevent theft and vandalism.

e) The Protection of children from harm:

Staff members are DBS checked. Minors are permitted in the bar area and the appropriate safety measures taken. The bar staff operate Challenge 18 protocol. We also have child Welfare Officers in place.

On the 20/10/2020 an e-mail was received from Mr Paul Newton suggesting a compromise to the hours for licensable activities. He suggested films 18:00 – 23:00 every day, 5 events per year. Live & recorded music 18:00 – 23:00 every day. No change to alcohol or opening hours, the e-mail was forwarded to the applicant on 21/10/20 who in turn on 22/10/2020 offered the following as a compromise to Mr Newton, films 12:00 – 23:00 every day, indoors only. Live music 12:00 -23:00 every day, the applicant did not agree to amending the hours for recorded music. Mr Newton has not confirmed his agreement to the amendment and so his objection remains(Appendix 4)

On the 23/10/20 an email from the applicant was circulated to the objectors, it was received on the 20/10/20 but was not circulated immediately as the applicant wished to consider whether it needed amendment before circulation. To date no comments have been received from the objectors in response to the e-mail. (Appendix 5)

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

Chapters 6 (6.11 onwards) & 9 Premises Licences & Determining Applications

Chapter 10 Conditions NB: There is Home Office Supporting Guidance on Pools of Conditions but this is not statutory guidance.

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:**

17.9 – 17.15 Prevention of Crime and Disorder

17.16 – 17.18 Promotion of Public Safety

17.19 – 17.22 Prevention of Public Nuisance

The Prevention of Crime and Disorder.

Under the Act the Licensing Authority has a duty to promote the licensing objectives, and, a further duty under the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the borough.

The applicant will be expected to detail in their operating schedule how they will prevent crime and disorder on and close to the premises. Such detail should reflect the licensable activities on offer, location and character of the area, the nature of the premises use and the range of customers likely to use the premises.

These may include, but are not limited to, the following:

- Prevention of disorderly conduct and anti-social behaviour
- Prevention of underage drinking
- Prevention of sales of alcohol to intoxicated customers
- Prevention of drunkenness both on and in the vicinity of the premises
- Prevention of drug use and drug dealing
- Restriction to responsible drinks promotions
- Use of safety glass
- Inclusion of a wind-down time following alcohol sales period
- Adequate seating to discourage "vertical drinking"
- The offer of food and snacks or other entertainment or occupation to discourage persistent drinking

In busier premises the Licensing Authority would usually expect to see a short (e.g.30 mins) 'wind down' or 'drinking up' period allowed for after the cessation time of entertainment and alcohol sales as this is effective in assisting in a reduction in noise and exuberance of customers before leaving the premises.

Applicants will be expected to seek advice from the Police and the Licensing Authority will give appropriate weight to requests by the Police for premises to be protected by SIA registered door staff subject to the provision of relevant evidence. Where the Licensing Authority determines after consultation with the police that a premises is one that warrants additional security and monitoring it would expect applicants to include the provision of SIA approved door staff at the premises at appropriate times. Relevant premises are usually those used mainly for drinking alcohol, have later opening hours and are situated within the Town Centre night time economy area.

Where appropriate, applicants for licences in the Town Centre areas providing mainly alcohol, music and dancing would be expected to consider inclusion of a provision of safety glasses to prevent a risk of injury on the rare occasion that a glass may be used as a weapon.

The use of CCTV should be considered where appropriate or on the advice and recommendations of the Police and to a quality and standard approved by the Police for evidential purposes. Licensees will be expected to fully comply with the requirements of the Information Commissioners Office and the Data Protection Act 1998 in respect of any surveillance equipment installed at a premises.

In any application resulting in hearing the sub-committee will consider each application on its individual merits and determine the imposition of conditions that are appropriate to promotion of the licensing objectives.

Promotion of Public Safety

The applicant will be expected to show how the physical safety of persons attending the premises will be protected and to offer any appropriate steps in the operating schedule to promote this.

Such steps will not replace the statutory obligation on the applicant to comply with all relevant legislation under the Health and Safety at Work etc. Act 1973 or under the Regulatory Reform (Fire Safety) Order 2004.

Applicants will be expected to have carried out the necessary risk assessments to ensure safe occupancy levels for the premises. Where a representation from the Fire Authority suggests that for the promotion of the Public Safety objective a maximum occupancy should be applied, the Licensing Authority will consider adding such a limit as a licence condition.

Where appropriate an operating schedule should specify occupancy limits for the following types of licensed premises:

- (i) High Volume Vertical Drinking e.g. premises that provide mainly stand up drinking facilities with limited seating/table space and the primary activity is the sale of alcohol
- (ii) Nightclubs
- (iii) Cinemas
- (iv) Theatres
- (v) Other premises where regulated entertainment is likely to attract a large number of people.
- (vi) Where conditions of occupancy have arisen due to representations received.

Prevention of Public Nuisance

The applicant will be expected to detail any appropriate and proportionate steps to prevent nuisance and disturbance arising from the licensable activities at the premises and from the customers using the premises.

The applicant will be expected to demonstrate that they have considered the following and included steps to prevent public nuisance:

- (i) Proximity of local residents to the premises
- (ii) Licensable activities proposed and customer base
- (iii) Hours and nature of operation
- (iv) Risk and Prevention of noise leakage from the premises from equipment, customers and machinery
- (v) Prevention of noise from customers leaving the premises and customer pick up points outside premises and from the Car Park.

- (vi) Availability of public transport to and from the premises
- (vii) Delivery and collection times and locations
- (viii) Impact of external security or general lighting on residents.
- (ix) History of management of and complaints about the premises.
- (x) Applicant's previous success in preventing Public Nuisance.
- (xi) Outcomes of discussions with the relevant Responsible Authorities.
- (xii) Impact of location, noise and contamination from outside smoking areas on neighbours and other customers
- (xiii) Collection of litter arising from the premises

Steps to prevent public nuisance may include a range of options including noise limiting devices, sound insulation, wind down periods, acoustic lobbies, management of smoking areas etc.

