

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 SUB COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 7 JUNE 2018

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

57. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

58. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

59. EXEMPT ITEMS

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

60. APPLICATION FOR A CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003 FOR MARDEN CRICKET AND HOCKEY CLUB, MAIDSTONE ROAD, MARDEN, KENT, TN12 9AG

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

Councillor Mrs Wendy Hinder – Chairman
Councillor Mrs Denise Joy – Committee Member
Councillor Mrs Val Springett – Committee Member

Mrs Jayne Bolas – Legal Advisor
Mrs Caroline Matthews – Democratic Services Officer

Mrs Charlotte Hope – Chairman of Marden and Hockey Club
Mr Ian Farlane – General Manager, Marden and Hockey Club

The Chairman asked for 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 Club Premises Certificate and advised that the objectors as stated on Pages 33 and 34 were the only remaining objectors not to have withdrawn. However, they were not present despite the Licensing Manager having twice sent out

emails to them requesting that they confirmed their attendance at the Sub-Committee meeting.

Members were advised by the Legal Advisor that in the absence of the objectors they could decide to proceed with the Sub-Committee meeting, taking into account the objectors' reasons for objection on the papers or if they felt it necessary in the public interest, adjourn it until a new date at which the objectors could be invited to attend again.

Members were satisfied that they had enough information to proceed and it was not necessary in the public interest to adjourn.

Mrs Bolas gave the Sub-Committee a brief outline of the application for a new premises certificate in Maidstone Road, Marden.

She highlighted the activities applied for, which were on Pages 6 and 7 of the papers, which stated that the supply of alcohol on a Friday night would be until 1 a.m. and on a Saturday night would be until 2 a.m.

The Sub-Committee noted that no representations had been received from responsible authorities.

It was also noted that 3 out of the 5 objectors had withdrawn their representations. However, Members were required to consider the representations from the other objectors.

Mrs Charlotte Hope, the Chairman of Marden and Hockey Club presented her opening remarks.

She advised that the Clubhouse had been situated on the Marden Road since 1963, following the merge of the Cricket and Hockey Clubs. In 2017 the Marden Tennis Club joined the Cricket and Hockey Club in preparation for the move to new facilities in Maidstone Road, Marden.

The Club was run as a non-profit making organisation, whereby all the costs were met from subscriptions and match fees. It did not benefit from any public or lottery funding and was run mainly by volunteers. However, in order to accrue some additional income it was intended that the Clubhouse could be hired out for parties or events, where paid staff would manage the bar area and provide security.

It was noted that the Clubhouse had CCTV and alarms and all events would be closely monitored by Ian Farlane and his team who would be on site for the duration of any events. Mrs Hope emphasised that the Club had a zero tolerance to the mis-use of drugs and drink.

Following a question from a Member Mrs Hope stated that they had very few neighbours and the nearest was situated over 100m away and was very supportive of their facility.

She emphasised that the Clubhouse was only open to members (and their guests) and people attending events. In the event of a party, they became a guest of the club under the Club's rules.

It was noted that the pitches were floodlit but the users had to come off the pitches by 10 p.m. and have left the facility by 11 p.m.

She highlighted the fact that other facilities in the village, such as the Raj of Kent and the Memorial Hall had late licensing hours.

In terms of public safety the main exit from the Club was onto Maidstone Road which was not a lit residential road, it was essentially a country lane. Therefore to enable a safe passage for walkers from the Club, it was agreed with the landowners to create a footpath that would run to the back of the railway. However it was envisaged that there would be very few walkers.

Mr Farlane pointed out that the Club house was fully double glazed, with toughened glass and the noise level would therefore be minimal.

In response to questions from Members, Mr Farlane confirmed that:-

- the facility had air conditioning
- every person who played sport at the facility was a Member and any Member could sign a guest in on three occasions before that person has to become a Member as well. It was noted that any supporters from other clubs do not have to sign in as a guest.
- If someone hired the facilities then they become a guest of the club.

Members confirmed that they did not have any further questions and the the hearing was adjourned to enable the Sub-Committee to make a decision.

