

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 SUB COMMITTEE

**MINUTES OF THE MEETING HELD ON WEDNESDAY 6 NOVEMBER
2019**

Present: Councillor Garten (Chairman), Mrs Hinder and Joy

1. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor B Hinder.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Mrs W Hinder was substituting for Councillor B Hinder.

3. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Garten be elected as Chairman for the duration of the meeting.

4. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Mrs Hinder advised that she had used the Cavendish a couple of months ago. There were no other disclosures by Members or Officers.

5. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

6. EXEMPT ITEMS

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

7. APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR THE CAVENDISH, 8 CAVENDISH WAY, BEARSTED, KENT, ME15 8PW

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

Chairman – Councillor Patrik Garten
Committee Member – Councillor Denise Joy
Committee Member – Councillor Wendy Hinder

Legal Advisor – Mr Robin Harris

Committee Clerk – Mrs Caroline Matthews

Licensing Officer – Mrs Lorraine Neale

Applicant – Tania Cizmic

Other Persons (Objectors) -

Mr Diplip and Mrs Chandrika Patel (represented by Mrs Joyce Breeder)

All parties confirmed that they were aware of the Sub-Committee hearing procedure and that each party had received a copy of the hearing procedure document.

The Chairman explained that:

- The Sub-Committee would allow all parties to put their case fully and make full submissions within a reasonable timeframe.
- The procedure would take the form of a discussion led by the Sub-Committee and they would usually permit cross examination conducted within a reasonable timeframe.
- Any persons attending the hearing who behaved in a disruptive manner may be directed to leave the hearing by the Sub-Committee (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.

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

The Chairman enquired whether any draft conditions had been agreed between the licence holder and any other parties for the Sub-Committee to consider. Both the Applicant and Objectors confirmed that there had not been any agreed.

The Legal Officer outlined the application for a Premises Licence for the Cavendish which included for the sale of alcohol and the provision of live music indoors. It was noted that the premises did not require an Entertainments Licence for its proposed activities.

Members of the Sub-Committee were advised that the Police had withdrawn their representations after agreeing conditions with the Applicant.

It was also noted that objections had been received on the grounds of public nuisance.

The Applicant was invited to provide her opening remarks.

Miss Cizmic advised the Hearing that her partner and herself had taken over the Cavendish in February 2019 and felt that they had improved the choice for customers. To illustrate this, Miss Cizmic explained that they had introduced Afternoon Teas which had proved popular but customers were asking if they could have a glass of Prosecco or wine with it but the Applicant said that she and her partner had to decline as they were not licensed to do so. Hence the reason for the application so they could sell alcohol.

Miss Cizmic also made the following points:-

- That they had held two private events since opening, one of which finished around 9 p.m. but they did not want to make this a regular occurrence as they worked long hours anyway.
- Regular events had included Flower Arranging Classes and Supper Clubs.
- That the application form did not allow for any explanation of what sort of events they intended to hold so they had to resort to the default form.
- They felt they supported the local community including schools and local clubs.
- It was not the intention of the applicant to have live music in the premises.
- They had licensed recorded music playing in the background.
- Both partners had their own personal licences.

Mrs Breeder was asked to give her opening remarks on behalf of the objectors.

Mrs Breeder stated that the residents were concerned that once the licence was granted the premises would turn into a public house.

She cited one instance in the last couple of months where a party was held at the premises which resulted in a drunken woman shouting in the car park. She wanted guarantees that the applicant would do what she said she would do.

In response Miss Cizmic said that the two parties in question were their own parties and she did not envisage that there would be many parties due to the long hours they worked already.

The Legal Officer advised that even if the applicant were to be granted the licence, if there were instances occurring at the premises that were against the conditions of the licence, they would be able to hold them to account by asking for a review of the licence.

In response to questions from Members of the Sub-Committee, Miss Cizmic stated that:-

1. The seating outside was only for customers who wanted to smoke and customers were not encouraged to use the area for eating or drinking.
2. There was no room inside the premises for a live band, but the Applicant had thought about an event involving a small choir at Christmas singing Christmas Carols.
3. That a Temporary Events Licence would be a costly and time consuming option.
4. That the conditions imposed by the Police were agreed which consisted of the provision of CCTV and staff training on Challenge 25.

In response to a question from the Legal Officer, the Senior Licensing Officer advised that it was common for the Police to withdraw their representations if the issues were resolved.

The Objectors asked for an adjournment to discuss their position.

The Chairman re-opened the meeting after 5 minutes and asked if the Objectors had any questions to ask the Applicant.

The Objector stated that their original concerns about the premises becoming a public house had been placated by the comments made by the applicant and that they wished to withdraw their objections.

The Legal Officer thanked the Objectors but advised that as there had been other written objections, these would be taken into account when the Sub-Committee considered the case.

The Chairman asked the Applicant if she had any final remarks. She responded by stating that if the Cavendish were to have any events being held up to or after 9 p.m. then she would ensure that the local residents would be notified.

The Chairman invited any questions from either party to which there were none.

The Chairman asked if there were any final remarks from either party to which there were none.

The Chairman then asked if Members had any final questions for any party to which there were none.

The Legal Officer confirmed that there were no further matters to be raised or resolved.

The Chairman then adjourned the meeting for deliberation and requested that the Legal Officer remained to assist them.