Steps will differ depending on the individual premises and activities and it is for the applicant to ensure that reasonable, effective and appropriate steps are included within the operating schedule.

12. Options

Legal options open to members -

- 1) Grant the licence subject to such conditions as are consistent with the operating schedule accompanying the application.
- 2) grant the licence with MODIFIED conditions.
- 3) REJECT the whole or part of the application necessary for the promotions of the licensing objectives.

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 1 | Application Form |
| Appendix 2 | Plan of Premises |
| Appendix 3 | Other parties representation |
| Appendix 4 | Mr Newton and applicant e-mail |
| Appendix 5 | Applicant e-mail to other parties |
| Appendix 6 | Plan of area |
| Appendix 7 | Human Rights Articles |
| Appendix 8 | 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: | Senior Licensing Officer lorraineneale@maidstone.gov.uk |
|--------------------|---|

Licensing Partnership



Application to vary a club premises certificate to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING APPLICATION

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.

Marden Cricket and Hockey Club

(Insert name of club)

club applies for a club premises certificate under section 84 of the Licensing Act 2003 for the premises named in Part 1 below

| |
|--|
| Club premises certificate number 18/00977/LACPC |
|--|

Part 1 – Club premises details

| | | | |
|---|----------------------------------|----------|----------|
| Name of club Marden Cricket and Hockey Club | | | |
| Postal address of premises, if any, or if none ordnance survey map reference or description Maidstone Road | | | |
| Post town | Marden Kent | Postcode | TN12 9AG |
| Telephone number (if any) | 01622 833414 | | |
| E-mail address (optional) | secretary@mardensportsclub.co.uk | | |

| | | | |
|--|------------|----------|------------|
| Name of person performing duties of a secretary to the club Jo Hayes | | | |
| Address of person performing duties of a secretary to the club [REDACTED] | | | |
| Post town | [REDACTED] | Postcode | [REDACTED] |

Part 4 – Club Operating Schedule

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

What qualifying club activities do you intend to conduct on the club premises which will be affected by your application?

Provision of regulated entertainment:

Please tick as appropriate

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainments (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (if ticking yes, fill in box I)

The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place (if ticking yes, fill in box J)

In all cases complete boxes K, L and 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"/> |
| Day | Start | Finish | | Both <input type="checkbox"/> |
| Mon | | | <u>Please give further details here</u> (please read guidance note 3) | |
| | | | | |
| Tue | | | | |
| | | | | |
| Wed | | | <u>State any seasonal variations for performing plays</u> (please read guidance note 4) | |
| | | | | |
| Thur | | | | |
| | | | | |
| Fri | | | <u>Non standard timings. Where the club intends to use the premises for the performance of a play at different times from those listed in the column on the left, please list</u> (please read guidance note 5) | |
| | | | | |
| Sat | | | | |
| Sun | | | | |
| | | | | |

B

| Films Standard days and timings (please read guidance note 6) | | | <u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input type="checkbox"/> |
|--|-------|--------|--|----------|-------------------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input checked="" type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | 08.00 | 23.59 | <u>Please give further details here</u> (please read guidance note 3) This would be an occasional activity, but we would like to scope to be able to show films if the opportunity arises. Films shown will be age appropriate and we would be careful not to risk offending any of our members in relation to the films we show. | | |
| Tue | 08.00 | 23.59 | | | |
| Wed | 08.00 | 23.59 | <u>State any seasonal variations for the exhibition of film</u> (please read guidance note 4) | | |
| Thur | 08.00 | 23.59 | | | |
| Fri | 08.00 | 01.00 | <u>Non standard timings. Where the club intends to use the premises for the exhibition of film at different times from those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| Sat | 08.00 | 02.00 | | | |
| Sun | 08.00 | 23.00 | | | |

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"/> |
| Day | Start | Finish | | | Both | <input type="checkbox"/> |
| Mon | | | <u>Please give further details here</u> (please read guidance note 3) | | | |
| | | | | | | |
| Tue | | | <u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4) | | | |
| | | | | | | |
| Wed | | | <u>Non-standard timings. Where the club intends to use the premises for the boxing or wrestling entertainment at different times from those listed in the column on the left, please list</u> (please read guidance note 5) | | | |
| Thur | | | | | | |
| Fri | | | | | | |
| Sat | | | | | | |
| Sun | | | | | | |

E

| Live music Standard days and timings (please read guidance note 6) | | | Will the performance of live music take place <u>indoors or outdoors or both</u> - please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
|---|-------|--------|--|----------|-------------------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input checked="" type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) Occasional live music and likely to be amplified. | | |
| Mon | 18.00 | 23.00 | | | |
| Tue | 18.00 | 23.00 | | | |
| Wed | 18.00 | 23.00 | <u>State any seasonal variations for the performance of live music</u> (please read guidance note 4) No seasonal variation | | |
| Thur | 18.00 | 23.00 | | | |
| Fri | 18.00 | 23.00 | <u>Non-standard timings. Where the club intends to use the premises for the performance of live music at different times from those listed in the column on the left, please list</u> (please read guidance note 5) New years Eve 18.00 - 02.00 | | |
| Sat | 11.00 | 23.00 | | | |
| Sun | 11.00 | 23.00 | | | |

F

| Recorded music Standard days and timings (please read guidance note 6) | | | Will the playing of recorded music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
|---|-------|--------|--|----------|-------------------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input checked="" type="checkbox"/> |
| Mon | 09.00 | 23.00 | Please give further details here (please read guidance note 3) Occasional recorded music. Likely to be amplified. | | |
| Tue | 09.00 | 23.00 | | | |
| Wed | 09.00 | 23.00 | State any seasonal variations for the playing of recorded music (please read guidance note 4) No seasonal variation | | |
| Thur | 09.00 | 23.00 | | | |
| Fri | 09.00 | 23.00 | Non-standard timings. Where the club intends to use the premises for the playing of recorded music at different times from those listed in the column on the left, please list (please read guidance note 5) New Year's Eve until 02.00 | | |
| Sat | 09.00 | 23.00 | | | |
| Sun | 09.00 | 23.00 | | | |

