

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
committee.services@tmbc.gov.uk

5 July 2021

To: MEMBERS OF THE LICENSING AND APPEALS PANEL
(Copies to all Members of the Council)

**NB ONLY MEMBERS
OF THE PANEL MAY
PARTICIPATE**

Dear Sir/Madam

Your attendance is requested at a meeting of the Licensing and Appeals Panel to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 13th July, 2021 commencing at 10.00 am

Members of the Panel are reminded that social distancing measures will be in place for this meeting.

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

1. Guidance on the Conduct of Meetings - Coronavirus Regulations 5 - 6

PART 1 - PUBLIC

2. Apologies for absence
3. Declarations of Interest

Decisions to be taken under Delegated Powers in accordance with paragraph 3, part 3 of the Constitution

4. Application for the Variation of a Club Premises Certificate for Aylesford Village Club, 57 Rochester Road, Aylesford 7 - 64

The report provides details of an application for the variation of a club premises certificate made under section 84 of the Licensing Act 2003 in respect of Aylesford Village Club, 57 Rochester Road, Aylesford

5. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive

6. Exclusion of Press and Public 65 - 66

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information

PART 2 - PRIVATE

7. Urgent Items - Part 2

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr Mrs F A Kemp (Chairman)

Cllr Mrs J A Anderson

Cllr N G Stapleton

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Measures under which all meetings of the Council will be conducted after 7 May 2021 to comply with coronavirus regulations and/or guidance in place at the time.

As it is necessary to maintain social distancing to limit the spread of infection the way meetings are conducted will change. This page summarises the process. If you have any questions, please contact Democratic Services via the contact details provided on the agenda.

Attending Meetings

- All meetings of the Council will be held in the Council Chamber, Gibson Drive, Kings Hill until social distancing requirements are no longer necessary.
- To help contain the virus, Members of the public (including anyone exercising a right to speak e.g. at an Area Planning Committee) are encouraged to participate remotely via MS Teams if possible.
- Meetings will also be live streamed via our [YouTube channel](#) to minimise the need for the public to attend in person.
- Any members of the public wishing to attend in person at the Gibson Building can view proceedings via video link in the Committee Room (maximum capacity of 10).
- Prior notification on a "first come first served" basis for entry to the Committee Room will be adopted. Anyone wishing to 'reserve' a place in the Committee Room should contact committee.service@tmbc.gov.uk
- Public speakers for planning committees will be hosted in a separate area and escorted into the Council Chamber for their allocated time. There will be a limit on the number of public speakers at planning committees due to capacity issues arising from social distancing guidelines.
- Public speakers are asked to remain standing to address the Committee to avoid having to clean or change seats between speakers.
- Staff will be available to escort public speakers into the meeting room and to manage any crowd control issues.
- Doors and windows will remain open throughout all meetings to ensure circulation of fresh air. Attendees are advised to dress appropriately.
- All participants are required to wear face coverings when not speaking at meetings.
- Hand sanitiser will be available at entrances.
- All attendees must have the NHS Test and Trace app and scan the QR code at the entrance to the building/meeting room if they wish to participate. Contact details will be requested on arrival for those who do not have the app.
- The toilet facilities at Gibson Building will be open but may be used by only one person at a time.
- Car parking: Attendees are asked to leave a parking space free between vehicles.
- Refreshments will not be available, and all participants are advised to bring their own water or other refreshments.

Anyone with covid symptoms should not come to the Council offices.

Thank you for your assistance.

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TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

13 July 2021

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

Delegated

1 APPLICATION FOR THE VARIATION OF A CLUB PREMISES CERTIFICATE FOR AYLESFORD VILLAGE CLUB, 57 ROCHESTER ROAD, AYLESFORD, KENT ME20 7BS

1.1 Executive Summary

1.1.1 The Licensing & Appeals Committee sitting as a Panel is asked to consider an application for the variation of a club premises certificate under section 84 of the Licensing Act 2003 for the club called Aylesford Village Club, 57 Rochester Road, Aylesford, Kent ME20 7BS.

1.1.2 The application to vary the club premises certificate seeks to –

- Open up an outside area for the consumption of alcohol. The area will be 9M X 12M (108 Msq) directly adjoining the rear of the club. This will allow for socialising in an outside environment. This will be accessed via an existing door at the rear of the Club hall.
- Have a relaxation of point 2 within Annex 3. This will allow for increased ventilation and fresh air circulation within the Club in line with the Governments advice during the Covid 19 pandemic.

For ease, the condition referred to above states (Annex 3, Condition 2) - ***All doors and windows to be kept closed at all times except for access and egress.***

1.2 Background and Introduction

1.2.1 The application was validated on the 20 May 2021, with the 28 day consultation period running from the 21 May 2021 until 17 June 2021.

1.2.2 A map showing the location of Aylesford Village Club is shown at **Annex 1**.

1.2.3 Aylesford Village Club was granted a club premises certificate in November 2005 under the Licensing Act 2003.

- 1.2.4 In August 2019, the club premises certificate was called to Review by local residents on the grounds of Prevention of crime and disorder, Prevention of public nuisance, Public safety and Protection of children from harm.
- 1.2.5 Complaints associated with the Review included – Burning of plastic and chipboard, noise complaints, drinking on the pavement, drink driving by patrons, intimidation from staff and drug use.
- 1.2.6 The Review Hearing was held on 20th September 2019 and the decision was as follows –
- The Club Premises Licence was suspended for one calendar month. During this period of suspension, the club committee, trustees and staff had to:
 1. Fully understand the conditions of the certificate and to have training and plan how they will comply with those conditions.
 2. Review the rules and regulations of the Aylesford Village Club to ensure they fully comply with the licensing legislation and to plan how these rules will be fully complied with by both members and guests.
 - Also, the panel decided to exclude from the certificate the sale of alcohol for consumption off the premises. The panel pointed out to the management of the Aylesford Village Club that the consumption of alcohol purchased on the premises and consumed outside of the licensed premises in breach of the mandatory conditions is an offence under the Licensing Act 2003.
 - In addition, the panel imposed the following conditions:
 1. Supply the Licensing team of Tonbridge and Malling Borough Council with the revised Aylesford Village Club rules before the end of the suspension, and show evidence of effective staff training having taken place
 2. All doors and windows to be kept closed at all times except for access and egress
 3. Implement the Challenge 25 policy and keep a refusals log
 - Finally with regard to the burning of refuse the panel advised with regret that this issue was not within its remit but understood residents' concerns. The panel suggested that residents should continue to notify the Environmental Health Department with any concerns regarding noise nuisance and any other public nuisance. The Aylesford Village Club should also liaise with the Council about the most appropriate way to dispose of waste.
- 1.2.7 A copy of the Notice of Determination from this Review Hearing can be seen at **Annex 2**.

1.2.8 At any stage, during the 28 day public consultation period, a responsible authority, or other person, may make representations in connection with any of the four licensing objectives namely:-

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

Provided that the grounds for the request are relevant to the promotion of one or more of the four licensing objectives and, in the case of requests by other persons, are not vexatious, frivolous or repetitive, a hearing must be held to consider the application.

1.2.9 The Licensing Act 2003 requires the Council to publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The Council's current Statement of Licensing Policy was published in 2019 and will remain in force until 2024. The Policy will be available at the hearing, for reference purposes.

