

LICENSING HEARING PANEL 3 APRIL 2018

LICENSING ACT 2003 APPLICATION FOR A VARIATION OF THE PREMISES LICENCE

ST MARGARET'S MILLENIUM CENTRE, GATEKEEPER CHASE, RAINHAM, KENT ME8 9BH

Report from: Perry Holmes, Chief Legal Officer

Author: Lisa Hopson, Licensing Officer

Summary

The applicant has applied to vary the premises licence for St Margaret's Millennium Centre, Gatekeeper Chase, Rainham, Kent ME8 9BH.

The application is to request a variation to serve alcohol on premises re: charity and various groups during the week if required eg. Social events/Christmas

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

Representations have been received from a member of the public in relation to public nuisance. To date, no agreement has been reached.

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

1. Budget and Policy Framework

1.1 Medway Council has published its Statement of Licensing Policy, which it takes into account in the consideration of 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 St Margaret's Millennium Centre, Gatekeeper Chase, Rainham, Kent ME8 9BH.

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

The application is to request a variation that supply of alcohol of the existing licence be amended to read:

Monday to Thursday 12:00 to 22:00

Friday 12:00 to 23:00

Saturday 08:30 to 23:00

Sunday 12:00 to 21:00

- 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 <u>Appendix A</u> 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 a representation from a member of the public relating to Public Nuisance. To date no agreement has been reached; a copy is 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.
- 5.3 The objections raised in the representations received relate to public nuisance.

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 of the Act, the Council's Statement of Licensing Policy and all matters before it, both written and oral, considers and determines the application to vary 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

APPENDIX A



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 ST MARGARET'S MILLENNIUM CENTRE MANAGEMENT COMMITTEE

(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-0683 on an mouse an applied event of perhaps y bosonous selections upon a

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

ST MARGARET'S MILLENNIUM CENTRE 10115 of 10 100 award of abilities beautique and make now out

GATEKEEPER CHASE

RAINHAM

KENT

Post town	GILLINGHAM		Postcode	ME8 9BH
Telephone number at premises (if any)		01634 374038		
Non-domestic r	ateable value of premises	£14,750.00		

Part 2 – Applicant details

telephone number [4105] the galler [4	01634 374038	
E-mail address (optional)	mcentre.walsh@btconne	
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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.

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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)	
<u>Provi</u>	sion of late night refreshment (if ticking yes, fill in box I)	
Supp	ly of alcohol (if ticking yes, fill in box J)	\boxtimes
In all	cases complete boxes K, L and M	

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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) We

We were asked by the licence officer to make alterations to our current arrangements. As a result of this we have found that we are not licensed during the week. So being licensed during the week keeps us compliant with the rules should we have a funeral wake in the upper hall or gathering of similar ilk. Parties of any other kind will not be permitted during the week. It will only be bookings linked to the church services

b) The prevention of crime and disorder

At all events a person shall be present to ensure the peace is kept and will be suitably aware of their responsibilities. Our provision for our current hours will also be in place

c) Public safety

The above will apply for this in addition anyone found to be deemed a threat to the personnel in the centre or the building itself will be removed from the premises. A record of the action will be taken should it be needed by the authorities.

d) The prevention of public nuisance

We have a code of conduct on display in the main entrance. All responsible people bookinng the hall will be made aware of it. If anyone found to be breaching the code or there is a threat to public safety including children the event shall be stopped without question. A record of our action shall be taken

e) The protection of children from harm

We are aware of the pre-school on the ground floor, and their safety is optimum. Should we have an event in the upper hall that requires the service of alcohol during the pre-school opening hours the stairs will be manned to ensure that the people using the hall do not mix. Parents and Guardians that have children attending an event will bee reminded of their responsibilities during the service of alcohol. Those serving the alcohol will have been trained and authorised by the premises supervisor and be aware of the rules. Any breach of the rules will not be tolerateed and may result in the immediate end of an event. Should there be a cause to evacuate the building the people present shall be kept segregated from the pre-schoolas much as humanly possible.

Checklist:

0.77	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.	
0	I have sent copies of this application and the plan to responsible authorities and others where applicable.	
0	I understand that I must now advertise my application.	
0	I have enclosed the premises licence or relevant part of it or explanation.	
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ON T	HE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE ASE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.	A
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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	
Date	29/1/18
Capacity	CHAIR MANAGEMENT COMMITTEE

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	29/1/18	The State of the S
Capacity	CENTRE MANAGER	

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

BEVERLEY WALSH

ST MARGARET'S MILLENNIUM CENTRE

GATEKEEPER CHASE

RAINHAM

KENT

Post town	GILLINGHA	M	Post code	ME8 9BH
Telephone number (if any)		01634 374038		-1 1:4
	prefer us to correspon e.walsh@btconnect.com	d with you by e-mail, your c-n n	nail 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.
- An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 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.

