



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

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

NOTICE OF DETERMINATION

Application Ref No: 22/00310/LAPRE

Applicant: Mr Peter Olliver

Regarding Allington Castle, Castle Road, Maidstone Kent ME16 0NB

Date(s) of hearing: 20 April 2022

Date of determination: 20 April 2022

Committee Members: [Chairman]:
Councillor English
Councillor Hinder
Councillor Springett

Legal Advisor in attendance at hearing(s): Helen Ward, Lawyer (Contentious), MKLS

Democratic Services Officer in attendance at hearing: Oliviya Parfitt

Senior Licensing Officer for application: Lorraine Neale

This was an application for:

☐ Variation ☒ Grant
☐ Provisional Statement ☐ Review ☐ Other

for a

☒ Premises Licence ☐ Club Premises Certificate ☐ Personal Licence
☐ Temporary Event Notice

A: Representations, evidence and submissions:

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

Applicant

- Name: Mr Peter Olliver
- Witness: Kerrie Gibbons

Responsible Authorities

N/A

Other Persons

Name: Mr Alex Dimmick

Witnesses and legal representatives in support of interested parties

N/A

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

N/A

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
Section 16-24 which relate to the grant of a premises licence;
Schedule 1 which relates to Regulated Entertainment

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 8 & 9 which relates to premises licences & determinations
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 the 4 licensing objectives;
Chapter 17.10 – 17.18 which relates to the prevention of crime and disorder;
Chapter 17.19 – 17.21 which relates to public safety
Chapter 17.22 – 17.25 which relates to the prevention of nuisance;
Chapter 17.26 – 17.29 which relates to the prevention of children from harm;

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:

N/A

C: Determination:
The Committee has decided to:

- Grant the application as sought with amended conditions as set out below.

Reasons for determination:

The Licensing Sub Committee considered an application for a premises licence for Allington Castle.

The Sub Committee heard from the Applicant, Peter Olliver, his witness Kerrie Gibbons and an interested party Mr Alex Dimmick.

The Sub Committee considered the national guidance and the Council's licensing policy, along with the licensing objectives.

■ **Prevention of Crime and Disorder**

Reasons (state in full):

The Sub-Committee was satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective, subject to the amendment to the condition discussed in the hearing.

■ **Public Safety**

Reasons (state in full):

The Sub-Committee was satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective.

■ **Prevention of nuisance**

Reasons (state in full):

The Sub-Committee was satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective.

■ **Protection of children from harm**

Reasons (state in full):

The Sub-Committee was satisfied that the operating schedule provided by the applicant was appropriate and proportionate to promote this licensing objective subject to the amendment to the condition discussed in the hearing.

The Sub Committee considered the concerns raised in representation relating to traffic management however it was not satisfied that there was sufficient relevance or evidence in respect of the impact on the licensing objectives. The Sub Committee considered the evidence of the applicant that they had a history of hosting events including weddings for many years without complaint.

There was discussion regarding the proposed conditions and the applicant confirmed that they would be agreeable to accepting amendments to the proposed conditions in the operating schedule, if the application were to be granted, as below: -

1. The condition regarding SIA security staff to read: The premises shall maintain a written risk assessment regarding the use of security staff. A copy shall be made available to an authorised officer on request.
2. The condition regarding an age verification policy to be Challenge 25.

Having regard to all these matters the Licensing Sub Committee determined to grant the application as applied for, subject to amendments to the conditions above.

The parties are notified that they may appeal the decision to the Magistrates Court within 21 days beginning with the date of notification of the written decision. Parties should be aware that the Magistrates Court may make an order with respect of the costs of any appeal.

PRINT NAME (CHAIRMAN): Councillor Clive English

Signed [Chairman]:

A copy of the original document is held on file

Date: 20 April 2022