

**Agenda Item No: 1 - Summary of Report**

**Licence Reference 13/01724/LAPRE**

**Report To: LICENSING SUB – COMMITTEE  
(UNDER THE LICENSING ACT 2003)**

**Date: 11<sup>TH</sup> JULY 2013**

**Report Title: SOLAR COLLECTIVE LTD  
1 BOUGHTON BOTTOM COTTAGES  
LOWER FARM ROAD  
BOUGHTON MONCHELSEA  
MAIDSTONE  
KENT  
ME17 4DD**

**Application for: A premises licence to be granted under the  
Licensing Act 2003**

**Report Author: Lorraine Neale**

- Summary:**
1. The Applicants – Solar Collective Ltd
  2. Type of authorisation applied for: a premises licence under the Licensing Act 2003, S17.
  3. Proposed Licensable Activities and hours:

A)	Plays –indoor and outdoor	Friday Saturday & Sunday	12.00 to 02.00
		Monday	12.00 to 24.00
B)	Films – indoor and outdoor	Friday	12:00 to 04:00
		Saturday & Sunday	12.00 to 02.00
E)	Live Music – Indoors and outdoors	Monday to Sunday	00.00 to 24.00
F)	Recorded Music – Indoors and outdoors	Monday to Sunday	00.00 to 24.00
G)	Performances of dance – Indoors and outdoors	Monday to Sunday	00.00 to 24.00
H)	Anything Similar to E),F) & G) – Indoors and outdoors	Monday to Sunday	00.00 to 24.00
L)	Late night refreshment	Monday to Sunday	23:00 – 05:00
M)	Supply of Alcohol – on the premises	Sunday to Thursday	12.00 to 24.00
		Friday and Saturday	12:00 to 02:00
O)	Opening Hours	Monday to Sunday	00.00 to 24.00

**From 27, June 2013, plays for an audience of up to 500, indoor sporting events for an audience of up to 1000 and performances of dance for up to 500 between the hours of 08:00 and 23:00 are not licensable activities following The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013.**  
**For premises with an alcohol licence,(when open for that use), there are also ,currently, amendments made by the Live Music Act 2012 that allow amplified live music for no more than 200 during the hours of 08.00 and 23.00 as non licensable,(although conditions may be imposed on the use at a review).**  
**Unamplified live music does not require a licence between the hours of 08.00 and 23.00, (subject to the right to impose conditions on live music following a review of a premises licence for a premises authorised to sell alcohol.**

**Affected Wards:** Boughton Monchelsea and Chart Sutton

**Recommendations:** **The Committee is asked to determine the application and decide whether to grant a licence.**

**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

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## **Agenda Item No. 1**

**Report Title: SOLAR COLLECTIVE LTD, 1 BOUGHTON BOTTOM COTTAGES  
LOWER FARM ROAD, BOUGHTON MONCHELSEA,  
MAIDSTONE, KENT, ME17 4DD**

**Application for: A premises licence to be granted under the  
Licensing Act 2003**

### **Purpose of the Report**

The report advises Members of an application (Appendix A) for a Premises Licence to be granted under the Licensing Act 2003, made by Solar Collective Ltd, in respect of the premises Grid ref : TQ76730 48721, open grass field-land, with attached woodland, off lower farm lane, Boughton Monchelsea. (Appendix B) in respect of which 2 representations have been received and withdrawn from Responsible Authorities, the Police (Appendices C, D & E) and Environmental Health (Appendices F & G). There have also been 26 objections received from other persons (Appendix H).

### **Issue to be Decided**

This section sets out what decision the Committee is being asked to take. It should be no more than two sentences long and must specify whether the Issue is a Key Decision as set out in the Forward Plan.

1. Members are asked to determine whether to i) grant subject to conditions consistent with the operating schedule modified to such extent as considered appropriate for the promotion of the licensing objectives and any mandatory condition, ii) grant excluding any of the licensable activities applied for, iii) grant refusing to specify a premises supervisor, or iv) reject the application.