MEDWAY COUNCIL

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

Premises Licence

Serving You

Premises Licence Number

Medway-05-PREM-0683

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

St Margarets Millennium Centre

Gatekeeper Chase

Rainham

Kent ME8 9BH

Telephone Number 01634 374038

Where the licence is time limited the date

Not Applicable

Name, (registered) Address, Telephone Number and email (where relevant) of the holder of this premises licence, registered number or charity number (where applicable)

St Margarets Millennium Centre Management Committee

St Margarets Millennium Centre

Gatekeeper Chase

Rainham

Kent ME8 9BH

Name, Address and Telephone Number of designated premises supervisor where the premises licence authorises the supply of alcohol:-

Ms Sandra Fuller

Council: Swale Borough Council / Number: SWALE-PL-0308

Mandatory Conditions

- 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.

- 2. Only individuals licensed by the Security Industry Authority (SIA) maybe used at the premises to quard against:
 - a) Unauthorised access or occupation (e.g. through door supervision)
 - b) Outbreaks of disorder
 - c) Damage

Not Applicable

Conditions consistent with the 'Operating Schedule'

- 3. CCTV to be installed, internally and externally. Maintained in good working order, in accordance with CCTV Code of Practice. The system to have an incorporated recording facility and recordings to be stored for one calendar month. The CCTV system to be fully operational throughout the hours that the premises are open for licensable activity. Access of the recordings to be made available to Police and Local Authority officers on request.
- 4. When regulated entertainment, which generates significant noise, is taking place, doors and windows will be kept shut.
- 5. Reproduced or live music is to be set at a level so as not to be audible at the facade of the nearest residential property.
- 6. The designated premises supervisor, duty manager or relevant person should assess noise levels on a regular basis, to prevent excessive breakout.
- 7. A sound limiter installed and maintained within the Lower Hall to be set at a level to limit the volume of amplified sound.
- 8. Staff will ask to see proof of age before supplying/selling alcohol to any person appearing under the age of eighteen. To only accept as proof of age and identity a photo-card driving licence, passport or any government issued photograph identity card or 'pass accredited' proof of age card.
- 9. Comply with the terms and conditions relating to the hiring of the building. A list of the terms and conditions relating to the hiring of the building must be submitted to the Licensing Authority and Police Licensing Unit. Any amendments to those rules will be forwarded to the Licensing Authority and Police Licensing Unit prior to them taking effect.
- 10. All staff to be trained in aspects of licensing legislation and in particular, under age sales. To keep records of the nature and frequency of such training.

Conditions attached after a hearing by the Licensing Authority

Not Applicable

Licensable activities authorised by the licence and times the licence authorises the carrying out of the licensable activities.

Opening Hours

Monday	09:00 to 22:30
Tuesday	09:00 to 22:30
Wednesday	09:00 to 22:30
Thursday	09:00 to 22:30
Friday	09:00 to 23:30
Saturday	09:00 to 23:30
Sunday	09:00 to 20:30
Seasonal	Not Applicable
Non Standard	New Years Eve 09:00 to 00:30
Other	The premises may open outside authorised hours for non-licensable activities
	subject to planning or other legislation.

Sale of Retail of Alcohol

Activity takes place	ON the premises - YES	OFF the premises - YES		
Monday	Not Applicable			
Tuesday	Not Applicable			
Wednesday	Not Applicable			
Thursday	Not Applicable			
Frida <u>y</u>	Not Applicable			
Saturday	08:30 to 13:00 and 14:00 to 23:00			
Sunday	12:00 to 20:00			
Seasonal	Not Applicable			
Non Standard	New Years Eve 09:00 to 00:30			

Live Music

Activity takes place	ON the premises - YES	OFF the premises - NO
Monday	09:00 to 22:30	
Tuesday	09:00 to 22:30	
Wednesday	09:00 to 22:30	,
Thursday	09:00 to 22:30	
Friday	09:00 to 23:30	
Saturday	09:00 to 23:30	
Sunday	09:00 to 20:30	-
Seasonal	Not Applicable	
Non Standard	New Years Eve 09:00 to 00:30	

Recorded Music

Activity takes place	ON the premises - YES	OFF the premises - NO		
Monday	09:00 to 22:30			
Tuesday	09:00 to 22:30			
Wednesday	09:00 to 22:30			
Thursday	09:00 to 22:30			
Friday	09:00 to 23:30			
Saturday	09:00 to 23:30	:		
Sunday	09:00 to 20:30			
Seasonal	Not Applicable			
Non Standard	New Years Eve 09:00 to 00:30			

Dancing

Activity takes place	ON the premises - YES OFF the premises - NO		
Monday	09:00 to 22:30		
Tuesday	09:00 to 22:30		
Wednesday	09:00 to 22:30		
Thursday	09:00 to 22:30		
Friday	09:00 to 23:30		
Saturday	09:00 to 23:30		
Sunday	09:00 to 20:30		
Seasonal	Not Applicable		
Non Standard	New Years Eve 09:00 to 00:30		

