

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 SUB COMMITTEE

**MINUTES OF THE MEETING HELD ON TUESDAY 25 SEPTEMBER
2018**

Present: Councillors Hinder, Mrs Hinder (Chairman) and Mrs Joy

5. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

6. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

7. EXEMPT ITEMS

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

8. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR BATTEL HALL, BURBERRY LANE, LEEDS, KENT, ME17 1RH

The Chairman requested that all those participating in the hearing identified themselves as follows:-

Councillor Mrs Wendy Hinder – Chairman
Councillor Bob Hinder – Committee Member
Councillor Mrs Denise Joy – Committee Member

Mrs Debbie Matthews, Hospitality Manager, Leeds Castle
Mr Jo Lynch, Commercial Director, Leeds Castle
Mr John Gibbs, Noise Consultant for Leeds Castle

Robin Harris, Legal Officer
Caroline Matthews, Democratic Services Officer

The Legal Officer advised that one of the original Committee Members had been unable to attend and the Substitute Member had also been unable to attend. Therefore one of the other Licensing Committee Members had agreed to substitute. This would, however, mean that there was a husband and wife team serving on the Sub-Committee and Mr Harris asked the representatives of Leeds Castle if they had any objections to which they replied they did not.

The Chairman asked all parties to confirm that they were aware of the hearing procedure and that each had a copy of the procedure document.

The Committee Members confirmed that they had pre-read all the papers and any other documents contained in the report regarding the hearing.

The Legal Advisor briefly outlined the application for a premises licence on behalf of Leeds Castle Enterprises Ltd in regard to the premises known as Battel Hall.

The Sub-Committee noted that the only objector had not confirmed his attendance and as he was not present Members could decide to postpone the meeting until another day or take his original objection into consideration whilst considering this application.

The Sub-Committee determined that they would carry on with the Sub-Committee meeting and would take the objector's original representation into consideration.

The Legal Officer advised that other than the original objector who had made a representation based on public nuisance, no other objections had been received from any other members of the public or the responsible authorities.

It was also noted that draft conditions had been proposed and the applicant had agreed them but the objectors had not.

The Applicant was invited to give his opening remarks.

Mr Lynch, the Commercial Director of Leeds Castle Enterprises, addressed the Sub-Committee.

He advised that:-

- Battel Hall had been completely restored
- The Organisation would not be looking to hold large parties there night after night. Part of the building had accommodation in it to provide guest rooms for those attending events or holiday lets.
- Although small wedding parties could take place there, the Organisation would be selective both in terms of the clientele and any other proposed activities taking place as they were sensitive to the local neighbouring properties.
- 13 events had already been booked for the first year, some during the day.
- All events would be operated under strict guidelines and would have staff present for the duration of the event and car parking stewards would be in attendance to enable guests to have a safe exit from the venue.
- Should there be more vehicles than could normally be accommodated, then the cars could be accommodated inside the

Leeds Castle grounds and they could exit via the A20 to avoid noise nuisance. Of course some guests may come by coach which was easier to accommodate.

Mrs Matthews, the Hospitality Manager for Leeds Castle advised that Leeds Castle had engaged a Noise Impact Consultant, Mr Gibbs. He had undertaken a site meeting with an Officer from the Council's Environmental Health Department to discuss the provision of amplified outside music. A Management Plan was agreed and submitted to the Officer.

Members of the Sub-Committee noted that acceptable levels of amplified music were double what the Organisation would be setting their levels at.

In response to a question from a Member, Mr Gibbs explained that the music would be quite loud inside the venue but not outside. Based upon experience the properties in George Lane and Burberry Lane would not be disturbed by the noise levels as it would be quieter than the noise caused by passing traffic.

Mr Harris, the Legal Advisor asked whether the objector lived in close proximity to Battel Hall. Mr Gibbs responded that the objector did not live in the closest property and background noise levels would be higher in Lower Road as opposed to Burberry Lane.

It was noted that for planning purposes the Organisation was limited to 15 events in a year.

In response to a question from a Member, Mr Gibbs advised that there would not be any noise loss if the event was contained in a Marquee.