1.2.10 Under the 2003 Act, it is the duty of all licensing authorities that, in carrying out their functions, they must have regard to Guidance issued by the Secretary of State under section 182. The Guidance cannot anticipate every possible scenario or set of circumstances that may arise. Provided that the licensing authority has properly understood and considered the guidance, it may depart from it when it has reason to do so. However, as the licensing authority is under a duty to have regard to the Guidance, it will need to give full reasons for its departure from it. The Guidance will also be made available at the hearing for reference purposes

1.3 The Application

1.3.1 The applicant is Aylesford Village Club, 57 Rochester Road, Aylesford, Kent ME20 7BS. The application which was received on 20 May 2021 is attached to this report as **Annex 3**.

1.3.2 The application details are as follows:

1.3.3 The addition of an outside area to the rear of the premises for the consumption of alcohol Monday to Sunday 09:00 – 00:00 (for both on and off the premises)

1.3.4 The removal of Condition two, Annex three which was added following a review hearing in September 2019. The condition states - ***All doors and windows to be kept closed at all times except for access and egress.***

1.3.5 A copy of the current licence and conditions is shown at **Annex 4**.

1.4 Reasons for referral

- 1.4.1 The Licensing Authority must under the Act refer any application for hearing to the Licensing & Appeals Committee, if relevant representations are made by a responsible authority or other person.
- 1.4.2 The Licensing Authority has, during the representation period, received five representations from other persons which are attached to this report as **Annex 5**. Within these representations are a number of photographs taken which show the club door being left open and people smoking outside.
- 1.4.3 The Licensing Authority also received two representations from statutory consultees, these are shown at **Annex 6 and Annex 7**.
- 1.4.4 Responses received from statutory consultees:

Fire Safety	No Comments
Trading Standards	No Response
Social Service	No Response
Police	Representation Received – Annex 6
Environmental Health (EH)	EP – Representation Received - Annex 7 Food Safety – No Comments
Health & Safety	No Response
Public Health	No Response
Planning	No Planning Restrictions

- 1.4.5 All those who have made a representation have been invited to attend this hearing.

1.5 Policy Considerations

- 1.5.1 The following provisions of the Secretary of State's Guidance apply to this application:

Chapter 2 – The licensing objectives
 Chapter 8 – Applications for premises licences
 Chapter 9 – Determining applications
 Chapter 10 – Conditions attached to Premises Licences

- 1.5.2 The following paragraphs of the Councils' Statement of Licensing Policy apply to this application:

Section 3 – Licensing Authority general policy considerations

Section 4 – Responsible Authorities and other persons

Sections 8 – In making decisions in respect to new premises licences.

Sections 17 – Licence conditions - appropriate and proportionate in order to promote the licensing objectives at that premises

1.6 Legal Implications

1.6.1 Section 4 of the Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the Licensing Objectives -

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) The protection of children from harm

1.6.2 Having regard to the relevant representations, the Panel must take such of the steps set out at paragraph 1.7.1 below, as it considers appropriate, for the promotion of the licensing objectives.

1.6.3 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published statement of Licensing Policy and any guidance issued by the Secretary of State under section 182.

1.6.4 An application for a variation of a premises licence may be made under s.84 of the Act may be made by the holder of the licence. An application made under s.84 of the Act must be determined in accordance with s. 85 of the Act.

1.6.5 Where relevant representations are made, the authority must—

(a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and

(b) having regard to the representations, take such of the steps mentioned in para. 1.7 (if any) as it considers appropriate for the promotion of the licensing objectives.

1.6.6 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant and those making representations, against decisions of the Licensing Authority to the Magistrates Court.

1.7 Options Open to the Panel

1.7.1 The steps are—

(a) to modify the conditions of the licence;

(b) to reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

1.8 Financial and Value for Money Considerations

1.8.1 None unless there is a successful appeal against the Panel's decision to the Magistrates' Court. This could result in costs being awarded against the Council.

1.9 Risk Assessment

1.9.1 Departure from the Guidance and Policy could lead to an increased risk on an appeal. Similar risks arise if any decision made is not evidence based and proportionate.

1.10 Equality Impact Assessment

1.11 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.12 Recommendations

1.12.1 That members determine the application carefully, considering the application along with any representations made and take such steps as the Panel considers appropriate for the promotion of the Licensing Objectives.

Background papers:

contact: Katie Shipman
6027

Licensing Act 2003

Live Music Act 2012

Deregulation Act 2015

Licensing Act Guidance

Statement of Licensing Policy

Adrian Stanfield

Director of Central Services and Deputy Chief Executive

ARCGIS WEB MAP

Web AppBuilder for ArcGIS



Page 13

Ordnance Survey data © Crown copyright and database right 2021. OS 100030994.



Scale 1:500

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Map Dated: 15 Jun 2021

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LICENSING ACT 2003 – Section 88
Notice of determination of an application to review a club premises certificate

Reference:
19/01006/CLUB

Tonbridge and Malling Borough Council, being the relevant Licensing Authority in this matter, on 2nd August 2019 received an application for a review of a club premises certificate in respect of the premises known as Aylesford Village Club, 57 Rochester Road, Aylesford, Kent. ME20 7BS

On the 20th September 2019 a hearing was held to consider this application and having considered it, the Licensing and Appeals Committee sitting as a panel (“the Panel”) determined as follows:

The Panel considered carefully the written report of the Director of Central Services and Deputy Chief Executive, together with the application and written representations received during the statutory consultation period. It also considered the oral representations made to it by the applicant and other interested parties during the Hearing.

The Panel was mindful of its obligations under section 88(3) of the Licensing Act 2003, which stated that, having regard to the application and representations, the licensing authority must take such steps set out in section 88(4) as it considers appropriate for the promotion of the licensing objectives. The Panel also had particular regard to the provisions of the amended guidance issued under section 182 of the 2003 Act and the Council’s statement of licensing policy.

The Panel RESOLVED that the club premises certificate be suspended for a period of one calendar month, because the panel were satisfied that there had been unacceptable nuisance at the premises.

The panel stated that during the period of suspension, it expected the Committee, Trustees and Staff of the Aylesford Village Club to:

1. Fully understand the conditions of the certificate and to have training and plan how they will comply with those conditions.
2. Review the rules and regulations of the Aylesford Village Club to ensure they fully comply with the licensing legislation and to plan how these rules will be fully complied with by both members and guests.

Also, the panel decided to exclude from the certificate the sale of alcohol for consumption off the premises. The panel pointed out to the management of the Aylesford Village Club that the consumption of alcohol purchased on the premises and consumed outside of the licensed premises in breach of the mandatory conditions is an offence under the Licensing Act 2003.

In addition, the panel imposed the following conditions:

1. Supply the Licensing team of Tonbridge and Malling Borough Council with the revised Aylesford Village Club rules before the end of the suspension, and

- show evidence of effective staff training having taken place
2. All doors and windows to be kept closed at all times except for access and egress
 3. Implement the Challenge 25 policy and keep a refusals log

Finally with regard to the burning of refuse the panel advised with regret that this issue was not within its remit, but understood residents' concerns. The panel suggested that residents should continue to notify the Environmental Health Department with any concerns regarding noise nuisance and any other public nuisance. The Aylesford Village Club should also liaise with the Council about the most appropriate way to dispose of waste.