G

| | | | | |
|---|-------|--------|---|--------------------------|
| Performances of dance Standard days and timings (please read guidance note 6) | | | <u>Will the performance of dance 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 | | |
| Mon | | | <u>Please give further details here</u> (please read guidance note 3) | |
| | | | | |
| Tue | | | | |
| | | | | |
| Wed | | | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 4) | |
| | | | | |
| Thur | | | <u>Non-standard timings. Where the club intends to use the premises for the performance of dance at different times from those listed in the column on the left, please list</u> (please read guidance note 5) | |
| | | | | |
| Fri | | | | |
| | | | | |
| Sat | | | | |
| | | | | |
| Sun | | | | |
| | | | | |

H

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

I

| | | | | | |
|---|--------------|---------------|---|------------------|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption – please tick (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 (please read guidance note 4) New Year | | |
| Mon | 11.00 | 23.00 | | | |
| | | | | | |
| Tue | 11.00 | 23.00 | | | |
| | | | | | |
| Wed | 11.00 | 23.00 | | | |
| | | | | | |
| Thur | 11.00 | 23.00 | | | |
| | | | | | |
| Fri | 11.00 | 23.00 | | | |
| | | | | | |
| Sat | 10.00 | 23.00 | | | |
| | | | | | |
| Sun | 11.00 | 23.00 | | | |
| | | | | | |
| | | | Non-standard timings. Where the club intends to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list (please read guidance note 5) 11.00 – 03.00 New Year’s Eve | | |

J

| Hours club premises are 23 to the members and guests Standard days and timings (please read guidance note 6) | | | <u>State any seasonal variations</u> (please read guidance note 4) Does this include the grounds as well so sports can start at this time too? No seasonal variation |
|--|-------|--------|--|
| Day | Start | Finish | <u>Non standard timings. Where you intend the premises to be open to the members and guests at different times from those listed in the column on the left, please list</u> (please read guidance note 5) 08.00 – 03.00 New Year’s Eve |
| Mon | 08.00 | 23.59 | |
| | | | |
| Tue | 08.00 | 23.59 | |
| | | | |
| Wed | 08.00 | 23.59 | |
| | | | |
| Thur | 08.00 | 23.59 | |
| | | | |
| Fri | 08.00 | 01.00 | |
| | | | |
| Sat | 08.00 | 02.00 | |
| | | | |
| Sun | 08.00 | 23.00 | |
| | | | |

K

| |
|--|
| <p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).</p> <p>No nudity, semi nudity, or gambling machines. Where films are shown the audience will be restricted as required by the film classification body</p> |
|--|

L

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

Please tick as appropriate

- I have enclosed the club premises certificate
- I have enclosed the relevant part of the club premises certificate

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

Reasons why the club has not enclosed the club premises certificate or relevant part of it:

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

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

The club is a members only sports club with access restricted to members and their guests and not open to the general public. The premises is fully secured and alarmed to protect stock in relation to alcohol. Staff are trained not to serve inebriated or abusive customers. The premises has no close neighbours and opportunities to cause a public nuisance are limited. Minors are permitted in the bar area, but staff are trained in Challenge 18 protocol. Staff are DBS checked through England Hockey or England Cricket Board.

b) The prevention of crime and disorder

The premises is fully secured and alarmed to protect stock of alcohol. Cash secured in a safe or off the premises.
Those already inebriated are refused alcohol.

c) Public safety

The Club is not open to the public, only to members and their guests and therefore public safety is not an issue.
Hirers of the facilities, visiting sports teams and their supporters are considered to be guests of the Club.

d) The prevention of public nuisance

The location of the premises on the edge of the village reduces the risk of any public nuisance. Vehicles leaving the premises don't exit onto residential roads and we have no close neighbours. CCTV and security measurers are in place to prevent theft and vandalism.

e) The protection of children from harm

Staff members are DBS checked. Minors are permitted in the bar area and the appropriate safety measures taken. The bar staff operate Challenge 18 protocol.
We also have child Welfare Officers in place.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities.
- I understand that I must now advertise my application.
- I have enclosed the club premises certificate or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON 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.

Part 5 – Signatures (please read guidance note 10)

I Jo Hayes

(Insert full name)

make this application on behalf of the club and have authority to bind the club

| | |
|-----------|------------|
| Signature | |
| Date | 10/9/20 |
| Capacity | Secretary. |

| | | | |
|--|-------------|----------|----------|
| Address for correspondence associated with this application (please read guidance note 11) | | | |
| Maidstone Road | | | |
| Post town | Marden Kent | Postcode | TN12 9AG |
| Telephone number (if any) | | | |
| If you would prefer us to correspond with you by e mail, your e mail address (optional) | | | |
| secretary@mardensportsclub.co.uk | | | |

Notes for Guidance

1. Describe the premises, For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for people to consume these off-supplies, please include a description of where this 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. Please state 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.
4. For example (but not exclusively) where the activity will go on for an extra hour during summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00).
7. If the club wishes members and their guests to be able to consume alcohol on the premises, please tick 'on the premises'. If the club wishes people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If the club wishes people to be able to do both, please tick 'both'.
8. Please give information about anything to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or gambling machines etc.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed by someone with the authority to bind the club.
11. This is the address which we will use to correspond with the club about this application.

From: fiona kitchen
Sent: 15 September 2020 07:02
To: Licensing <licencing@sevenoaks.gov.uk>
Subject: Fwd: Marden Sports Application License extension

Dear Licensing Department,

>
> We live in a quiet, rural country location on the outskirts of Marden.
>
> On Sunday 13th September Marden Sports Club held a sporting event with loud speakers which we could clearly hear and it ruined the peace and quiet of our Sunday.
>
> We are very alarmed they have applied for extension of licensing times to hold film showing, and New Years Eve parties as well as Saturday and Sunday extension.
>
> If we had wanted to live next to a nightclub or film venue we would have done so.
>
> The club already spoils the dark skies with floodlights on until 10pm.
>
> It is not accessible by walking, which means everyone attending will do so by car. This will increase the traffic along the road until early in the morning.
>
> The club was built in a countryside setting and should respect that, it is abhorrent to think they will be selling alcohol until 3am in the morning.
>
> We strongly oppose this extension.
>
> Please keep us advised,
>
> Many thanks
>
>
> Fiona & Jason Kitchen
> Marden Residents.