It was noted that two events had already taken place in Battel Hall during the Summer months and no complaints had been received by Leeds Castle or the Council.

The first event, which took place in mid-June, where 80 guests attended and finished at 8 p.m. The second event had 40 guests and went on until 11-12 p.m. However no amplified music was played at either event.

It was noted that a hotline number would be advertised to the public which would be picked up by the control room and would be included in the Management Plan.

The Sub-Committee were advised that Leeds Castle had had an open day for local residents, inviting along 350 people from the village. The objective was to get their feedback on the type of events held at the Castle and whether there was any noise nuisance. The main issue was Fireworks, which the Castle Organisers had taken on board and Battel Hall would not be an appropriate venue anyway.

LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

**LICENSING ACT 2003
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

NOTICE OF DETERMINATION OF NEW APPLICATION

Application Ref No: **18/02647/LAPRE**

Applicant: Deborah May

Regarding the premises or club: Battel Hall Burberry Lane Leeds Village
ME17 1RH

Licence/Certificate Holder: Leeds Castle Enterprises Ltd

Date of hearing: 25th September 2018

Date of determination: 25th September 2018

Committee Members: [Chairman]: Councillor: Mrs Hinder
Councillor: Mrs Joy
Councillor: Mr Hinder

Legal Advisor in attendance at hearing: Mr Robin Harris

This is an application for:

New Application

of a:

Premises Licence Club Premises Certificate

A: Representations, evidence and submissions:

The Committee considered the representations, evidence and submissions of the following parties:

Applicant:

- Name: Mrs Deborah May
 - Representative: Mr Jo Lynch
 - Representative: Mr John Gibbs (Acoustic consultant)

Responsible Authorities:

None

Other persons:

- Mr S Bernini

Representations considered in the absence of a party to the hearing:

N/A

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B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Maidstone Borough Council

The Committee has taken into account the following provisions of the Licensing Act 2003 and the Regulations thereto:

- Section 11 Premises licence;
- Sections 16 – 18 inclusive which relate to the application for a premises licence;

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act as amended and published April 2018:

- Chapter 2 Licensing Objectives
- Chapter 8 Premises Licences
- Chapter 9 which relates to determining applications
- Chapter 10 which relates to conditions attached to licences;

The Committee has taken into account the following provisions of its Statement of Licensing Policy:

- Chapter 17 which relates to Licensing conditions

The Committee has decided to depart from the guidance under section 182 of the Act and/or the statement of licensing policy for the following reasons:

Paragraphs and reasons (state in full):

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N/A
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C. Determination:

The Committee has decided / taken the following step(s) members consider necessary for the promotion of the licensing objectives, having regard to the application and the relevant representations:

To grant the application.

Reasons for determination:

Prevention of Crime and Disorder

Reasons (state in full):

There was no representation under this licensing objective.

Protection of children from harm

Reasons (state in full):

There was no representation under this licensing objective.

Prevention of public nuisance

Reasons (state in full):

The Sub-Committee was asked to determine this application for a premises licence against the background of a representation made under this licensing objective.

In particular another person was concerned about 'noise disturbance and traffic.'

The Sub-Committee heard from the acoustic consultant for the applicant who explained that due to the volume of noise that had been set in the noise management plan, the noise from the licensed premises would be barely audible at the outside of the nearest residential property and likely to be inaudible inside the property.

The Sub-Committee also heard from the applicant that it was possible to divert vehicles via another exit and therefore mitigate traffic noise.

The Sub-Committee noted the Planning Committee Condition that limits the number of 'late' events to 15 per year.

On the basis of the above the Sub-Committee determined to grant the licence as applied for.

Public safety

Reasons (state in full):

There was no representation under this licensing objective.

Additional Notes

The Sub-Committee noted that in the event that this premises causes issues for neighbouring residents there is the possibility to review the licence after a reasonable interval.

Appeal

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Any person aggrieved by the decision of the Sub-Committee has a right of appeal to the Magistrates Court. The appeal must be lodged within 21 days of the date the appellant is notified of the decision to be appealed against.

PRINT NAME (CHAIRMAN): CLLR W Hinder

Signed [Chairman]:

Date: 27th September 2018