

LICENSING HEARING PANEL

13 MARCH 2018

LICENSING ACT 2003 APPLICATION TO VARY AN EXISTING PREMISES LICENCE

**COOLING CASTLE BARN, COOLING CASTLE, COOLING,
ROCHESTER, KENT ME3 8DT**

Report from: Perry Holmes, Chief Legal Officer

Author: Lisa Hopson, Licensing Officer

Summary

The applicant has applied to vary the premises licence for Cooling Castle Barn, Cooling Castle, Cooling, Rochester, Kent ME3 8DT.

The application is to request a variation to condition 15 of the existing licence, which relates to the use of the outside area. The amendment is sought in order to provide a safe area for smokers after 23:00 hours and to reduce potential neighbourhood disturbances from patrons leaving the premises altogether in order to smoke (further details are set out in Section M of the application)

All responsible authorities have been consulted in line with the Licensing Act 2003.

Representations have been received from a member of the public and Environmental Protection in relation to public nuisance. To date, no agreements have been reached.

No further representations have been received from members of the public or other responsible authorities.

1. Budget and Policy Framework

- 1.1 Medway Council has published its Statement of Licensing Policy, which takes into account in all applications relating to the Licensing Act 2003.

2. The current application

2.1 In accordance with the Licensing Act 2003, the Council has received an application for a variation of the licence in respect of Cooling Castle Barn, Cooling Castle, Cooling, Rochester, Kent ME3 8DT.

2.2 The details of the variation to the licence are as follows:

The application is to request a variation that condition 15 of the existing licence be amended to read: "Outdoor areas are not to be used after 23:00 (11:00 pm) Monday to Sunday, save for access, egress and the use of the marked smoking area (hatched red on the attached plan and paved at the premises) for up to 30 smokers at a time. The smoking area is to be monitored by at least one staff member at all times it is in use after 23:00. Customers will not be allowed to take drinks to the smoking area after 23:00"

The amendment is sought in order to provide a safe area for smokers after 23:00 and to reduce potential neighbourhood disturbances from patrons leaving the premises altogether in order to smoke (further details are set out in Section M of the application)

2.3 A copy of the application as submitted is at [Appendix A](#).

2.4 A copy of the current licence is attached at [Appendix B](#).

2.5 The application has been correctly advertised in the local press and notices displayed on the premises for the required period.

2.6 All responsible authorities have been consulted in line with the Licensing Act.

2.7 A copy of a map showing the location of the premises is at [Appendix C](#).

3. Promotion of Licensing Objectives

3.1 The applicant is expected to demonstrate that they have dealt with the promotion of the four licensing objectives, where appropriate. Members are referred to Section M of the application at [Appendix A](#) where the applicant has referred to this issue.

3.2 The four licensing objectives are:

- The prevention of public nuisance
- Prevention of crime and disorder
- Public safety
- Protecting children from harm

4. Relevant Representations

4.1 This matter has been put to the Licensing Hearing Panel because the Council has received representations from a member of the public and Environmental Protection relating to Public Nuisance. To date no agreement has been reached. Copies are attached at [Appendix D](#).

5. Policy Considerations

- 5.1 Medway Council has published its Statement of Licensing Policy, which it will consider alongside the amended Guidance issued by the Home Office under section 182 of the Licensing Act 2003 in all applications.
- 5.2 In determining this application, Members may wish to consider information contained in Appendix 4 to the Statement of Licensing Policy that lists examples of good practice against the four licensing objectives as well as Chapters 9 and 10 of the amended Guidance.

6. Risk Management

- 6.1 The Council has to consider and determine this application, which is a function relating to licensing and registration as set out in Schedule 1 to the Functions Regulations, the Licensing Act 2003, the Gambling Act 2005 and other licensing functions reserved by law to the Council's Licensing and Safety Committee and its Sub-Committees, in accordance with the law (both statutory and case law), relevant statutory guidance and statements of policy.