### **Background**

2. The relevant sections are Part 3 ss 16-24 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 a notice displayed on the premises for the required period. The application could also be viewed on the Partnership Website via Public Access. There is no requirement to notify any potentially affected premises within the legislation.
4. 26 representations were received from other persons.
5. The table below illustrates the relevant representations which have been received

<b>Responsible Authority /Interested Party</b>	<b>Licensing Objective</b>	<b>Associated Documents</b>	<b>Appendix</b>
Mr Darryl Parker	Crime & Disorder Public Nuisance Public Safety Children from Harm	E mail	H
Marie Antoinette Cox	Public Nuisance	Letter	H
C J & K J Turpin	Public Nuisance Public Safety	Letter	H
Mr & Mrs D E Collins	Public Nuisance Public Safety	Letter	H
Mrs Louise Parker	Crime & Disorder Public Nuisance Public Safety	E mail	H
Mr Leigh Highwood	Crime & Disorder Public Nuisance Public Safety Children from Harm	E mail	H
Emma Walker	Public Nuisance Public Safety Children from Harm	E mail	H
Mrs Emily Harrison	Public Nuisance Public Safety Children from Harm	E mail	H
Jonathan Gershon & Sue Batt	Public Nuisance Public Safety	E mail	H
Sara Evans	Public Nuisance Public Safety Children from Harm	E mail	H
Mrs S Sayers	Public Nuisance Public Safety	E mail	H
Mr Martyn Scrivens & Elizabeth Scrivens	Public Nuisance Public Safety Children from Harm	E mail	H
Mr & Mrs D McDonald	Crime & Disorder Public Nuisance Public Safety	E mail	H
Mr Andrew Evans	Public Nuisance Public Safety Children from Harm	E mail	H
Marice & Dominic Kendrick	Public Nuisance Public Safety	E mail	H
Mr Richard Coulson	Crime & Disorder Public Nuisance Public Safety Children from Harm	E mail	H

Mr Andrew Walker	Public Nuisance Public Safety	E mail	H
Dr Caroline Jessel/Mrs Caroline Lewis	Crime & Disorder Public Nuisance Public Safety	E mail	H
Mr Paul Lewis	Public Nuisance Public Safety	E mail	H
Mr & Mrs W Hayes and Mr Daubeny (represented by Strutt & Parker LLP)	Crime & Disorder Public Nuisance Public Safety Children from Harm	E mail	H
Mr David Padden	Crime & Disorder Public Nuisance Public Safety Children from Harm	E mail	H
Robert & Valerie Hitch	Crime & Disorder Public Nuisance Public Safety	E mail	H
Mr Rowland Roome	Public Nuisance Public Safety	E mail	H
Mr William Kinsey-Jones	Public Nuisance Public Safety Children from Harm	E mail	H
Lesley Windless Clerk to Boughton Monchelsea Parish Council	Public Nuisance	E mail	H

6. **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.;**

7. **The Operating Schedule submitted by the Applicant has addressed the licensing objectives in the following manner:**

**a) General – all four licensing objectives**

*SOLAR COLLECTIVE STRIVE TO ENSURE EVENTS ARE SAFE SECURE AND FAMILY FRIENDLY. OUR ETHOS AIMS TO ATTRACT SOCIAL AND ENVIRONMENTALLY RESPONSIBLE BEHAVIOUR, ASSISTING THE DELIVERY OF THE LICENSING OBJECTIVES BELOW. SOLAR COLLECTIVE RECOGNISES AND ACCEPTS THE NEED FOR CONSULTATION AND CO OPERATION WITH ALL RESPONSIBLE AUTHORITIES AND INTERESTED PARTIES TO FULFIL LICENSING OBJECTIVES. SEE SECTION (B) TO (D) BELOW, EVENT MANAGEMENT PLAN (EMP) AND OPERATING SCHEDULE.*

**b) The prevention of crime and disorder**

*SOLAR COLLECTIVE SEEKS TO WORK IN CONSULTATION WITH POLICE AND SECURITY LEVELS DETERMINED BY AGREEMENT SECURITY CONTRACTORS WHEN REQUIRED WILL PROVIDE SIA*

REGISTERED LICENSED STAFF FOR PERIMETER AND INTERNAL SECURITY FOR EVENTS. ALL SECURITY WILL BE EQUIPPED WITH MULTI CHANNEL RADIO COMMUNICATIONS. IF CONSIDERED APPROPRIATE VEHICLE SEARCH PROCEDURE ON ENTRY TO PREVENT UNAUTHORISED GENERATORS/SOUND SYSTEMS/EXCESS ALCOHOL/PROHIBITED ITEMS/UNAUTHORISED PEOPLE.