Plays

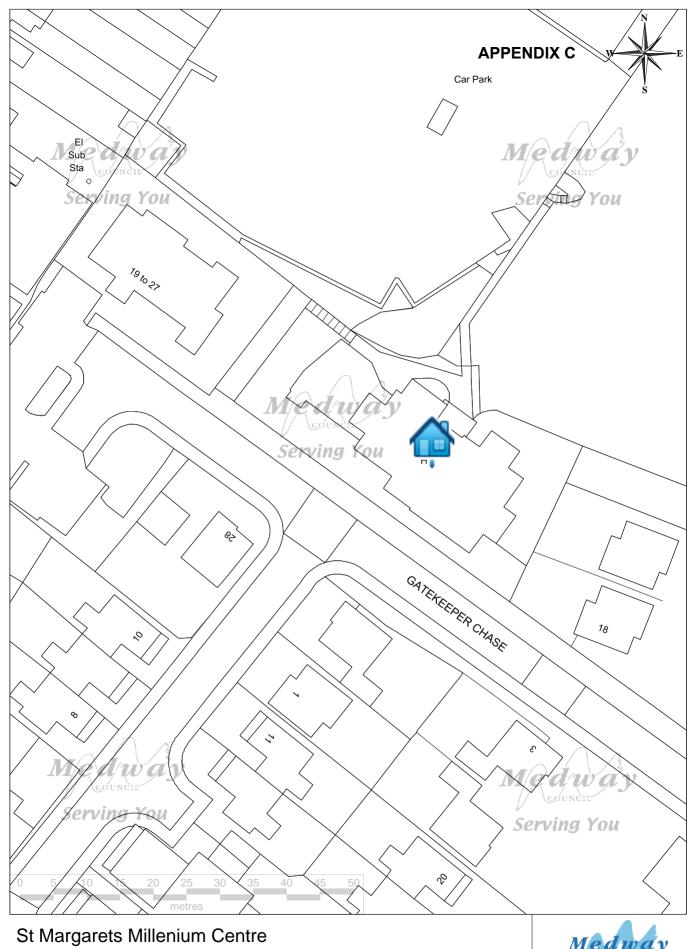
1 MJC		OFF !! NO		
Activity takes place	ON the premises - YES	OFF the premises - NO		
Monday	09:00 to 22:30			
Tuesday	09:00 to 22:30			
Wednesday	09:00 to 22:30			
Thursday	09:00 to 22:30	Ø.e		
Friday	09:00 to 23:30	e ·		
Saturday	09:00 to 23:30			
Sunday :	09:00 to 20:30			
Seasonal	Not Applicable	<u> </u>		
Non Standard	New Years Eve 09:00 to 00:30			

Signed and Dated on behalf of Medway Council Licensing Authority

15 January 2009

Licensing Manager

Dated





Scale: Not to Scale 21/03/18

© Medway Council, 2013

From:

Lesley Trutwein

Sent:

05 March 2018 17:46

Cc:

licensing

Cc:

Subject:

C: 2 H₁₁₃ 4

To whom it may concern

My husband and I am emailing you to oppose the change of the licensing hours at the Millennium hall in Rainham, Kent.

Opposing the licensing hours of the Millennium hall in Rainham

We live across the road from the hall at Number Gatekeeper Chase and have to deal with noise nuisance, disruption and commotion on a regular basis due to the hall use.

The summer months are particularly worst with loud music, children running around the hall and up and down the road, many people congregating outside. There have been several extremely large weddings taking place.

The back entrance is used ALL the time (even though there is a front entrance!) taking food, drink and party equipment into and out of the hall. The door is permanently banging and people congregate outside this back entrance to smoke or especially at the end of the evening. It is like a taxi rank with talking, shouting and extremely abusive and anti-social behaviour.

We are unable to sit in our garden at times when the hall has been in use and have had frightening behaviour from hall users arguing late even after the function or event has finished. This will only get worse with extending the licensing hours.

We have had several bags of rubbish dumped into the bushes alongside my home which have contained wine, beer, plastic drinks bottles, paper plates, food, serviettes etc.

Parking in the area adjacent to the hall is ridiculous and unsafe at times which escalates with the hall use with vehicles parking on the paths and even across ours and other neighbour's drives. Hall users do not use the designated area they should (Cricketers car park) and We worry if emergency vehicles need to get through.

We feel that someone from the Council needs to come and see for themselves the disruption and antisocial behaviour that currently happens when the hall is used for functions or events especially during and after it has finished.

We cannot understand why the hall was built in the first place so close to residential homes. We hope that you consider carefully our concerns with the increased licensing hours of the hall and look forward to hearing from you soon about these concerns. Kind Regards

Carl and Lesley Trutwein