7. Financial and legal implications

- 7.1 There are no direct financial or legal implications at this time.
- 7.2 This hearing is regulated by the Licensing Act 2003 (Hearings) Regulations 2005 (as amended).
- 7.3 There is the possibility of a challenge by way of appeal to the decision by either the applicant or objectors should either have the requisite grounds to do so. Legal advice will be given to Members as appropriate at the meeting. However, whatever the decision of the Panel, this must be based on the evidence placed before it in line with the licensing objectives and the Panel must decide what weight to attribute to this information.

8. Recommendation

- 8.1 That the Licensing Hearing Panel, having regard to Licensing Act 2003, the statutory guidance issued under S182, the Council's Licensing Policy and all matters before it, both written and oral, considers and determines the application for a premises licence.

Lead officer contact:

Lisa Hopson –Licensing Officer

Telephone: 01634 331925

Email: lisa.hopson@medway.gov.uk

Appendices

Appendix A – Copy of the application

Appendix B – Copy of the current licence

Appendix C – A copy of a map showing the location of the premises

Appendix D – Copies of representations received

Background Papers
None



Medway Council, Licensing Unit, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Cooling Castle Barn Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number Medway - 05-PREM-0543
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Cooling Castle Barn Cooling Castle Cooling Rochester

Post town	Kent	Postcode	ME3 8DT
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Telephone number at premises (if any)	01634 222244
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Non-domestic rateable value of premises	£60000
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Part 2 – Applicant details

Daytime contact telephone number	01634 222244		
E-mail address (optional)	rebecca.collins@coolingcastlebarn.com		
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐ No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

The Applicant wishes to apply for the following variation:-

That condition 15 of the existing licence be amended to read: "Outdoor areas are not to be used after 23:00 (11.00pm) Monday to Sunday, save for access, egress and the use of the marked smoking area (hatched red on the attached plan and paved at the premises) for up to 30 smokers at a time. The smoking area is to be monitored by at least one staff member at all times it is in use after 23:00. Customers will not be allowed to take drinks to the smoking area after 23:00."

The amendment is sought in order to provide a safe area for smokers after 23:00 and to reduce potential neighbourhood disturbances from patrons leaving the premises altogether in order to smoke (further details are set out in Section M of this application).

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

0

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I) ☐

Supply of alcohol (if ticking yes, fill in box J) ☐

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>		
				Outdoors	<input type="checkbox"/>		
				Both	<input type="checkbox"/>		
Day	Start	Finish	Please give further details here (please read guidance note 4)				
Mon							
Tue			State any seasonal variations for the exhibition of films (please read guidance note 5)				
Wed			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)				
Thur							
Fri							
Sat							
Sun							

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Fri					
Sat					
Sun					
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)			
Wed			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Thur						
Fri						
Sat						
Sun						

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur			State any seasonal variations for the performance of dance (please read guidance note 5)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)			
Wed			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)			
Thur						
Fri						
Sat						
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur			<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9). Not applicable. No adult activities or gaming takes place at the premises.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) Opening times will be extended until 01:30 minutes during December on Wednesdays, Thursdays, Fridays and Saturdays.
Day	Start	Finish	
Mon	09:00	23:30	
Tue	09:00	23:30	
Wed	09:00	23:30	
Thur	09:00	23:30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) None.
Fri	09:00	00:30	
Sat	09:00	00:30	
Sun	09:00	23:30	It should be noted that the times in this section are identical to the hours and times currently authorised by the licence.

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.
 None.

The only variation applied for is the amendment of condition 15.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

☒
☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
N/A

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

It is only the relatively small outside area hatched red on the accompanying plan ("the outside area") which will be used for smoking. Such an area can be relatively easily policed, and patrons will not be outside in any other areas (other than to leave the premises). It is necessary to create such an area, otherwise there will be no facilities for smoking after 23:00, and patrons are likely to leave the premises to smoke, causing danger to themselves and road users (by moving to the perimeter of the premises where there is a busy rural road with limited lighting), and creating more noise by being in areas which are unsupervised.

b) The prevention of crime and disorder

The Applicant provides SIA door security from 9.00pm onwards when functions are taking place.
CCTV is installed throughout the premises, and recordings are kept for 31 days.
No patrons are permitted to take drinks outside after 23:00.
Any person selling or supplying alcoholic drink under the authority of a personal licence holder asks for photographic proof of age where they have reason to suspect that any individual consuming that may be under 18 years of age.
A customer dispersal policy is maintained and adhered to whilst the venue is operational.

c) Public safety

The Applicant provides SIA door security from 9.00pm onwards when functions are taking place.