From: Mark Walker
Sent: 15 September 2020 12:00
To: Licensing
Subject: 20/02032/LACPC. Marden Sports Club licencing hours

To whom it may concern,

I am writing to strongly object to any change / extension of the current licensing hours at Marden Sports Club as per application 20/02032/LACPC.

For transparency, I am a member of the club and play cricket there through the summer. I have no objection to the club as it currently exists.

For added context I live on Maidstone road and my property backs directly onto the club. From my house to the balcony on the bar is probably less than 200m as the crow flies. Current noise levels are generally OK. It is possible to hear some conversation from the club bar balcony, but there is rarely loud music or late night noise. The sound of the hockey balls is louder than anything from the bar at this point.

The proposed licensing hours however are totally out of sync with the club's current status and would suggest a change in direction and ambition, which would bring with it a change in the number and type of guest being catered for.

The extended opening hours, and the application for "live and recorded music" would suggest that the club is moving towards positioning itself as an "events" venue (weddings / birthdays etc.).

This will bring large scale gatherings with loud music being played into the early hours.

This will be incredibly disruptive and invasive to all local residents.

Music, especially bass tones, is able to carry much further than general conversation and is much more intrusive.

I have no doubt whatsoever that this would be audible from every part of my home and would cause a lot of distress, especially as we have both a 2 year old and a new baby due in February.

Regular loud music into the night is not appropriate.

Additionally, these sorts of licensing hours will obviously result in a larger number of more drunk and intoxicated guests.

The club currently does not have any safe footpaths for access back into the village.

There is poor taxi coverage in Marden late into the night.

This therefore leaves guests with a number of unacceptable options:

- Walk along Maidstone Road. A walk that is unsafe even when sober and during daylight, and one that would be incredibly dangerous at 1am when intoxicated. Cars are known to drive that road far in excess of the speed limit and without due care. It would be an accident waiting to happen, and likely a fatal one.

- Drive to the venue, which would undoubtedly encourage drink driving, which is obviously completely unacceptable.

In summary, the proposed licensing hours are completely unnecessary for a sports club, and completely inappropriate considering the club's location and proximity to local residents.

Kinds regards,

Mark Walker

From: Duncan
Sent: 15 September 2020 12:26
To: Licensing
Subject: Variation application for Marden Cricket and Hockey Club

Dear Sir/Madam,

I am writing in regards to this Variation application to change the licensed hours, and wish to register my objections.

1) I live some ~1050m from the site in the application and although I cannot see the site visually, I can most certainly hear it due to the flat topography of the area. Currently, the permitted limited licensed hours are tolerable however if there is an extension to these hours as proposed, then this noise disturbance will become disruptive. It is already at a point where I can hear word-for-word conversations emanating from the site in my garden, despite the significant distance between us.

Naturally, there are residents who live much closer to the site than I do, and the effect on their well-being must be even greater.

2) The proposed license extension to 2am on a Friday/Saturday is excessive. This is a rural, quiet village location and most town centre venues close at midnight, to (among other reasons) "minimise disruption" to residents. In the county town of Maidstone, for example, both JD Wetherspoons venues close at midnight on Friday and Saturday.

3) I have no objections to the proposed licensing changes on New Years Day, Christmas and other significant dates. My concern is that the changes will be detrimental to residents in terms of noise disturbance and nuisance for the rest of the year.

4) I also wish to raise an objection to the playing of live music and/or recorded music, as again this will create a noise disturbance. While currently it is within acceptable times, it is antisocial to extend them further and would breach my right to quiet enjoyment of my home. The loud tannoy announcements from the venue are already a nuisance.

Please consider this my representation to this Variation Application and please confirm receipt.

Kind regards,

Duncan Shadbolt

From: Theresa Gibson

Sent: 15 September 2020 12:52

To: Licensing

Subject: Extension of hours Marden Cricket and Hockey Club Application Ref 20/02032/LACPC

Good Afternoon

I'm writing to object to the application to extend the current licensing hours of The Marden Cricket and Hickey Club - Application Ref 20/02032/LACPC on the following basis:

The venue at original planning application was intended to be a Sports Venue with bar facilities.

It would seem that extending the licence hours would turn this venue into an entertainment venue with the possibility of being available for weddings, parties and such like should it be extended.

This is out of context from the original planning application and would be changing the terms of use to the addition of an events venue.

Should a member wish to have a function then a temporary extension can be applied for such an occasion, without the requirement for an across the board blanket extension of the licensing hours.

There is no footpath from the venue, to the centre of Marden, thus it would require access to the venue to focus mainly of cars to use the facilities.

There is limited public transport or taxis in Marden in the daytime, let alone at night time, so would be heavily reliant on driving to the venue.

Maidstone Road is a dangerous and busy road that often has vehicle's driving at excess speeds. The venue is located at close proximity of a dangerous blind bend of Maidstone Road. To have pedestrians walking after drinking along a dark road without a footpath would be foolhardy and risky.

Encouraging vehicle drivers to stay longer and drink and then drive should not be encouraged full stop.

The extended hours would also create more late night noise as cars and members of public leave the venue, thus disturbing neighbours of the club and the surrounding village in general

There is already a village club within walking distance of the centre of Marden that caters for exactly the same bar and entertainment facilities. Alongside 2 public houses in the centre of Marden. These venues also hold live entertainment at certain times.

There is also a bowls club with bar facilities.

On that basis alone to extend the hours of a sports club would detract Custom from these establishments and be overkill in Marden, which ultimately is a village and not a Town centre that could well accommodate such needs.

Lighting of the venue would need to stay on later to accommodate the extension, thus causing disturbance to anyone in the locality and far beyond, what was agreed on the original planning application.