**c) Public safety**

EVENT MANAGEMENT TEAM FORMED. WHEN APPROPRIATE WHOLE SITE CONTINUOUS, MONITORING BY SECURITY/STEWARDS, CONSTANT RADIO CONTACT WITH EMT. FIRST AID PROVISION/NUMBER OF SECURITY/STEWARDS/FIRST AIDERS FOLLOWS PURPLE GUIDE RATIOS. FIRE POINTS THROUGHOUT SITE, SEE SITE PLAN IN EMP. CATERERS WILL COMPLY WITH ALL CURRENT LEGISLATION AND PROVIDE HEALTH/HYGIENE CERTS AND RISK ASSESSMENTS. WATER SUPPLIES TAKEN DIRECTLY FROM MAINS SUPPLY ON SITE. SANITATION PROVIDED IN ACCORDANCE WITH EVENT SAFETY GUIDE. APPROPRIATE LIGHTING DEPLOYED AT KEY LOCATIONS ON SITE DURING AN EVENT.

**d) Prevention of public nuisance**

TRAFFIC MANAGEMENT DETAILS IN EMP. SOUND LEVELS MONITORED AND ENFORCED SUBJECT AT ALL TIMES TO NOISE MANAGEMENT PLAN IN EMP. DRUM CURFEW IN PLACE. ALL VENUE MANAGERS AWARE OF THEIR RESPONSIBILITIES AND ROLES. ALL NON COMPLYING/UNAUTHORISED SYSTEMS/VENUES SHUT DOWN. SOLAR COLLECTIVE WILL MAINTAIN COMMUNICATION WITH NEIGHBOURING DWELLINGS THROUGHOUT AN EVENT. A DEDICATED ON-SITE TELEPHONE NUMBER PROVIDED FOR REPORTING OF ANY NUISANCES BY LOCAL NEIGHBOURS.

**e) The protection of children from harm**

SOLAR COLLECTIVE FULLY RECOGNISES ITS RESPONSIBILITIES FOR CHILD PROTECTION AND THAT OF VULNERABLE ADULTS. WHEN CHILDRENS AREAS ARE PRESENT, STAFF WORKING IN THIS ENVIRONMENT WILL BE CRB CHECKED. CHILD PROTECTION AND LOST CHILDREN PROCEDURES WILL BE INCLUDED IN EMP.

**The Police initially made representation which was received on 26.06.2013 (Appendix C), requesting that the following conditions be attached to the licence.**

- An event management plan is to be drawn up for each event. This plan will be based upon the Purple Guide and cover each heading as listed in the guide.
- A maximum number of persons attending each event will be determined in advance of the event.
- Any event which is expected to attract between 500 and 999 people is to be brought to the attention of Kent Police and Maidstone Borough Council's Safety Advisory Group at least 3 months before the event.
- Any event which is expected to attract 1000 people or more is to be brought to the attention of Kent Police and Maidstone Borough Council's Safety Advisory Group at least 6 months before the event.
- The Challenge 25 scheme is to be in operation at all bars where alcohol is sold and appropriate signage on display.
- Liquid refreshment including alcohol is only to be sold or supplied in polycarbonate containers, plastic or waxed paper cups except when previously agreed by Kent Police.
- Kent Police (Licensing Dept) shall be notified at least 7 weeks in advance of any event where alcohol is to be sold. If an event is booked within 7 weeks of the proposed start date then the provision to sell alcohol will be agreed by Kent Police prior to the event.
- Kent Police (Licensing Dept) shall be notified as soon as practicable of any event at which overnight camping is anticipated.
- A personal licence holder will be present on site at all times that alcohol is being offered for sale.