Escape routes and exits, including external exits, are maintained to ensure that they are not obstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.

Adequate and appropriate supply of first aid equipment and materials are available on the premises.
Free drinking water is available at all times the premises is open to the public.

Due to the nature of Cooling Castle Barn's location, there is no safe place beyond the properties perimeter for guests to smoke without being subjected to unacceptable levels of moving traffic coming from multiple directions.

The creation of an onsite smoking area, will immensely improve public safety after 23.00.

d) The prevention of public nuisance

A noise management policy is maintained and adhered to at all times the venue is operational. This contains measures specific to mitigating public nuisance.

No consumption of alcohol in the outside area will be permitted after 23:00. Furthermore, a maximum of 30 people will be allowed in the outside area at any one time. This will be policed by the door supervisors who are present. It is submitted that the creation of an outside area to allow individuals to smoke does in fact assist in the prevention of public nuisance since it stops individuals from moving off the premises to smoke (and therefore potentially causing more noise to neighbours), and also reduces the volume of pedestrian traffic by the roads (since individuals may walk to the perimeter of the premises to smoke if they cannot do so on the premises).

Creating the specific outside area for smoking after 23:00 means that all entrances and exits from the Great Barn are via the fire exit and porch doors, and therefore the use of the double doors greatly reduces the risk of any internal noise from individuals or recorded music travelling to nearby residential properties.

e) The protection of children from harm

Any person selling or supplying alcoholic drink under the authority of a personal licence holder asks for photographic proof of age where they have reason to suspect that any individual consuming that may be under 18 years of age

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	(JAMES GOMME, PARTNER DGB SOLICITORS LLP)
Date	20 DECEMBER 2017
Capacity	APPLICANT'S SOLICITOR

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

dgb Solicitors LLP
The Captain's House
Central Avenue
Chatham Maritime

Post town	Kent	Post code	ME4 4UF
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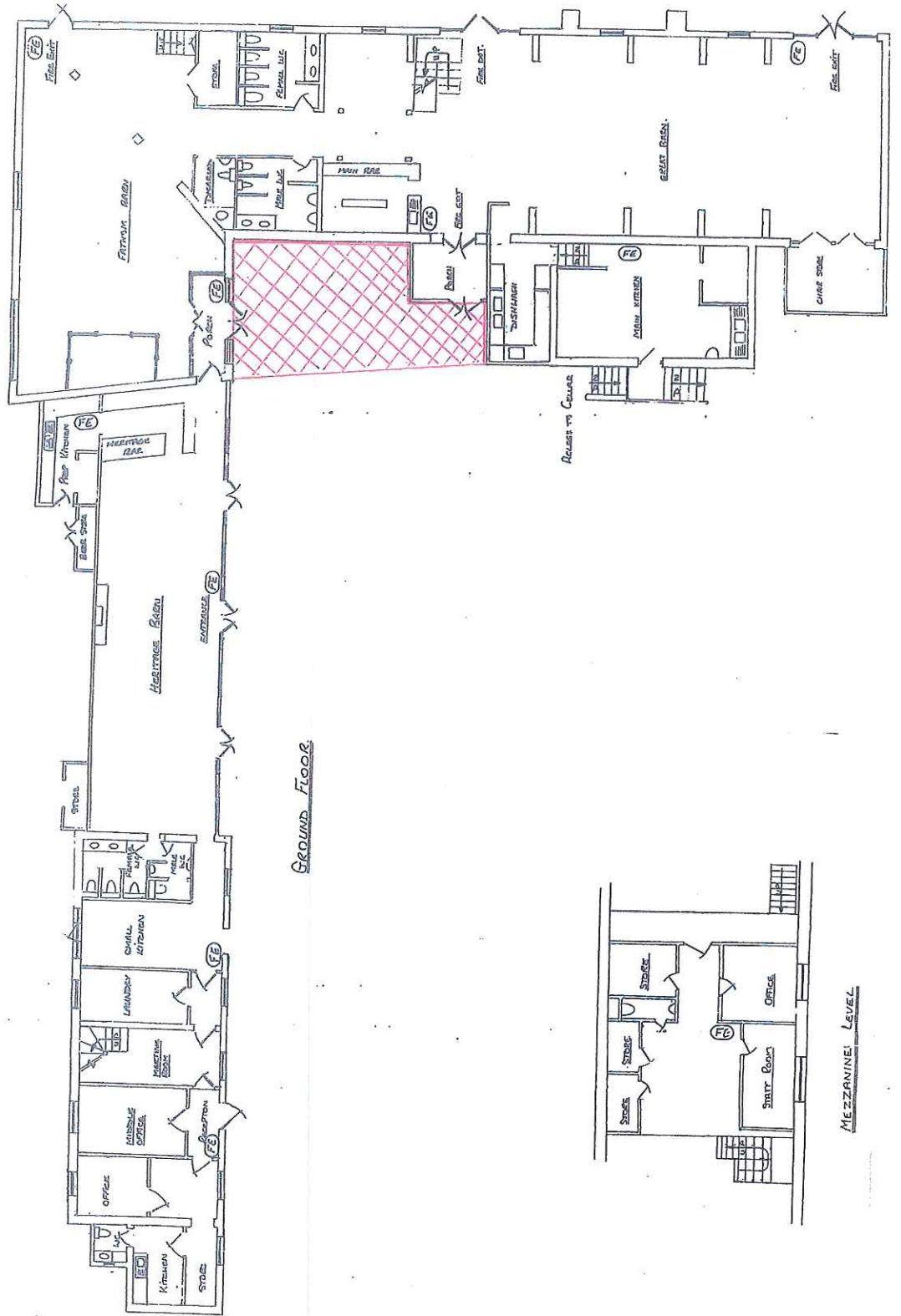
Telephone number (if any)	01634 304000
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.