NOTICE OF DETERMINATION

Applicant: The Committee of Marden Cricket and Hockey Club

Regarding **CLUB PREMISE CERTIFICATE**

Marden Cricket and Hockey Club, Maidstone Road, Marden, Kent TN12 9AG

Date of hearing: 7 June 2018

Date of determination: 7 June 2016

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

Legal Advisor in attendance at hearing: Mrs Jayne Bolas

Democratic Services Officer in attendance at hearing: Mrs Caroline Matthews

This was an application for:

Grant

for a

Club Premises Certificate

A: Representations, evidence and submissions:

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

Applicant

Name: The Committee of Marden Cricket and Hockey Club
Other Representatives: Mrs C Hope and Mr I Farlane

Responsible Authorities

N/A

Interested Parties Not attending

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

Email 19/04/18 Sally Bampton and email Ronald and Elaine Locke at Pages 33 and 34 of the report.

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 4 which relates to the licensing objectives

Sections 71-79 which relate to the application for a club premises certificate;

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 2 which relates to the licensing objectives

Chapter 6 Club premises certificates

Chapter 9 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:

13.1 – 13.8 Club Premises Certificates

Chapter 17 which relates to the 4 licensing objectives;

17.9 – 17.15 which relates to the Prevention of Crime and Disorder;

17.16 – 17.18 which relates to the Promotion of Public Safety

17.19 – 17.22 which relates to the Prevention of Public Nuisance

C: Determination:

The Committee has decided to:

Grant as applied for with conditions consistent with the club operating schedule and mandatory conditions :

Reasons for determination:

At 10.00 a.m. Members noted non-attendance by remaining objectors and were satisfied that they had been notified of the hearing and not confirmed non-attendance or otherwise or made contact, Members decided the matter could be dealt with by considering their written representations and the hearing should proceed.

Public Safety and Prevention of Nuisance –

Members of the Sub-Committee carefully considered the information in the report, noting the withdrawal of 3 objections.

They heard from Mrs Hope and Mr Farlane for the applicant and considered the two written representations at pages 33 and 34 of the agenda from Mrs Bampton and Mr and Mrs Locke. Members noted that there were no Responsible Authority Objections and two remaining objections from other persons on the papers only and that they reside some distance from the premises. Members noted the amended times for the application following representations and dealt with the application on the basis of the amendments made on 14 May 2018. A further amendment was made in respect of the 8 occasions for extended hours applied for; should an event be on a Friday the supply of alcohol will end at 01:00 to coincide with the premises opening time terminal hour, rather than at 02:00 as it appears at page 7. It remains at 02:00 if the occasion is on a Saturday. . Members were of the view, based on the map at Page 35 of the agenda and evidence heard and the amendments to hours that the application should be granted. Members noted the licensed hours of premises in the locality as at page 5 of their report. They noted the location of the Club premises in Maidstone Road and its proximity to the objectors' houses and other residential properties and details of the entrance/exits onto Maidstone Road. The activities of live and recorded music are indoor only and cease at 23:00 hours as requested by objectors, save for 8 Friday or Saturday set calendar year and non-standard timings for New Year's Eve. There is no objection from Police or EHOs to suggest that undue noise or disturbance will result from music or patrons.

The premises are to operate as a club and Members were satisfied that the Committee have a history of no complaints over years at previous premises. It appears that the hours applied for, including 8 later Fridays/Saturdays and New Year's Eve are not unreasonable for a premises of this nature in this location.

Having balanced the issues raised in relation to noise and patrons' safety, Members were satisfied that the licensing objectives of prevention of public nuisance and public safety can be promoted appropriately and proportionately without the need for conditions beyond the mandatory and those included in the club operating schedule. Members were aware of the steps taken for parking at and attending the club and a footpath to be created for any walkers.

Informative On Review – All parties should be aware that if issues in respect of promotion of the licensing objectives occur in future provisions under SS87-89 of the Licensing Act 2003 apply and a review may be applied for, (after a reasonable interval has elapsed if on the same basis as the representations heard on 7 June 2018.

PRINT NAME (CHAIRMAN): Councillor Mrs Hinder

Signed [Chairman]: A copy of the original document is held on file

Date: 7 June 2018

61. DURATION OF MEETING

10.00 a.m. to 11.30 a.m.