Dated: 24th September 2019

Signed

Chairman Licensing & Appeals Panel

Signed

Licensing Officer

Please address any communications to:

Licensing Services
Tonbridge and Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
Kent ME19 4LZ

Note: Pursuant to Part 1 of Schedule 5 of the Licensing Act 2003 as amended, any party eligible to appeal must appeal to a magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Daytime contact telephone number (if any)		[REDACTED]	
E-mail address (optional)		[REDACTED]	
Current postal address if different from premises address		[REDACTED]	
Post town	Maidstone	Postcode	[REDACTED]

Part 3 - Variation

Please tick

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

Yes No

If not when do you want the variation to take effect from?

DD	MM	YYYY

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

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

1. We would like to open up an outside area for the consumption of alcohol. The area will be 9M X 12M (108 Msq) directly adjoining the rear of the club. This will allow for socialising in an outside environment. This will be accessed via an existing door at the rear of the Club hall.
2. We would like to have a relaxation of point 2 within Annex 3. This will allow for increased ventilation and fresh air circulation within the Club in line with the Governments advice during the Covid 19 pandemic.

If the club's 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

N/A

Part 4 – Club Operating Schedule

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

What qualifying club activities do you intend to conduct on the club premises which will be affected by your application?

Provision of regulated entertainment (please read guidance note 3)

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 entertainments (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)

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (if ticking yes, fill in box I)

The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place (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 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day				Start	Finish
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Wed			<u>Non standard timings. Where the club intends to use the premises for the performance of a play at different times from those listed in the column on the left, please list</u> (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Mon					
			<u>State any seasonal variations for the exhibition of film</u> (please read guidance note 6)		
Tue					
			<u>Non standard timings. Where the club intends to use the premises for the exhibition of film at different times from those listed in the column on the left, please list</u> (please read guidance note 7)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details here</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			<u>Non-standard timings. Where the club intends to use the premises for indoor sporting events at different times from those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Thur					
Fri			Non-standard timings. Where the club intends to use the premises for the boxing or wrestling entertainment at different times from those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)			
Mon						
Tue						
Wed			State any seasonal variations for the performance of live music (please read guidance note 6)			
Thur						
Fri						
Sat						
Sun						
			Non-standard timings. Where the club intends to use the premises for the performance of live music at different times from those listed in the column on the left, please list (please read guidance note 7)			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	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 5)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Wed					
Thur			<u>Non-standard timings. Where the club intends to use the premises for the playing of recorded music at different times from those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>Non-standard timings. Where the club intends to use the premises for the performance of dance at different times from those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment that the club will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Wed					
Thur			<u>State any seasonal variations for this entertainment</u> (please read guidance note 6)		
Fri					
Sat			<u>Non-standard timings. Where the club intends to use the premises for this entertainment at different times from those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – <u>please tick</u> (please read guidance note 9)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations (please read guidance note 6)					
Mon	09:00	00:00						
Tue	09:00	00:00						
Wed	09:00	00:00						
Thur	09:00	00:00				Non-standard timings. Where the club intends to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list (please read guidance note 7)		
Fri	09:00	00:00						
Sat	09:00	00:00						
Sun	09:00	00:00						

J

Hours club premises are open to the members and guests Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	09:00	00:00	
Tue	09:00	00:00	
Wed	09:00	00:00	
Thur	09:00	00:00	
Fri	09:00	00:00	<u>Non standard timings. Where you intend the premises to be open to the members and guests at different times from those listed in the column on the left, please list</u> (please read guidance note 7)
Sat	09:00	00:00	
Sun	09:00	00:00	

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 10).

No adult entertainment, service or activities will be conducted. No gaming machines will be in the proposed new outside area.

L

Please identify those conditions currently imposed on the certificate which you believe could be removed as a consequence of the proposed variation you are seeking.

1. At present we can only supply alcohol for consumption within the building. We would like to extend that area to encompass a limited outside area as per Part 3 variation.
2. At present we are not permitted to open windows or doors except for ingress or egress. This will change to allow sufficient circulation of fresh air. We have an existing acoustic limiter unit to prevent excessive amplified noise emitting from the building.

Please tick as appropriate

- I have enclosed the club premises certificate
- I have enclosed the relevant part of the club premises certificate

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

Reasons why the club has not enclosed the club premises certificate or relevant part of it:

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

As our existing objectives but with addition of recorded CCTV surveillance.

b) The prevention of crime and disorder

As existing objective but with addition of recorded CCTV surveillance. We also have a new Club Manager who has put in a strict Challenge 25 policy and carried out further staff training.

c) Public safety

As existing objective but with addition of recorded CCTV surveillance. Our risk assessments have been updated. Our emergency lighting has been updated. Position and control of fire extinguishers has been updated.

d) The prevention of public nuisance

As existing objective but with addition of recorded CCTV surveillance. Controlled operating hours. Updated staff training. Noise limitation device for amplified music. Extra signage to remind members and guests of noise.

e) The protection of children from harm

As existing objective but with addition of recorded CCTV surveillance. Increased signage to state that 'Children must be accompanied by a parent or guardian at all times'. Strict Challenge 25 policy in place. There will be no adult entertainment or services. There will be gaming machines in the proposed area.

^
NO

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities.
- I understand that I must now advertise my application.
- I have enclosed the club premises certificate 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

I Mark Oliver

(Insert full name)

make this application on behalf of the club and have authority to bind the club

Signature	
Date	25/04/2021
Capacity	Personal Licence Holdc. 

Address for correspondence associated with this application (please read guidance note 13)
Aylesford Village Club, 57 Rochester road, Aylesford, Kent. ME20 7BS.

Post town	Maidstone	Postcode	ME20 7BS
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Telephone number (if any)	
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If you would prefer us to correspond with you by e mail, your e mail address (optional)



Notes for Guidance

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 for the late night levy.
2. Describe the premises, for example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for people to consume these off-supplies, please include a description of where this will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.

- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;

- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. Please 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.
 6. For example (but not exclusively) where the activity will go on for an extra hour during summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16.00).
 9. If the club wishes members and their guests to be able to consume alcohol on the premises, please tick 'on the premises'. If the club wishes people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If the club wishes people to be able to do both, please tick 'both'.
 10. Please give information about anything to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or gambling machines etc.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed by someone with the authority to bind the club.
 13. This is the address which we will use to correspond with the club about this application.