Castle Ban	
NO. 1	NO. 2
NO. 3	NO. 4
NO. 5	NO. 6
NO. 7	NO. 8
NO. 9	NO. 10
NO. 11	NO. 12
NO. 13	NO. 14
NO. 15	NO. 16
NO. 17	NO. 18
NO. 19	NO. 20
NO. 21	NO. 22
NO. 23	NO. 24
NO. 25	NO. 26
NO. 27	NO. 28
NO. 29	NO. 30
NO. 31	NO. 32
NO. 33	NO. 34
NO. 35	NO. 36
NO. 37	NO. 38
NO. 39	NO. 40
NO. 41	NO. 42
NO. 43	NO. 44
NO. 45	NO. 46
NO. 47	NO. 48
NO. 49	NO. 50
NO. 51	NO. 52
NO. 53	NO. 54
NO. 55	NO. 56
NO. 57	NO. 58
NO. 59	NO. 60
NO. 61	NO. 62
NO. 63	NO. 64
NO. 65	NO. 66
NO. 67	NO. 68
NO. 69	NO. 70
NO. 71	NO. 72
NO. 73	NO. 74
NO. 75	NO. 76
NO. 77	NO. 78
NO. 79	NO. 80
NO. 81	NO. 82
NO. 83	NO. 84
NO. 85	NO. 86
NO. 87	NO. 88
NO. 89	NO. 90
NO. 91	NO. 92
NO. 93	NO. 94
NO. 95	NO. 96
NO. 97	NO. 98
NO. 99	NO. 100