**The applicant Solar Collective Ltd (Richard Townsend) agreed to the police conditions forming part of the operating schedule as part of their application on 1.7.13 (Appendix D). The Police withdrew their representation on 11.7.13 (Appendix E)**

**Environmental Health initially made representation which was received on 14.06.2013 (Appendix F), requesting that the following conditions be attached to the licence.**

- The Premises License Holder will inform local residents in writing prior to any event and will include a telephone number or numbers, staffed continually throughout the duration of events, for members of the public to contact, in order for concerns relating directly to the event to be addressed immediately. This person will be located on site.
- Assessments of sound levels with details and proposals for monitoring and controlling noise will be agreed with Maidstone Borough Council.
- The Music Noise Level (MNL), as described in section 3 of the Noise Council Code of Practice on Environmental Noise Control at Concerts, should not exceed 65dB(A)(L<sub>aeq</sub> 15min) at the façade of the nearest noise sensitive properties.
- At least one contact telephone number must be provided to Maidstone Borough Councils Environmental Enforcement Team in advance of the event so that if complaints of noise nuisance, including those outside normal office hours, are received during any stage of the event, including the installation, appropriate instructions can be given to reduce noise levels to that at or below the music noise level described above.
- A Noise Management Plan (incorporated within the Event Management Plan) will be drawn up for all events by the Premises License Holder and submitted to the Safety Advisory Group. If 500+ people then will be submitted at least 3 months prior to event and 1000 + people then will be submitted at least 6 months prior to event.
- Any lighting associated with this event should be installed and operated in such a manner so as not to cause a nuisance to residents.
- Provision/maintenance of adequate toilet facilities will be detailed in the Event Management Plan and shown on the Event Site Plan and supplied and maintained throughout the event.
- The camping area will be staffed when in use and all amplified music equipment will be banned within the camping area. The ban of amplified music equipment will be made clear in the T&Cs literature when tickets are purchased.
- Events shall be limited to one three day event and eight one day events in any one calendar year.
- Any noise associated with the event will be inaudible at the façade of noise sensitive dwellings after 23:00 hours.
- Monitoring will be carried out at the following locations and levels will be recorded and supplied to Maidstone Borough Council Officers if requested:
  - Peens Lane
  - Stilebridge Lane
  - Church Hill
  - Lower Farm Road
  - Staplehurst Road
  - Jcn of East Hall Hill and Wierton Hill.
- All locations must be monitored at least once during any event.

- A waste management plan will be adopted which will include litter clearances during and after each event. A waste contractor who is registered with the Environment Agency to handle waste will be used to remove the waste off the site. Appropriate waste containers will be provided for people attending the events.

The applicant Solar Collective Ltd (Richard Townsend) agreed to the EHO conditions forming part of the operating schedule as part of their application on 4.7.13 (Appendix G ). EHO withdrew their representation on 5.7.13 (Appendix G)

The 26 representations received from other persons ,attached as Appendix I, put forward conditions that are requested by objectors, should the licence be granted.

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

## **Chapter 2 – Licensing Objectives.**

### **Chapters 8 & 9 Premises Licences & Determining Applications**

#### **Chapter 10 Conditions**

#### **Chapter 15 Regulated Entertainment**

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:**

#### **20. Prevention of Crime and Disorder**

#### **21. The Promotion of Public Safety**

#### **22. Prevention of Public Nuisance**

#### **23. Protection of Children from Harm**

### **20. Prevention of Crime and Disorder**

#### **Concerns**

The applicant should consider factors arising from the premises or the activities of their customers within the vicinity of the premises that may impact on the prevention of crime and disorder. These may include:

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Drugs
- Violent behaviour
- Anti-social behaviour

#### **Additional Steps**

The following examples of additional steps are given as examples for applicants to consider in addressing the above concerns in the preparation of their Operating Schedule, having regard to their particular type of premises or activities:-

- Effective and responsible management of premises.
- Training and supervision of staff.
- Adoption of current best practice guidance (some examples are Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by BBPA).
- Acceptance of accredited 'proof of age' pass cards or 'new type' driving licences with photographs, passports or an official identity card issued by H M Forces.