Schedule 13 Part A

Club Premises Certificate Tonbridge & Malling Borough Council

Club Premises Certificate Number

19/01006/CLUB issued 6th December 2019

Club Details

Name of club in whose name this certificate is granted and relevant postal address of club

Aylesford Village Club
57 Rochester Road
Aylesford
Kent
ME20 7BS

Telephone number

The name and postal address of club secretary:

Aylesford Village Club
57 Rochester Road
Aylesford
Kent
ME20 7BS

Premises Licence holder Telephone Number 01622 716056

Where the club premises certificate is time limited the dates

Not applicable

Qualifying club activities authorised by the certificate

Sale of Alcohol
Performance of Dance
Films
Indoor Sporting Event
Live Music
Recorded Music
Anything of a similar description to
Late Night Refreshment

Times the certificate authorises the carrying out of qualifying club activities

Sale of Alcohol

Monday to Sunday 09:00 - 00:00

Performance of Dance

Sunday 12:00 - 23:00

Monday to Saturday 12:00 - 00:00

Films

Monday to Sunday 09:00 - 00:00

Indoor Sporting Event

Sunday 12:00 - 23:00

Monday to Saturday 12:00 - 00:00

Live Music

Sunday 12:00 - 23:00

Monday to Saturday 12:00 - 00:00

Recorded Music

Sunday 12:00 - 23:00

Monday to Saturday 12:00 - 00:00

Anything of a similar description to live, recorded music and dance

Monday to Sunday 09:00 - 00:00

Late Night Refreshment

Monday to Sunday 23:00 - 00:30

The opening hours of the Club

Monday to Sunday 09:00 - 00:30

Where the certificate authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption on the Premise

Annex 1 – Mandatory conditions

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence –
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
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 or 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 a 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).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
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 licences 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.
6. The responsible person shall 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: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; 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.

Minimum Drinks Pricing

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 purposes of the condition set out in paragraph 1 –
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (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.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the 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.

Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section "children" means any person aged under 18; and "film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

Door Supervision (except theatres, cinemas, bingo halls and casinos)

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with the Operating Schedule

- 1 In accordance with club rules lodged with Tonbridge & Malling with the original application dated 19th July 2005
- 2 No alterations of the club rules affecting the sale of intoxicating liquor to non-members shall be made without the consent of the Tonbridge & Malling Alcohol & Entertainments Licensing Committee

Annex 3 – Conditions attached after a hearing by the licensing authority

1. Supply the Licensing team of Tonbridge and Malling Borough Council with the revised Aylesford Village Club rules before the end of the suspension, and show evidence of effective staff training having taken place.
2. All doors and windows to be kept closed at all times except for access and egress.
3. Implement the Challenge 25 policy and keep a refusals log.
4. Noise attributable to the playing of live or recorded music within the premises shall not be audible within neighbouring houses with windows open in a manner typical for ventilation

Annex 4 – Plans

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Powell Close
Aylesford
Kent
31st May 2021

FAO: Licensing Services

Re: 21/00374/CLUB – Aylesford Village Club variation application

I wish to object in the strongest terms to the 3 proposed variations, requested by Aylesford Village Club in the above application.

1. Addition of a rear outdoor area

The club car park backs directly onto my home and 3 others in our terrace. When used as car park, people pass through the area fairly quietly on their way to and from the club. I chose to buy a home that backs onto a car park, not a beer garden, which is what this 'outdoor area' would become, as has already been demonstrated in the past and is part of why the restrictions were previously imposed.

Since the introduction of the 'smoking shelter' already in place people congregate here for long periods of time and are loud, causing nuisance to residents. People grow louder as alcohol takes effect, they do not watch their children (who scream and shout), they use foul and offensive language, turn on car stereos, smoke cannabis and urinate in the car park. These are all part of the objections lodged and upheld previously. To suggest that a new structure is erected to further encourage people to spend time in the car park is absurd and should not be permitted.

When people are encouraged to spend long periods in the car park, I am unable to use my garden or have my windows and doors open, due to the noise. I cannot invite people to spend time in my garden, as we never know whether we will have a pleasant time or not. Even with doors and windows closed, the noise is such that we have to turn up our TV or put on music of our own to drown out the noise. My dog is upset by the noise and barks when he goes into the garden, causing further nuisance to the neighbours. Inside, he is unsettled by the noise. At closing time, people spend long periods outside, instead of just going to their cars and leaving. This prevents me from being able to go to sleep at a time of my choosing.

Finally, I need to mention my privacy. I have already had to raise the level of my fencing to prevent people in the car park being able to see into my home and garden. When people spend time in the car park, they are able to see directly into my bedroom window – an extreme invasion of my privacy.

2. Addition of "off sales" for alcohol (Mon to Sun 9am to midnight)

I object to this variation, on the grounds that Aylesford became an unpleasant place to walk around when other licensed premises sold 'off sales' during COVID-19 restrictions. People buying products to take away, then open them in the village and cause nuisance by drinking and congregating in parks, green spaces and on the bridges. This causes obstructions to pedestrians and is very intimidating.

I also object to the vast period of time being requested for the condition – there should be absolutely no need to grant such an early or late end to this condition, were you to actually grant it.

3. Removal of condition 2 of Annex 3 relating to the closure of doors and windows (All doors and windows to remain closed at all times except for access and egress.).

I object to this request on the basis of everything lodged before. When the restriction was put in place, it was due to the nuisance caused by loud music and congregating of customers both at the front and back of the club premises. As mentioned above, congregating for periods of time causes loud shouting and swearing which residents should not have to be subjected to. Keeping the doors closed stops people congregating, as they need to enter the premises to speak with people. Keeping the doors and windows closed stops the music inside from being able to be heard in my home and garden.

I believe that the club were given a substantial amount of money to install better air-conditioning in the premises, so there should be no need to open doors and windows for ventilation.

I trust that you will also relook at the objections lodged before, as they all mention the reasons why this should not be able to be reversed.

I do hope that you will take my objections seriously. Although on paper some time has passed since the restrictions were placed on the club, in reality for most of that time the club has been closed, due to COVID-19. Since the restrictions were put in place, I have finally been able to enjoy my home and garden for the first time in many years. I have been able to spend time in the garden and leave doors and windows to my home open without worry or nuisance. I haven't been kept awake in the small hours by parties or fighting.

The club has blighted our family life, and that of other residents, for years. I have had to bring up children and try to get them to sleep whilst loud music and fights in the car park go on at the club. We have had to close our windows during the hottest times, simply to try and lessen the noise from these inconsiderate neighbours.

Last Saturday, 22nd May, the club had their back door open all day. It was noisy, with people sitting on benches and loud music coming from inside. I did email to advise you of this and was told that the club would be reminded of their terms. The very next morning, the notice for the new application appeared in their window. To me, this shows a complete lack of consideration for the rules imposed or the reasons they were put in place and does not suggest that the club will consider their neighbours in the future.

It took years of complaining to achieve the results that we did and they have all been welcomed by those affected with gratitude that the council finally listened. Please do not undo all of the hard work by allowing this business to blight our lives again.

With kind regards and hope for a considerate outcome,

Helen Grogan

Katie Shipman

From:
Sent: 23 May 2021 11:58
To: Licensing Services
Subject: Public notice 21/00374/CLUB Aylesford social club - objection

Categories: Katie

Good morning,

I would like to express my unconditional objection to the changes proposed in this application.

In Sep 2019 myself and other residents had to take the club to a lisencing review due to the amount of noise and music coming from the club.

To allow them to drink outside or have their windows open would increase the noise to local residents who live nearby. We we're told new air conditioning was installed so no windows would need to be open. I understand with covid that they may want to open windows but due to their previous behaviour they should just have fewer patrons inside.

Also, there is not much room for people to pass on the pavement as it is, and if patrons are blocking the path members of the public can't get by.

I personally live at the back of the club and do NOT want to see an extension to the property wherdby the already noisy patrons will congregate.

Just last night a patron decided to play their music from their car so loud the neighbourhood could hear.

I know they've changed management but the noise and smoking next to the property continues even now.