MEDWAY COUNCIL

Licensing Authority, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

Premises Licence

Premises Licence Number


Medway-05-PREM-0543

Part 1 - Premises Details

Postal address of premises, or if none, Ordnance Survey map reference or description	
Cooling Castle Barn Cooling Castle, Cooling	
Post town	Rochester, Kent
Post code	ME3 8DT
Telephone number	01634 222244
Where the licence is time limited the dates: Not Applicable	
Licensable Activities authorised by the licence Sale of Retail of Alcohol, Live Music (indoors and outdoors), Recorded Music (indoors and outdoors), Dancing (indoors only) and Late Night Refreshment (on the premises).	
The times the licence authorises the carrying out of licensable activities	
<u>Sale of Retail of Alcohol</u> Sunday to Thursday 13:00 to 23:00. Friday and Saturday 13:00 to 24:00	
<u>Live Music</u> Sunday to Thursday 14:00 to 16:30 and 19:30 to 22:30 Friday and Saturday 14:00 to 16:30 and 19:30 to 23:00	
<u>Recorded Music and Dancing</u> Sunday to Thursday 19:00 to 23:00 Friday and Saturday 19:00 to 24:00	
<u>Late Night Refreshment</u> Friday and Saturday 23:00 to 24:00.	
Seasonal: Recorded Music, Dancing, Late Night Refreshment and Alcohol will be extended during December until 01:00 on Wednesday Thursday, Friday and Saturday.	
The opening hours of the premises Sunday to Thursday 09:00 to 23:30. Friday and Saturday 09:00 to 00:30	
Seasonal Times: - Opening hours will end 30 minutes after the times and occasions listed above. The premises may open outside authorised hours for non-licensable activities subject to planning or other legislation.	
Where the licence authorises supplies of alcohol whether these are on and/or off supplies On and Off Supplies	

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence Cooling Castle Barn Limited Cooling Castle Barn Cooling, Rochester Kent ME3 8DT
Registered number of holder, for example company number, charity number (where applicable) Registered number 03541153

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol 
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol Medway 11-PL-2262 Medway Council

Annex 1 – Mandatory Conditions

Condition 1

No supply of alcohol maybe made under this licence:-

- (a) At a time when there is no designated premises supervisor in respect of it or**
- (b) At a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.**

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

Condition 2

Only individuals licensed by the Security Industry Authority (SIA) maybe used at the premises to guard against:-

- (a) Unauthorised access or occupation (e.g. through door supervision)**
- (b) Outbreaks of disorder**
- (c) Damage**

Condition 3

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale of supply of alcohol for consumption on the premises**
 - (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to**
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol) or**
 - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise)**

- (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries significant risk of undermining a licensing objective;
- (d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Condition 4

The responsible person must ensure that free potable water is provided on request to customers where it reasonably available.

Condition 5

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either
 - (a) a holographic mark, or
 - (b) an ultraviolet feature

Condition 6

The responsible person must ensure that:-

- (a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25ml or 35 ml; and
 - (iii) still wine in a glass: 125ml; and
- (b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Condition 7

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
- (2) For the purpose of the condition set out in paragraph 1:-
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

- (b) “permitted price” is the price found by applying the formula:- $P = D + (D \times V)$ where:-
- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence:-
- (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7)
- (3) Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph (2) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the Operating Schedule

Condition 8

Noise limiter installed and maintained and set at levels agreed by Environmental Health

Condition 9

Internal and external CCTV to be installed and maintained with an incorporated recording facility. Tapes to be stored for an appropriate period of time (generally one month – but to be agreed with the Police and Licensing Authority). The CCTV system to be fully operational throughout the hours that the premises are open for any licensable activity. CCDTV recordings to be produced to Licensing Authority and Police on request.

Condition 10

No Karaoke will take place on the premises.

Condition 11

Deliveries are only to be allowed up to 12:00 (noon)

Condition 12

When regulated entertainment, which generates significant noise, is taking place, doors and windows will be kept shut.

Condition 13

Reproduced or live music is to be set at a level so as not to be audible at the façade of the nearest residential property.