- Provision of effective CCTV in and around premises.
- Employment of Security Industry Authority licensed door staff. (If two or more are employed there must be at least one male and one female).
- Provision of toughened or plastic glasses.
- Provision of secure deposit boxes for confiscated items ('sin bins').
- Provision of litterbins, security measures, e.g. lighting, outside premises.
- Membership of a Pub Watch scheme.
- The current 'Chill Out Hour' operating at the late night venues in the Borough of Maidstone which is the agreement whereby late night venues cease to sell alcohol yet continue to provide music and dancing for a further hour (at a reduced volume and with the heavy bass beat removed) has proved to be a success in reducing late night crime and disorder.
- Membership of Maidsafe (Nite Net).

## **21. The Promotion of Public Safety**

The Licensing Authority wishes to ensure the safety of everyone on licensed premises.

### **Concerns**

#### **Capacity**

Where existing legislation does not provide adequately for the safety of the public, club members or guests, the occupancy capacity for premises and events (to include performers and staff) may be an important factor in promoting public safety. Subject to the requirements of the following paragraph the Licensing Authority will expect the issue of occupancy capacity and adequate controls of the numbers of persons on premises or attending an event to be considered by an applicant when completing an Operating Schedule. Where a relevant representation is received in respect of capacity the Licensing Authority will consider setting capacity limits in consultation with the Kent and Medway Fire and Rescue Authority for the following premises:

- Nightclubs
- Cinemas
- Theatres
- Other premises where regulated entertainment within the meaning of the Act is being provided.

The Applicant might also consider the following concerns when assessing the appropriate capacity for premises or events in the Maidstone area. These could include:-

- The design and layout of the premises.
- The nature of the premises or event.
- The nature of the licensable activities being provided.
- The provision or removal of temporary structures, such as a stage or furniture.
- The number of staff available to supervise customers both ordinarily and in the event of an emergency.
- The customer profile (e.g. age, disability).
- The attendance by customers whose first language is not English.
- Availability of suitable and sufficient sanitary accommodation.
- The nature and provision of facilities for ventilation.
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.

Where capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to consider the arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.

#### **Additional Steps**

The following examples of additional steps are given for applicants to consider in the preparation of their Operating Schedule, having regard to their particular type of premises or activities:-

- Suitable and sufficient risk assessments.
- Effective and responsible management of premises

- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons.
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons.
- Adoption of best practice guidance.
- Provision of effective CCTV in and around premises.
- Provision of toughened or plastic non disposable glasses/bottles.
- Implementation of crowd management measures.
- Regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

## **22. Prevention of Public Nuisance**

Licensed premises can cause adverse impacts on communities through public nuisance. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from any nuisance caused by the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

The Licensing Authority will interpret 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

### **Concerns**

When addressing the issue of prevention of public nuisance, the applicant should consider those factors arising from the premises or the activities of their customers within the vicinity of the premises that may impact on the likelihood of public nuisance. These may include:-

- The location of the premises and their proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship.
- The hours of operation, particularly if between 23.00 and 07.00.
- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises.
- The design and layout of premises and in particular the presence of noise limiting features.
- The occupancy capacity of the premises.
- Last admission time.
- The steps the applicant has taken or proposes to take to ensure that staff leave the premises quietly.
- The steps the applicant has taken or proposes to take to prevent disturbance by patrons arriving or leaving the premises.
- Whether routes to and from the premises, on foot or by car or service or delivery vehicles, pass residential premises within the vicinity of the Premises.
- Whether other measures have been taken or are proposed such as the use of CCTV or the employment of registered door supervisors.
- The arrangements made or proposed for parking by patrons, and the effect of this parking on local residents.
- The likelihood of any violence, disorder or policing problems arising if a licence were granted.
- Whether taxis and private hire vehicles serving the premises are likely to disturb local residents.
- The siting of external lighting, including security lighting that is installed inappropriately.
- Whether the operation of the premises would result in increased refuse storage or disposal problems or additional litter in the vicinity of the premises and any measures or proposed measures to deal with this.
- The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees.

### **Additional Steps**

The following examples of additional steps are given as examples for applicants to consider in the preparation of their Operating Schedule, having regard to their particular type of premises or activities:-

- Effective and responsible management of premises.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance.
- Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries.
- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics).
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises.
- The incorporation of measures for ensuring the safe and swift dispersal of patrons away from premises and events without causing nuisance or public safety concerns to local residents.
- Effective ventilation systems to prevent nuisance from odour.