If this approved and their behaviour is noisy and rude to residents I will have no choice but to complain everytime this occurs to yourselves. With the sad potential of another licensing review in the future.

Kind regards,

Sara Green
Powell Close
Aylesford

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24/5/2021

Rochester Rd
Aylesford
Kent

Dear Sir / Madam,

I am writing to you regarding the application for changes to licensing at Aylesford Village Club. I had serious issues with the club back in 2019 before the pandemic, when certain restrictions were put in place and the club was closed for a month.

I am now very concerned to see that they want to allow off sales from 9.00 to midnight every day. I feel that this is truly excessive and detrimental to the village. We have 3 drinking establishments within this part of the village and I find it hard to believe it warrants the necessity to sell alcohol all day, every day. We have had many issues with customers drinking excessively

(2)

and causing problems before - as a very close neighbour this concerns me greatly. If the intention is that people will drive to the club to buy alcohol, there is also an issue with parking within the village. Cars frequently park on the double yellow lines outside the club rather than using the car park at the rear.

Also, the club was required to keep doors and windows closed to prevent noise and disturbance to local residents and cannot see any reason for this to be changed. The problems of loud music and excessive noise can not be addressed any other way that I can see.

I would also like to express my concern that the side door of the club, which I understood to be a fire exit, is regularly opened and used by people coming outside to

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smoke and chat. It is my understanding that a fire door should remain closed unless there is an emergency.

There are families with young children and many older residents living within close proximity of the club. I do not believe that the suggested changes are in keeping with the village. The local people who use the club for socialising and a quiet drink are not the ones causing problems, but when there are functions and the facility to buy alcohol so freely I can foresee some real problems occurring. I myself suffer from severe depression and anxiety and this is only exacerbating my problems.

I hope that the licensing department will look very carefully at the record of all the previous problems with

(4)

the club. When I first moved to Aylesford many years ago we did not have all these problems - the club was used by families, including my own, and was a pleasant place to spend a couple of hours. Unfortunately this does not seem to be the case now.

Yours sincerely

Mrs. Linda Cook



4

Katie Shipman

From:
Sent: 04 June 2021 13:20
To: Licensing Services
Subject: Village Club 57 Rochester Road Aylesford Kent ME20 7BS

Categories: Katie

I am writing concerning the new proposals put forward by the village club. Due to lockdown there have been no recent grievances but prior to the complaint in November 2019 I was living with constant noise coming from the club especially in the early hours after the club closed. There was drunken behavior resulting in loud swearing and fighting .The noise was unbearable. With reference to the new proposals I fear that the problems will return. The new management should be given a trial period to prove that the club can be run in a proper manner before the new proposals are accepted. Doors and windows being open will create more unbearable noise if it is not properly controlled. I know that they keep the fire door in use which I am sure is not acceptable, it should be kept closed.The off sales until midnight could cause more cars (parking is a problem and they do not use the club car park) and more unreasonable noise. I have lived near the club for 37 years and never had a problem before 2019 and I do not want to experience that awful noise and unruly behaviour again. Thanking you Denise Hamilton (Rochester Road)

5

Katie Shipman

From:
Sent: 11 June 2021 10:36
To: Licensing Services
Cc: Anthony Garnett
Subject: FW: Proposed changes to Aylesford Village Club's Licence agreement - 57 Rochester Road. 21/00374/CLUB

Categories: Katie

From:
Sent: 09 June 2021 22:35
To: 'licencing.services@tmbc.gov.uk' <licencing.services@tmbc.gov.uk>
Cc: '
Subject: Proposed changes to Aylesford Village Club's Licence agreement - 57 Rochester Road. 21/00374/CLUB

For the attention of Mr. Anthony Garnett and Ms. Katy Shipman

I am writing to inform you that I strongly object to the proposed changes outlined in the Club's application to make changes to their licence.

I cannot understand how they can do this as they haven't been able to prove to the local residents and licencing authority that the club has improved from when we went to panel in 2019 (for the club to have its club premises certificate reviewed), as we have been more or less locked down all that time since.

From the review in 2019 they were told to keep the side door shut at all times (a fire door) and customers should use the front door only so they can sign/swipe in. This is not happening – customers are regularly going in and out of the side door. The door is constantly being opened and shut and left open for sometimes all day. It is constantly banging noisily. This is causing me much distress but more than that – people are smoking in the doorway (and just outside which actually is blocking the exit which should be kept clear of any obstructions. They have a designated smoking area at the rear of the property.

The smoke goes into my garden and into the house via my back door and kitchen window which I have to keep closed. I can't sit in the garden very often as the smoking affects my health. Sometimes there are several people smoking at once and generally being loud and sometimes using offensive language. There is no respect shown to me as their close neighbour. The Manageress has been approached by me and my daughter on several occasions about these issues but have been met with nonchalance and shrugging of shoulders. In fact, the Manageress has been seen to be smoking outside this door which is not a good example to her patrons.

We already have three pubs in the village and do not need the Club to be open for even longer hours. Who on earth needs to drink alcohol at 9 in the morning? When customers leave the club at night especially if it is allowed to remain open until much later will result in even more anti-social behaviour. Nearby residents have had to put up with a lot in previous years from the Club. From past experiences, the customers can come out very noisily whilst getting into cars/taxis very late at night.

If they are allowed to have windows and doors open then it will be even more noisy. Bearing in mind they have been opening the side door all the time when not supposed to shows they haven't adhered to some of the stipulations in

their licence. Also it was discovered that at the hearing in 2019 that they weren't allowed to take drinks outside which they had been doing for many years previously to 2019.
It doesn't make sense to now allow them to do this especially as I said previously, the Club hasn't had a chance to prove it can be run in a quiet neighbourly way when fully functioning.

The Club was originally a working men's/village club for the villagers to use (snooker/darts/quizzes) for the villagers to use but now there are a lot of people coming from further afield and they show less respect for the neighbours.

My quality of life has been severely compromised by the Club over the years. When I first moved in about 25 years ago it was a very quiet club for the sole use of villagers in Aylesford.

I am extremely worried that allowing these amendments to the Club's licence to go ahead will further be to the detriment of my health and well being and to all other neighbours affected by the Club. A lot of the neighbours are elderly. All I want is to be able to sit in my garden without any stress – surely everyone is entitled to that.

I am just asking that they do not smoke outside my house and stop using the side door altogether as they should have been doing. I have not caused any trouble to the club over the years.

Please acknowledge receipt of this email. Thank you.

Kind regards
Mrs. J. Tyrrell
 Rochester Road
Aylesford.

Please be aware that my daughter, Mrs J. Jacobs will be acting on my behalf sometimes.

Katie Shipman

From:
Sent: 17 June 2021 19:08
To: Licensing Services
Subject: RE: Aylesford Village Club

Categories: Katie

Yes you can use them but I would like the faces to be obscured as I don't want to make this personal. The photos were taken on Sunday, 13th June at 15:54, 15:57, 16:01, 17:07, 17:12. I did take a photo yesterday (16/6/22 at 17:17) which showed the door left open. However, the door has been open a lot of the time.

Thanks

-----Original Message-----

From: Licensing Services <Licensing.Services@tmbc.gov.uk>
Sent: 16 June 2021 14:37
To:
Subject: RE: Aylesford Village Club

Good Afternoon Jayne

Many thanks for these, it is better for me to have them prior to the hearing so they can be included as part of the report.