Condition 14

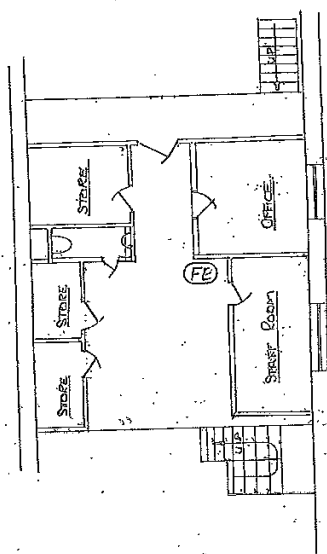
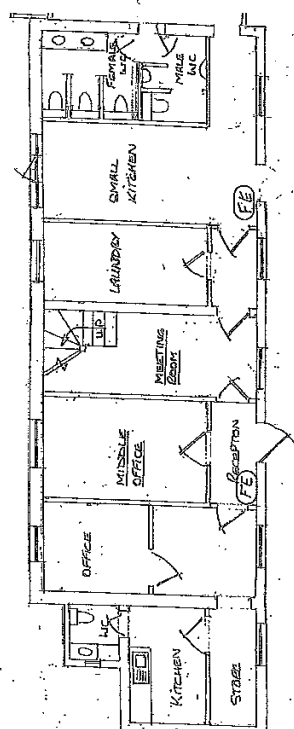
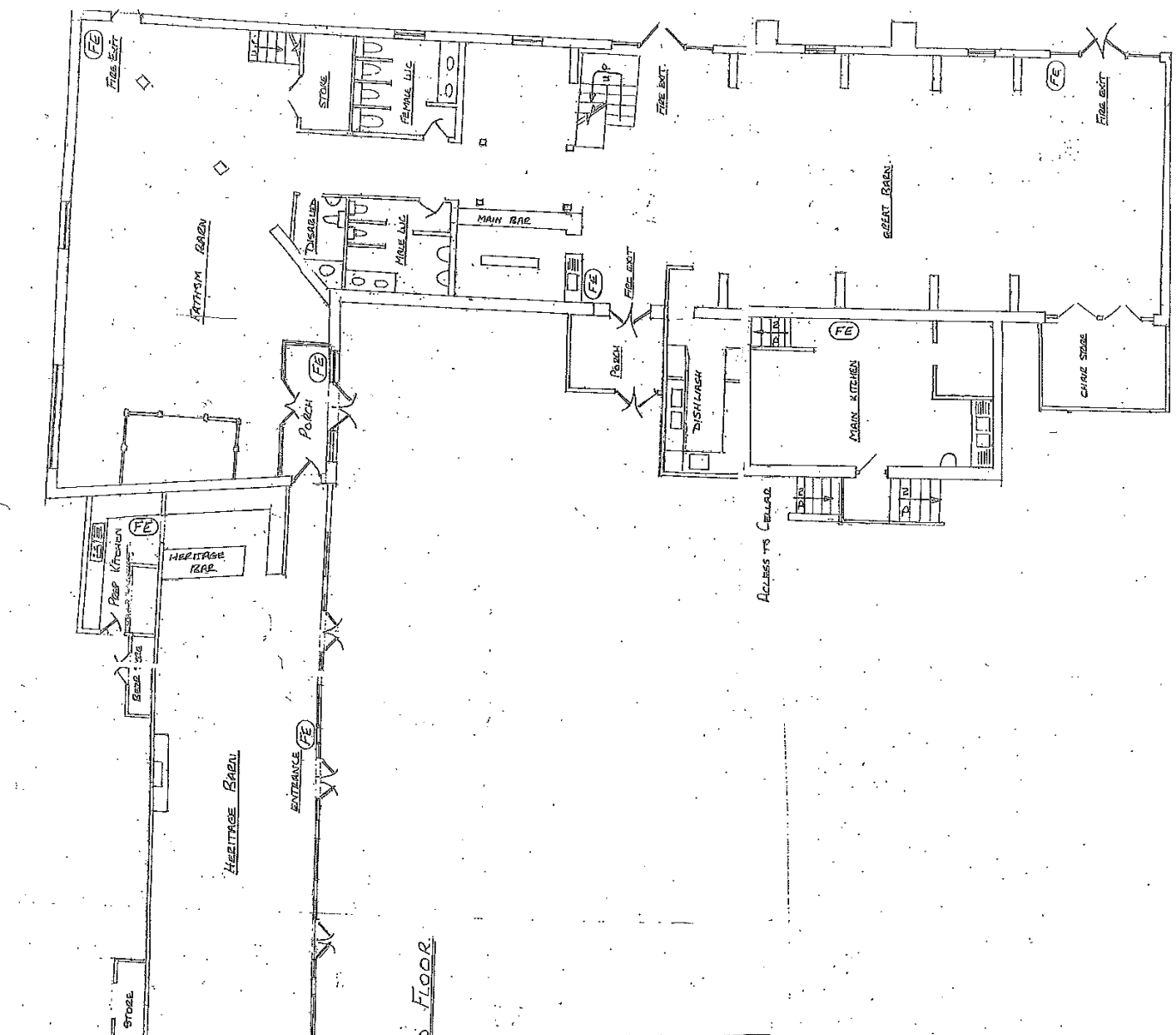
The Designated Premises Supervisor, duty Manager or relevant person should assess noise levels on a regular basis to prevent excessive breakout.