In summary as the venues intended use was to be the centre of sports excellence and taking into account the above points, the application to increase the licensing hours should be rejected.

Regards Isn and Theresa Gibson

From: Heidi Scott
Sent: 15 September 2020 14:20
To: Licensing
Subject: Licensing changes for Marden Cricket & Hockey Club

Dear Sir/Madam

I am writing to object to the proposed licensing changes for Marden Cricket & Hockey Club.

This establishment is a private members' club for sports activities, albeit with a bar for members to socialise. It is not an entertainment venue and I suspect that this type of use was not in the planning permission granted for it. The proposal to extend activities into the early hours - with music - will have a severe impact on the club's immediate neighbours (who are already experiencing light pollution from the club's floodlights). When the wind is in the right direction, sound will also travel to residential areas in Marden village.

In addition to noise nuisance and the possibility of anti-social behaviour, I am concerned about public safety due to the location of the club. There is no footpath to the village (despite that being a planning requirement at the time the club was built) and there will be no public transport at the closing times suggested. This may lead to accidents if pedestrians (quite possibly inebriated) leave the club on foot, and also may tempt party-goers to drive under the influence of alcohol.

Kind regards

Heidi Scott

From: Paul Newton

Sent: 16 September 2020 09:23

To: Lorraine Neale <LorraineNeale@maidstone.gov.uk>

Subject: 20/02032/LACPC | Club Premises Certificate |Marden Sports Club Maidstone Road Marden Kent TN12 9AG

Ms Neale

I understand that you are the case officer dealing with the above licencing application. I have reviewed the submission and wish to **object** to the application. I have tried (unsuccessfully) to submit a comment electronically on the Council's website but trust this email will be placed on the file and taken into consideration when determining the application.

Contact Details: Paul Newton

Commentator Type: Neighbour

Stance: Object

Reason for Comment: Noise Disturbance, Opening Hours, Parking, Prevention of Public Nuisance, Traffic

Comment: The planning permission (LPA Ref: 14/501603/OUT) for the premises (sports grounds and clubhouse) contains a number of operational restrictions limiting activities on the site and in the clubhouse to between 9am – 11pm on any day of the week. These restrictions include vehicles entering and exiting the site (Condition 13) and any activity within the grounds and clubhouse itself (Condition 14). Whilst these restrictions are not always adhered to, the conditions were imposed by Maidstone BC (and agreed by the applicant) in order to protect the amenity of nearby residential properties.

Granting a licence exceeding the legally permitted hours of operation on the site would therefore be meaningless as even if the licence is granted, the premises cannot legally be operated during the extended times sought.

Notwithstanding this position a number of details provided on the application form are incorrect and misleading. There are evidently a number of residential properties immediately adjoining and surrounding the site that will be affected particularly during the outdoor films, live music events and as a result of the extended hours sought. The car park and only site access (both pedestrian and vehicular) directly adjoins a number of residential properties on Maidstone Road that will be affected by users entering and exiting the site particularly late at night.

The site is outside the village with no pedestrian footpaths so the vast majority of users will come by car. The noise created by people using and exiting the site will undoubtedly cause a public nuisance and disturb the amenity of adjacent residents (as has already occurred under the existing licencing position) and as anticipated by the Council when approving the planning permission. The application should therefore be refused and re-submitted based on the current permitted hours of use on the site, a limit on the number of outside events allowed and agreement to their exact location within the site.

I would be grateful if you could acknowledge receipt of this email and confirm that it will be placed on the application file. In the meantime if you require any additional information or clarification please do not hesitate to come back to me.

Regards

36

Paul Newton

From: Thomas Lomas
Sent: 19 September 2020 21:30
To: Licensing
Subject: Proposed changes at Marden Hockey & sports club

To whom it may concern.

I am abhorred by the proposed changes to the opening and licensing hours of Marden Hockey and sports club.

I live behind the club and it has blighted my life since it was built.

The floodlights light up the sky as bright as day, all hours of the day and into the evening. They are too bright. If they are on for longer then I will not be able to open my curtains.

The tannoy system is really loud. I can hear the announcer say the score and the names of the players. One day I came home at midnight and Dolly Parton was singing 9 -5 & it was echoing around the village. Allowing music to be played late at night will be even worse, my elderly neighbours won't be able to sleep. There was a match today & I could hear it.

Extending the hours will allow drunk drivers to drink even more then drive home. There isn't a path so everyone drives, if it's extended they can drink more.

I seriously object to the change in hours. I live nearby, I am a close neighbour and I am deeply affected by this.

Karen Lomas

From: fiona kitchen
Sent: 23 September 2020 14:30
To: Licensing
Subject: Marden Sports Club

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

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

The club is a members only sports club with access restricted to members and their guests and not open to the general public. The premises is fully secured and alarmed to protect stock in relation to alcohol. Staff are trained not to serve inebriated or abusive customers. The premises has no close neighbours and opportunities to cause a public nuisance are limited. Minors are permitted in the bar area, but staff are trained in Challenge 18 protocol. Staff are DBS checked through England Hockey or England Cricket Board.

b) The prevention of crime and disorder

The premises is fully secured and alarmed to protect stock of alcohol. Cash secured in a safe or off the premises.
Those already inebriated are refused alcohol.

c) Public safety

The Club is not open to the public, only to members and their guests and therefore public safety is not an issue.
Hirers of the facilities, visiting sports teams and their supporters are considered to be guests of the Club.

d) The prevention of public nuisance

The location of the premises on the edge of the village reduces the risk of any public nuisance. Vehicles leaving the premises don't exit onto residential roads and we have no close neighbours. CCTV and security measures are in place to prevent theft and vandalism.

e) The protection of children from harm

Staff members are DBS checked. Minors are permitted in the bar area and the appropriate safety measures taken. The bar staff operate Challenge 18 protocol.
We also have child Welfare Officers in place.

This is entirely inaccurate. They share a driveway with Bluebell Barn, they have multiple neighbours surrounding them.

Their lighting impacts the entire village.