Can you just confirm you are happy for me to include them? I would have to say who they have come from and it is likely I will blur out the faces of those pictured.

Many thanks
Katie

-----Original Message-----

From:
Sent: 15 June 2021 20:49
To: Licensing Services <Licensing.Services@tmbc.gov.uk>
Subject: FW: Aylesford Village Club

-----Original Message-----

From:
Sent: 15 June 2021 20:42
To: 'licencing.services@tmbc.gov.uk' <licencing.services@tmbc.gov.uk>
Subject: FW: Aylesford Village Club

Dear Katy

I wasn't sure whether I should send you some photos as evidence or print them off and bring them to review. These photos show how close the people are smoking near my mother's garden. They are also blocking the fire door. The door has been left open on occasion, all day. The photos clearly showing the door being left open were taken over an hour apart and were open all that time and most of the day. Obviously, these photos show people's faces so we may not be able to use

them. One of the ladies outside is the Club's Manageress. Please let me know what you think.

Kind regards

Jayne Jacobs on behalf of Joan Tyrrell

-----Original Message-----

From:

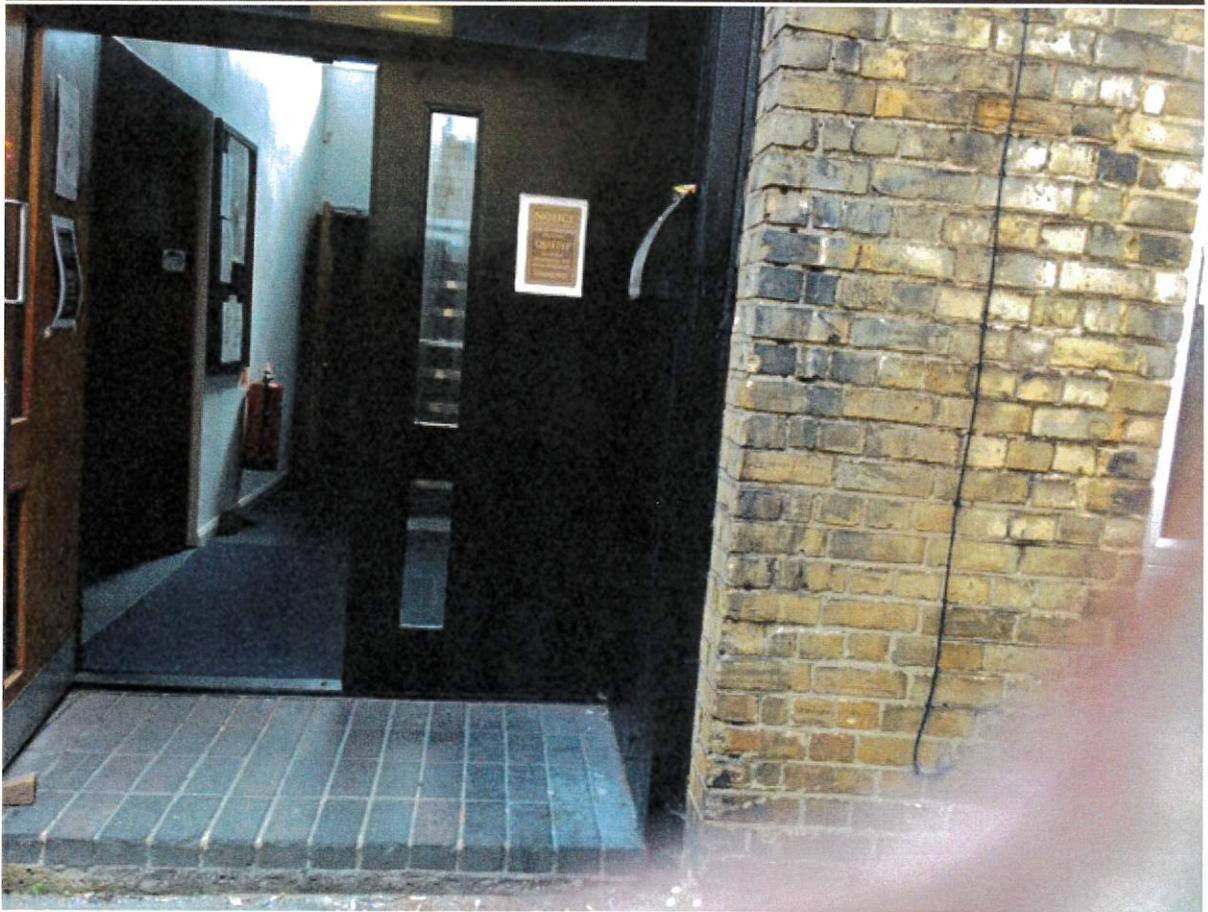
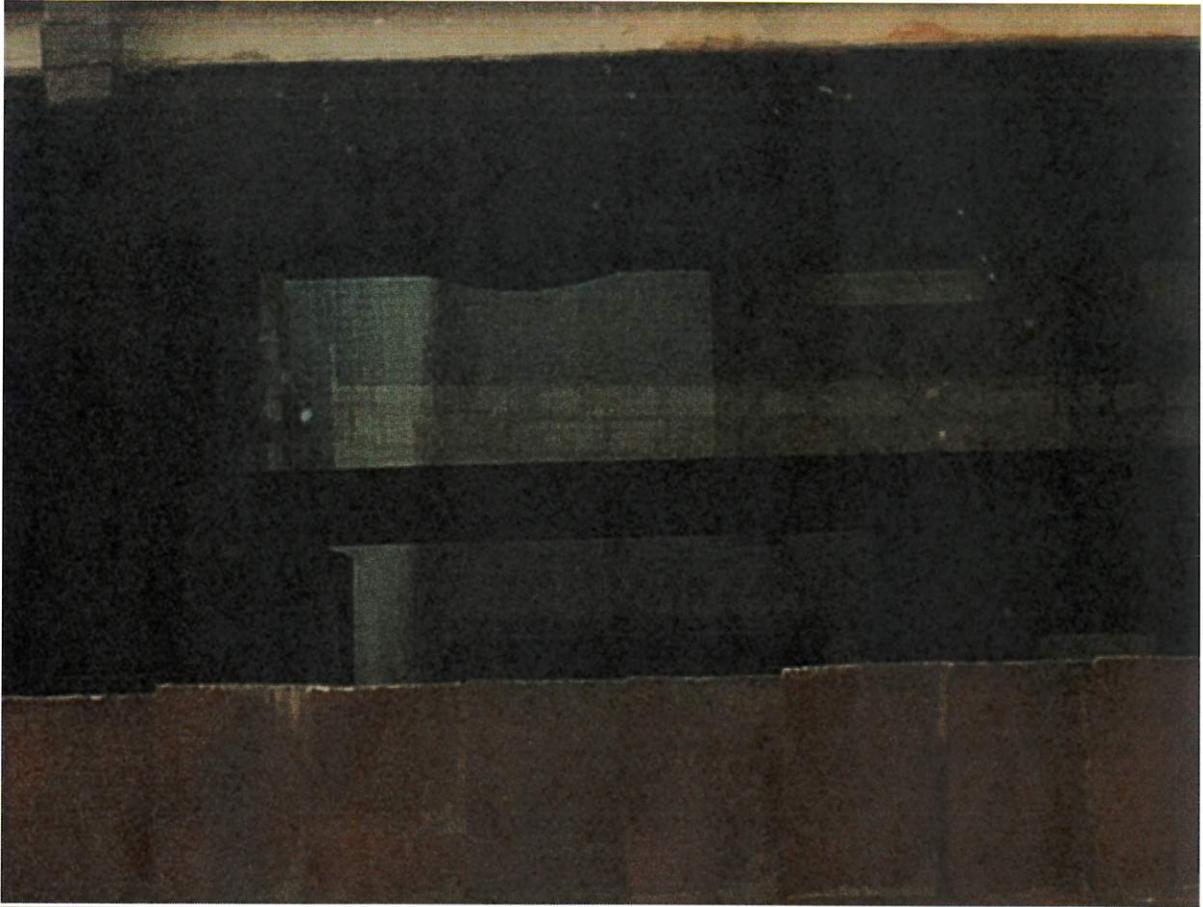
Sent: 13 June 2021 17:16