Condition 15

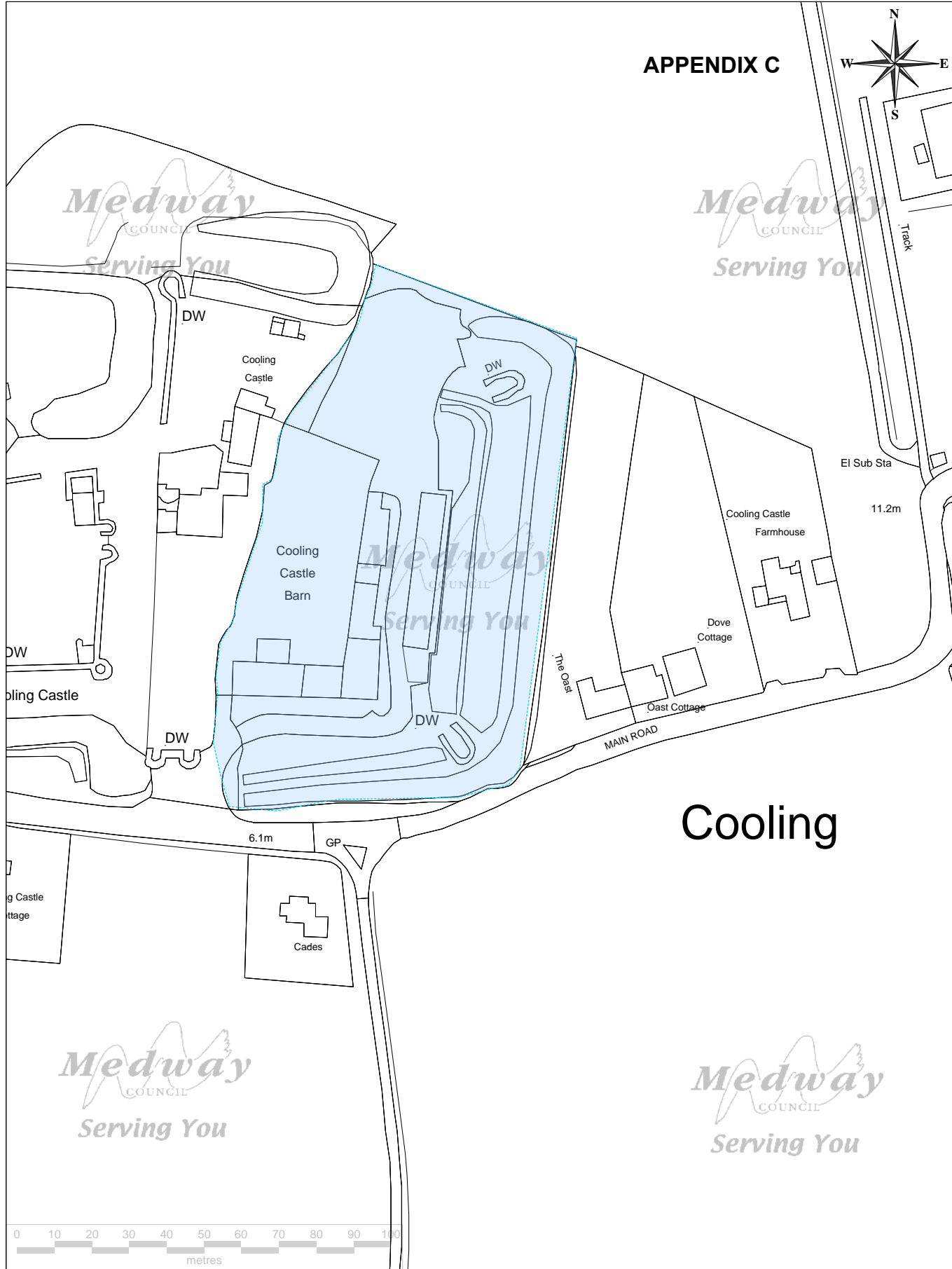
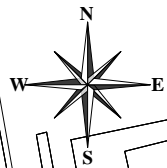
Outdoor areas will not be used after 23:00 (11 pm) Monday to Sunday