The traffic going to the club impacts the entire village.

This would be a dire consequence if they were permitted extended licensing,

Yours sincerely

Fiona Jason Kitchen

Neighbours (within a mile of Marden Sports Club - we can hear their music events and sports events.)
Sent from my iPhone

From: mardenliz
Sent: 24 September 2020 14:46
To: Licensing
Subject: Marden Cricket and Hockey Club

Dear Sirs,

I would like to offer my objection to the change of hours in the licensing application by the Marden Cricket and Hockey Club.

The club is situated well outside the village of Marden. There is no footpath or even pavement between the village and the premises. I feel it would be extremely dangerous to have people walking the dark roads home, while a lot will choose to take their cars and not necessarily sober!

This club was built to encourage sport, and I feel that a reasonable cut off time would be to equal those of the local pubs. I am certainly concerned by the proposed regular hours, and especially by the 1am and 2am every Friday and Saturday. And as for New Year's Eve, who needs it to go on until 3am? Surely one hour after the midnight hour would be adequate.

I feel that the safety on our roads and the comfort of the poor folk who live in the vicinity (and those whose homes line the route) need your consideration.

Thank you.

Mary E Bartram

From: Paul Newton
Sent: 25 September 2020 09:19
To: Lorraine Neale <LorraineNeale@maidstone.gov.uk>
Subject: RE: 20/02032/LACPC | Club Premises Certificate |Marden Sports Club Maidstone Road Marden Kent TN12 9AG

Lorraine

Many thanks for coming back to me on this. I am aware that licencing and planning are separate systems albeit I am concerned that the applicant in this cause isn't and believes that by obtaining a licence from 8am and post 11pm each day would allow them to operate beyond the permitted hours on site (irrespective of the existing planning conditions restricting operation to 9am-11pm).

It is clear that this has been the case on a number of occasions since the site started operating with activity often before 9am and after 11pm. Such activity does cause a public nuisance and at the moment the licence limits music to indoors only and for a limited number of events/occasions.

To allow outdoor events with amplified music will undoubtedly cause further disruption and noise not just to the immediate neighbours but also the wider village particularly if the hours aren't strictly controlled. I am also surprised that in terms of the outdoor activities sought there is no requirement to identify which part of the very large site these activities will be held – clearly there are some parts of the site that are closer to housing than others and may therefore have a greater/lesser impact. Also, a blanket ability to hold these events, rather than on a specified number of occasions during a calendar year seems unduly excessive and I cannot see any justification for it.

Finally, can you confirm whether anyone actually checks the validity and statements made on the licencing application form (as some of the statements made are clearly erroneous) and whether anyone actually visits the site to understand the actual position?

I trust that these additional comments will be taken into consideration when a decision is made on the application, and I would be grateful if you could confirm the hearing date in due course.

Many thanks

Paul

From: Lorraine Neale
Sent: 21 September 2020 15:31
To: Paul Newton
Subject: RE: 20/02032/LACPC | Club Premises Certificate |Marden Sports Club Maidstone Road Marden Kent TN12 9AG

Good Afternoon Paul

I can confirm that I have received your comments and can I just explain that planning & Licensing are separate regimes and properly separated in order to avoid duplication and inefficiency. They have separate systems with their own rules, criteria, policies and guidance. They look at different aspects of similar proposals. Where the local authority is the planning and licensing decision maker:

1. planning will consider the principal use in light of the approved policies and the effects of the development on amenity (amongst various other considerations); and

2. licensing must carry out its functions with a view to promoting the four licensing objectives. These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

Because of this, the two regimes do not always come to the same conclusions. Even where permissions are granted by both the planning and licensing authorities, those permissions might not necessarily be the same; allowing different operating hours or other restrictions/conditions. In such circumstances the more restrictive set of permissions will typically prevail. It will be most likely that the planning matters that you have referred to in your objection will not be considered when coming to a decision on whether to grant the licence. Also planning are a responsible authority in respect of the Licensing Act 2003 and are notified of all application received by Licensing, they will be aware that this application came in and will have the opportunity to comment if they wish. Therefore only your comments in relation to public nuisance are likely to be considered in relation to the application.

There will be hearing arranged to determine the matter and I will contact you again once those arrangements are confirmed.

Kind Regards

Kind Regards

Lorraine Neale

Senior Licensing Officer

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ
t 01622 602528 e lorraineneale@maidstone.gov.uk w www.digitalmaidstone.gov.uk

From: Lou Carpenter
Sent: 07 October 2020 15:22
To: Licensing <licencing@sevenoaks.gov.uk>
Subject: 20/02032/LACPC Marden Sports Club

Please see attached letter from Richard Carpenter objecting to the above

Louise Carpenter
Partner
RH & LV Carpenter

RH & LV Carpenter

Licensing Partnership
Sevenoaks
Kent

Via email
7 October 2020

Dear Sir/ Madam
20/02032/LACPC Marden Sports Club

Marden Cricket and Hockey Club [now the Marden Sports Club] moved from its original location in the centre of the village a few years ago. This has taken it from a central village location to an unspoilt rural location, therefore any increase in noise, traffic and lighting has a much greater impact on the surrounding area than when it remained in the village envelope.

In the Wanshurst Green area, where we have residential property, we already suffer from unacceptable levels of noise from the Marden Sports Club. The prevailing south westerly wind carries the sound directly to our properties. Any increase in licensing and opening hours will extend this noise nuisance over a longer time period. We therefore object to the proposed variation application by Marden Sports Club.

On a separate issue, the floodlighting at the club is an unpleasant and unsightly intrusion into a peaceful rural night-time landscape, as seen from our property at WG, and beyond. It is very important to note that the floodlights are situated directly alongside Bridgehurst Wood. This is an ancient wood, as shown on Maidstone BC's definitive map. This wood is known to contain rare species of both bats and moths, both of which can be disturbed by light pollution. Birds, too, can be disrupted. Again, this would not have been an issue with the club's previous site, but is with this one. If the proposed variation is likely to increase the hours of floodlighting, then this raises a second objection.