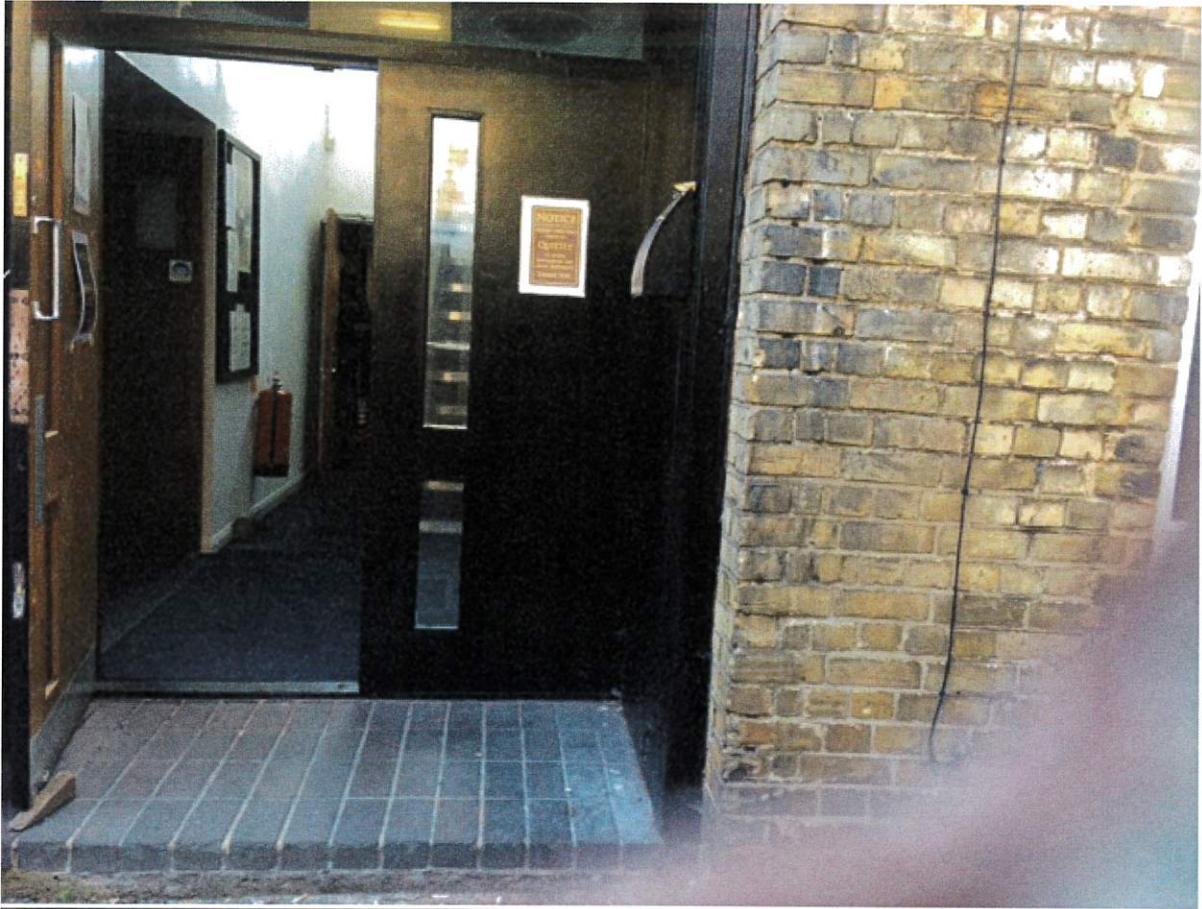
To:

Subject:

Have you tried contacting us at www.tmbc.gov.uk/do-it-online ?

This e-mail may contain information which is sensitive, confidential, or protectively marked up to OFFICIAL-SENSITIVE level and should be handled accordingly. If you are not the intended recipient of this e-mail or any part of it, please inform the sender immediately on receipt and do not copy it or disclose the contents to any other person. All e-mail traffic may be subject to recording and/or monitoring in accordance with relevant legislation.