Condition 16

Regulated entertainment will cease at 19:00 (7pm)



MEZZANINE LEVEL



Cooling

Cooling Castle Barn, Cooling Castle Main Road, Cooling, Rochester



ME3

hopson, lisa

From: Paul Loasby
Sent: 02 January 2018 17:06
To: francis, mandy
Subject: Notice from Cooling Castle Barn for variation on premises licence for a specified smoking area after 11pm
Attachments: IMG_4154.jpg

Dear Mandy,

On behalf of the Holland family I would like to object to the application to vary the premises licence for Cooling Castle Barn on the grounds that this being an additional Public Nuisance to the local area and residents, which particularly impacts on the Holland family.

Any thoughts of granting this variation will add to the ongoing burden experienced by residents.

Medway Council already have a large dossier of the environmental impacts of various disturbances including diary notes, audio recordings and reports from your council officers including noise ,unruly behaviour on a regular basis which includes outbreaks of disturbance after 11pm in outside areas which should not occur under existing operating conditions. This has been going on for many years now. Cooling Castle Barn are already operating under a suspended hearing notice from action brought by Medway Council. Any specific area for people being funnelled towards after 11pm will lead to even more late night noise outbursts ,especially when under the influence of alcohol.

For a variation notice to be sought now also indicates that there appears to be no fears or qualms about them overturning the council's objections to their current operating conditions and consideration to the negative impact that this will add to residents.

regards
Paul Loasby
One Fifteen
1,Globe House,
Middle Lane Mews,
London N8 8PN

hopson, lisa

From: prodger, nat
Sent: 15 January 2018 10:23
To: licensing
Cc: kirk, lucy; foster, sarah
Subject: Cooling Castle Barn Cooling Castle Main Road Cooling Rochester Medway ME3 8DT

Hi,

I have reviewed the variation application to enable the outside area to be used from 23.00 – 23.30 hours Sun – Thurs and 23.00 – 00.30 hours on Fri and Sat. Following discussions with Environmental Protection we have decided to object to this application under the licensing objective for the prevention of public nuisance, for the following reasons;

The locality is in a small village in a rural area where there are no pavements and no street lights with a negligible background noise. The impact of noise from patrons in the outside area on residents will be exacerbated by an extension of the hours of use of the outside area to those shown above.

A complaint for noise nuisance has been received by EP and investigated. This has resulted in a noise abatement notice being served on 29 June 2017 under EPA s80 for the following: noise from amplified and non-amplified music, patrons, vehicles, extractor type fan and air compressor. The Notice is currently under appeal at Medway Magistrates Court. Granting permission for this application, prior to a decision by the Magistrates, may have negative repercussions for Medway Council with the appeal case. The court date set for the appeal decision is the 21/02/2018.

Should the panel decide to grant permission for the outside area to be used from 23.00 – 23.30 hours Sun – Thurs and 23.00 – 00.30 hours on Fri and Sat, I would recommend the following conditions to negate the impact of noise from the premises;

- No drinks will be allowed in the smoking area all drinks to remain inside.
- Limit the number of patrons allowed outside in the smoking area to a maximum of five.
- The use of door staff to enforce licensing agreements.
- Small bar area to remain open until the end of the event to provide a 'quiet area' offering an alternative area for patrons rather than outside of the venue.
- Patrons to remain inside of the venue while waiting for taxis, door staff/venue staff to meet and greet taxis and inform patrons that their taxi has arrived.
- Windows and doors to remain closed.

Kind regards,

Nathaniel Prodger
Environmental Protection Officer
Medway Council
Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR
Tel: 01634 333545
Email: nat.prodger@medway.gov.uk