Regards

Richard Carpenter
Partner

From: Lorraine Neale
Sent: 23 October 2020 12:47
To: 'Paul.Newton
Subject: FW: Compromises

Good Afternoon Paul

The applicant has considered your suggestions and has responded with the attached, there was also an explanatory e-mail attached to the Hearing notification e-mail sent by me earlier, please do let me know your comments in relation to this information.

Kind Regards

Lorraine Neale

Senior Licensing Officer

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ
t 01622 602528 **e** lorraineneale@maidstone.gov.uk **w** www.digitalmaidstone.gov.uk

From: Jo Hayes
Sent: 22 October 2020 17:29
To: Lorraine Neale <LorraineNeale@maidstone.gov.uk>
Subject: Compromises

Hi Lorraine

We have considered Paul's suggested and our compromises are highlighted in blue.

Thanks

Jo

Sent from [Mail](#) for Windows 10

Variation - To adjust the hours the premises and clubhouse is open. To change the times we can sell alcohol and also include the ability to show films.

| | | Current Hours | | Hours: New Application | | Compromise Position |
|----|---|---|--|---|--|--|
| B) | Films | N/A | N/A | Mon – Thurs Fri Sat Sun | 08:00 – 23:59 08:00 – 01:00 08:00 – 02:00 08:00 – 23:00 | 12:00 – 23:00 (Mon – Sun) Indoors only compromise. 5 events per year |
| E) | Live Music (Indoors & Outdoors) | Mon - Sun | 18:00-23:00 | Mon – Fri Sat & Sun | No change 11:00 – 23:00 | 12:00 - 23:00 Mon - Sun |
| F) | Recorded Music (Indoors & Outdoors) | Mon - Sun | 18:00-23:00 | Mon – Sun | 09:00 – 23:00 | 18:00-23:00 Mon – Sun Don't agree |
| M) | Supply of alcohol (On & Off the premises) | Mon - Sun | 11:00 – 23:00 | Sun – Fri Sat | No change 10:00 – 23:00 | Fine |
| O) | Opening Hours | Mon - Thurs Friday Saturday Sunday | 11:00 - 23:59 11:00 - 01:00 11:00 - 02:00 11:00 - 23:00 | Mon - Thurs Friday Saturday Sunday | 08:00 - 23:59 08:00 - 01:00 08:00 - 02:00 08:00 - 23:00 | Opening at 08:00 daily Agree as this is what we've asked for? |

Current Non Standard

Extended hours for up to 8 occasions a year, always on a Friday or Saturday.

Friday Occasions: Live Music 18:00 to 01:00, Recorded Music 18:00 to 01:00 and Supply of Alcohol 18:00 to 01:00

Saturday Occasions: Live Music 18:00 to 01:00, Recorded Music 18:00 to 01:00 and Supply of Alcohol 18:00 to 02:00

On New Year's Eve from 11.00 hours until 03.00 hours on New Year's Day

From: Lorraine Neale
Sent: 21 October 2020 09:31
To: 'Jo Hayes' <secretary@mardensportsclub.co.uk>
Subject: FW: 20/02032/LACPC | Club Premises Certificate | Marden Sports Club Maidstone Road
 Marden Kent TN12 9AG

Hi Jo

Please see comments from Mr Newton, I haven't yet forwarded your comments

Kind Regards

Lorraine Neale

Senior Licensing Officer

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ
 t 01622 602528 e lorraineneale@maidstone.gov.uk w www.digitalmaidstone.gov.uk

From: Paul Newton
Sent: 20 October 2020 17:04
To: Lorraine Neale <LorraineNeale@maidstone.gov.uk>
Subject: RE: 20/02032/LACPC | Club Premises Certificate | Marden Sports Club Maidstone Road
 Marden Kent TN12 9AG

Hi Lorraine

Thanks for your email and your offer to mediate. I have highlighted my concerns and objection to the club but haven't received any response.

In relation to the changes sought I would suggest the following by way of compromise:

Films – It is unclear why they would want to show films from 8am so would suggest this be limited to the same timings as the current live music (18:00 to 23:00) Monday – Sundays. The number of outdoor films events should be limited in number (to say 5 occasions a year).

Live Music – no justification has been provided as to why they would want to play live music from 11:00 on Saturdays and Sundays. It should be retained as existing.

Recorded Music – As above why from 09:00? Should be limited to 18:00 to 23:00 as existing.

Supply of Alcohol – I don't have a problem with the additional hours on a Saturday.

Opening Hours – Bringing the opening hours forward to 08:00 is too early. 9 o'clock would be acceptable.

I attach an updated schedule with my suggested changes for clarity.

I know it isn't relevant to the licencing application but I would be grateful if you could reiterate to the applicant that their planning conditions control the hours of operation on the site (not the licence). Therefore even if the licence is granted, they will still be bound by the planning permission so wouldn't be able to operate before 09:00 and after 23:00 each day.

In the interim I hope the above/attached is helpful.

Regards
 Paul

Variation - To adjust the hours the premises and clubhouse is open. To change the times we can sell alcohol and also include the ability to show films.

| | | Current Hours | | Hours: New Application | | Compromise Position |
|----|---|---|--|---|--|---|
| B) | Films | N/A | N/A | Mon – Thurs Fri Sat Sun | 08:00 – 23:59 08:00 – 01:00 08:00 – 02:00 08:00 – 23:00 | 18:00 – 23:00 (Mon – Sat) 5 events per year |
| E) | Live Music (Indoors & Outdoors) | Mon - Sun | 18:00-23:00 | Mon – Fri Sat & Sun | No change 11:00 – 23:00 | 18:00-23:00 Mon - Sun |
| F) | Recorded Music (Indoors & Outdoors) | Mon - Sun | 18:00-23:00 | Mon – Sun | 09:00 – 23:00 | 18:00-23:00 Mon - Sun |
| M) | Supply of alcohol (On & Off the premises) | Mon - Sun | 11:00 – 23:00 | Sun – Fri Sat | No change 10:00 – 23:00 | Fine |
| O) | Opening Hours | Mon - Thurs Friday Saturday Sunday | 11:00 - 23:59 11:00 - 01:00 11:00 - 02:00 11:00 - 23:00 | Mon - Thurs Friday Saturday Sunday | 08:00 - 23:59 08:00 - 01:00 08:00 - 02:00 08:00 - 23:00 | Opening at 08:00 daily |

Current Non Standard

Extended hours for up to 8 occasions a year, always on a Friday or Saturday.