N.B. Where relevant representations are received which the Licensing Sub Committee consider material particular consideration will be given to the impact on residential amenity of proposals for the provision of late night refreshment where these are either located in, or encourage people to move through, residential areas.

## **Chapter 23 Protection of Children from Harm**

The relaxation in the Licensing Act giving accompanied children greater access to licensed premises is seen as a positive step, which may bring about a social change in family friendly leisure but the risk of harm to children remains the paramount consideration. Clearly, this relaxation places additional responsibilities upon licence holders as well as upon parents and others accompanying children.

The protection of children from harm includes the protection of children from moral, psychological and physical harm and, in relation to the exhibition of films, the transmission of programmes by video or DVD. This includes the protection of children from exposure to strong language, sexual imagery and sexual expletives.

In certain circumstances children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and the lack of understanding of danger.

### **Concerns**

The applicant should consider those factors arising from the premises or the activities of their customers within the vicinity of the premises that may impact on the prevention of children from harm. These may include the potential for children to:-

- purchase, acquire or consume alcohol
- be exposed to drugs, drug taking or drug dealing
- be exposed to gambling
- be exposed to activities of an adult or sexual nature
- be exposed to incidents of violence or disorder
- be exposed to environmental pollution such as noise
- be exposed to special hazards such as falls from a height

### **Additional Steps**

The following examples of additional steps are given to assist applicants. The Licensing Authority considers them to be important matters that applicants should take account of in the preparation of their Operating Schedule, having regard to their particular type of premises and/or activities:-

- Effective and responsible management of premises.  
Provision of a sufficient number of people employed or engaged to secure the protection of children from harm.
- Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm.
- Adoption of best practice guidance (Public Places Charter).
- Limitations on the hours when children may be present, in all or parts of the premises.
- Limitations or exclusions by age when certain activities are taking place.
- Imposition of requirements for children to be accompanied by an adult.
- Acceptance of accredited 'proof of age' cards, 'new type' driving licences with photographs, passport, an official identity card issued by HM Forces or by an EU country bearing the photograph and date of birth of bearer.

N.B. In exceptional circumstances, where **appropriate**, and only where the licensing authority has received relevant representations, it may impose conditions restricting access or excluding children from premises or part of licensed premises:-

- a) at certain times of the day, or
- b) when certain licensable activities are taking place, or
- c) to which children aged under 16 years should have access only when supervised by an adult, or
- d) to which unsupervised children under 16 will be permitted access.

Examples of premises where these conditions may be considered include those where:-

- a) There have been convictions for serving alcohol to minors or where there is some evidence of under-age drinking.
- b) There is a known association with drug taking or dealing.
- c) There is a strong element of gambling on the premises.
- d) Entertainment of an adult or sexual nature is commonly provided.
- e) There is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except where under 18 discos are being held)
- f) Licensable activities are taking place during times when children under 16 may be expected to be attending compulsory full-time education.

## 9. **Options**

Legal options open to members -

- a) GRANT the licence subject to such conditions as are consistent with the operating schedule accompanying the application; MODIFIED to such extent as the Licensing sub-committee considers appropriate for the promotion of the licensing objectives and any relevant mandatory condition
- b) EXCLUDE from the licence any of the licensable activities applied for.
- c) REFUSE to specify a person in the licence as premises supervisor
- d) REJECT the application.

10. 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 functions 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 A	Application Form
Appendix B	Plan of Premises
Appendix C	Police Representations
Appendix D	Applicant's agreement to Police conditions.
Appendix E	Police withdrawal of representations
Appendix F	EHO representations and proposed conditions
Appendix G	Applicant's agreement to EHO conditions and EHO withdrawal of representations
Appendix H	Representations (Other Persons)
Appendix I	Conditions requested by objectors
Appendix J	Plan of area
Appendix K	Human Rights Articles
Appendix L	Order of Proceedings

#### 15. **Appeals**

**The applicant or any interested party (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:	<b>Senior Licensing Officer</b>
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