Friday Occasions: Live Music 18:00 to 01:00, Recorded Music 18:00 to 01:00 and Supply of Alcohol 18:00 to 01:00

Saturday Occasions: Live Music 18:00 to 01:00, Recorded Music 18:00 to 01:00 and Supply of Alcohol 18:00 to 02:00

On New Year's Eve from 11.00 hours until 03.00 hours on New Year's Day

From: Jo Hayes
Sent: 20 October 2020 17:06
To: Lorraine Neale <LorraineNeale@maidstone.gov.uk>
Subject: RE: 20/02032/LACPC - Marden Cricket and Hockey Club

Hi Lorraine

On the first point, the application to open at 8am also refers to the grounds as we are an outside sports facility. There was not an option on the form to specific inside/outside. It is important that the opening hours of 8am covers the grounds as well.

This is our response back to the objections.

We feel that many of the objections to our licence application are not related to licensing and therefore should be handled externally to the licensing process. We also believe that many of the objectors are not aware of our current licensed opening times or the nature and times of our existing licensed activities.

The primary purpose of Marden Cricket and Hockey Club is to provide sport to our members. The vast majority of the events held at the club are related to the sports that we play I.e. end-of-season dinners and awards ceremonies. We also hold charity events, raising much needed funds for the club, local and other charities (eg. Saints v Sinners cricket match in aid of two village organisations, SportsFest in aid of NHS charities). External party bookings are rare, mainly because we are playing sport at the club on weekends throughout the year and the facilities are consequently unavailable. However, the club does have to be financially viable and much-needed funds can be raised by hiring out not only the pitches and courts, but on occasion, the clubroom. This is not unusual for a sports club, particularly those that are completely self-sufficient financially. Our facilities are used by local organisations such as the National Fruit Show, the Weald of Kent Ploughing Match Society and the local Young Farmers group. These are not noisy, raucous occasions but we do provide a much-needed affordable meeting place for a variety of organisations. The Clubroom has also been used on occasion to hold wakes for members or members' relatives. This is something we do not charge for.

Since our original application we have found the licensing hours to be restrictive to the sports activities at the club and the requested changes are primarily to accommodate the patterns of members attending the site. For instance, we have hockey matches from 10am on a Saturday and on a Sunday we have coaching for 100 colt cricketers and 350 junior hockey players from 9am, but are not able to offer supporters refreshments or even shelter until 11am. This is obviously not conducive to a successful sports club particularly in the winter months.

We have set out below what our current hours are and what the changes are that we have applied for. We think it is really important that those who have objected can see that the changes are intended to accommodate the sporting activity as opposed to late night events.

| Current | Applied for |
|---|--|
| Live music (Indoors) Every day 18.00 – 23.00 NYE 19.00 – 02.00 | Saturday and Sunday 11.00 – 23.00 (no change to end) NYE 18.00 – 02.00 (no change to end) |
| Recorded Music Every Day 18:00 - 23:00 NYE 19.00 – 02.00 | 9.00 – 23.00 (no change to end) NYE 19.00 - 2.00 hours (no change) |

| | |
|---|--|
| <p>Sale or Supply of Alcohol</p> <p>Every Day 11:00 - 23:00 NYE 11.00 – 03.00</p> <p>Films No current provision</p> | <p>Saturday 10.00 – 23.00 (no change to end) NYE 11.00 - 3.00 (no change)</p> <p>Mon – Thurs 8.00 – 23.59 Friday 8.00 – 1.00 Saturday 8.00 – 2.00 Sunday 8.00 – 23.00</p> |
| <p>Opening hours</p> <p>Monday to Thursday 11:00 - 23:59 Friday 11:00 - 01:00 Saturday 11:00 - 02:00 Sunday 11:00 - 23:00</p> | <p>Monday – Thursday 8.00 – 23.59 (no change to end) Friday 8.00 – 1.00 (no change to end) Saturday 8.00 – 2.00 (no change to end) Sunday 8.00 – 23.00 (no change to end) NYE 8.00 – 3.00 (no change to end)</p> |

The non-standard opening hours of the premises:

Extended hours for up to 8 occasions a year, always on a Friday or Saturday. (We haven't used any of these in the current calendar year).

Friday Occasions: Live Music 18:00 to 01:00, Recorded Music 18:00 to 01:00 and Supply of Alcohol 18:00 to 01:00

Saturday Occasions: Live Music 18:00 to 01:00, Recorded Music 18:00 to 01:00 and Supply of Alcohol 18:00 to 02:00

On New Year's Eve from 11.00 hours until 03.00 hours on New Year's Day

Application to show films:

This will be a very occasional event to raise funds for the club or for charity. There is no intention of this being a regular occurrence but just gives the club an alternative option for fundraising.

Hopefully, everyone can see that it is not our intention to become a nightclub and that there is no application to extend late night drinking.

Many of the objections refer to the lack of footpath. There is a footpath that runs from the front gate of the Club and along to Howland Road, which in turn has a pavement all the way into Marden. It may not be the preferred route, but it is an official footpath, and it is factually incorrect to state that there is no pedestrian access from the Club to the village.

There were some objections that have little or no bearing on the licence:

Floodlights

The floodlights that we have installed are top-of-the-range LED and are designed for the minimum light spill. They are always off before 10pm as per the regulations.

Noise from hockey balls

We are already looking at ways of muffling the noise from hockey hitting the boards.

We would appreciate it if you could distribute these comments to the objectors and any other interested parties.

Many thanks
Jo



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Ordnance Survey - data derived from OS Premium



Enter map title

Scale: 1:3000

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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.