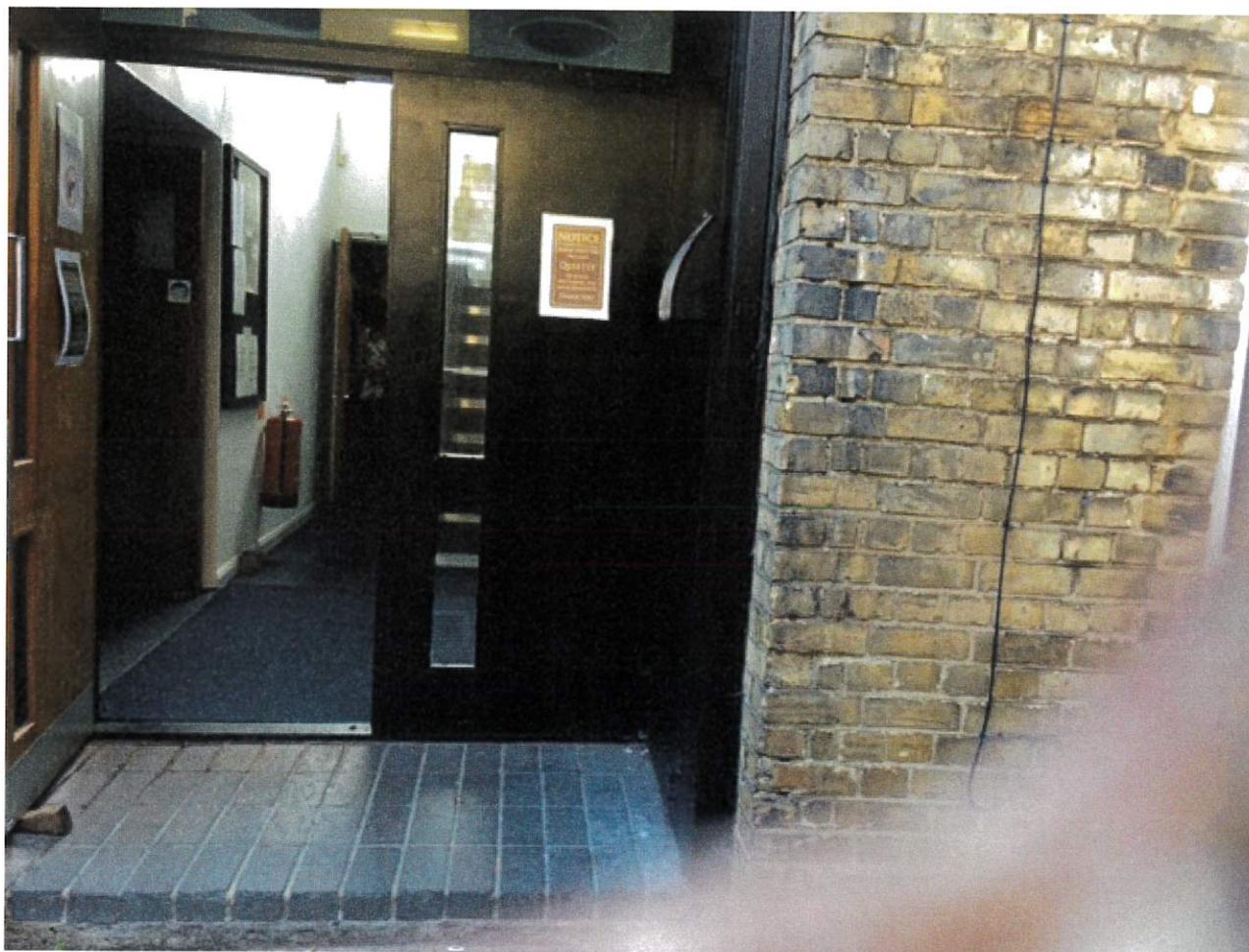


Katie Shipman

From:
Sent: 17 June 2021 19:10
To: Licensing Services
Subject: Aylesford club

Categories: Katie

Photo taken yesterday of door open.



Sent from my iPhone

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Details of person or body making representation

Name of chief officer of police	Chief Inspector Changizi
Postal address: (Area headquarters)	Tonbridge Police Station Pembury Road Tonbridge TN9 2HS
Email address	west.division.licensing@kent.police.uk
Telephone number:	

Details of premises representation is about

Name of premises:	Aylesford Village Club
Address of premises:	57 Rochester Road Aylesford Kent ME20 7BS
Date application received by police	20 th May 2021
Date representation sent to Licensing Authority	17 th June 2021
<i>Must be within 28 days of receipt – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, Part 4 Reg. 22.</i>	

The chief officer of police has received an application for the variation of a club premises certificate made under the provisions of Section 84 Licensing Act 2003, and under Section 85 of that act asks the Licensing Authority to consider these representations in respect of: -

<i>Please tick one or more of the licensing objectives that the representation relates to:</i>	
Prevention of crime and disorder	<input type="checkbox"/>
Public Safety	<input type="checkbox"/>
Prevention of public nuisance	<input checked="" type="checkbox"/>
Protection of children from harm	<input type="checkbox"/>

The relevant representations within the meaning of S.85(5) of the Licensing Act satisfy the requirements of S.85 (6) of that Act and are as follows:

Please give the reason for the representation and detail the evidence supporting it:

A variation of club premises certificate has been received from Aylesford Village Club seeking to utilise an area to the rear of the club for patrons to drink outside, they also seek to remove condition 2 in Annexe 3 which was imposed by the licensing committee at the hearing of a review of the club premises certificate which was instigated by local residents.

The terminal hour for sale of alcohol is midnight, Monday to Sunday, and there is no suggestion within this variation that these hours would be different for the outside area.

This premises has a history of noise issues in relation to music and patrons culminating in a review of the club premises certificate in September 2019 resulting in a period of suspension and the imposition of conditions upon the certificate. Since this time it has not yet been possible to assess the management and control of the premises as the suspension ended during the winter and premises were then closed due to the pandemic lockdown.

The variation application does not give any details of how patrons will be controlled by the management of the premises, the proposed outside area is to the rear of the premises and therefore at the furthest point from the bar and would require staff to be situated in this area to control patrons. The application seeks to relax or remove the condition requiring doors and windows to be closed, there is mention of a noise limiter being fitted however which should go some way to assisting with the noise from entertainment but will not prevent the escape of patron noise from the venue.

Kent Police does not support this application to vary the club premises certificate due to the significant risk of public nuisance being caused to the local community from patron noise and club activities. It is acknowledged that the past year has put considerable pressure on licensed premises of all types but it remains necessary to ensure there is a balance between the needs of the club and the needs of the local community that it aims to serve.

Please use separate sheets where necessary

Suggested conditions that could be added to the certificate to remedy the representation or other suggestions the Licensing Sub Committee may consider:

Please use separate sheets where necessary

Due to the history of this premises and there are no measures provided in the operating schedule to address these concerns it is felt that the applicant should address these matters and consider submitting further information prior to any consideration being given to these changes to the club premises certificate.

Signed:

Date: 17/06/2021

Print name: PSE Ellen Shaw

Force Number: 52479

pp Chief Officer of Police for the Police Area in which the licensed premises are situated

Representation may be made at any time during the 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant.

Please return this form along with any additional sheets to the Licensing Authority.

This form must be returned within the Statutory Period

OBJECTION to the Application to **Vary a Club Premises Licence**

Premises: Aylesford Village Club, 57 Rochester Road, Aylesford.

Environmental Protection Comments:

An application has been made by Aylesford Village Club to Vary their Club Premises Licence to allow for the use of an outside area for the consumption of alcohol and to allow doors and windows to be kept open whilst the premises are open.

The current Condition 2 of Annex 3 requires:

- All doors and windows to be kept closed at all times except for access and egress.

This Condition is designed to control the emission of noise from the Premises so that it does not unduly impact upon neighbours in the locality. The Applicant has requested a relaxation of this Condition, but they have not indicated specifically how they wish it to be relaxed (other than stating it will be to increase the flow of air through the premises in line with Govt. guidance for the control of COVID-19).

I believe that the opening of doors and windows to the premises will allow an undue amount of noise out of the premises that could adversely impact residents in the locality. Although the Amplified/Live music may be able to be controlled by means of the existing noise limiter, this will need to be substantially adjusted downwards to lower the 'allowed' level of music within the premises. This may effectively make the playing of music at the premises impossible.

I am not aware of a means that could be used to control patron noise other than the closing of doors and windows.

Members will also be aware of the Club Premises Licence Review called by residents in 2019. This resulted in a suspension to the Licence and the inclusion of Condition 2 in Annex 3 (as detailed above) to the Club Premises Licence, which supplemented the existing Condition:

- Noise attributable to the playing of live or recorded music within the premises shall not be audible within neighbouring houses with windows open in a manner typical for ventilation.

No information has been provided by the Applicant as to how they will ensure that this Condition is met.

Over the past 10 years the following complaints have been received in the Environmental Protection team that are pertinent to the Licensing Objectives:

- 16/00729/NOIENT, complaint about music and patron noise, registered 15-Sep-16. Only informal action was taken and the case was closed on 05-Dec-16.

- 19/00503/NOICOM, complaint about noisy patrons, car stereos and amplified music, registered 29-Jul-19. This case was largely superseded by the Club Premises Licence Review called by residents

In addition to these, there have been 6 other Environmental Protection complaints. These related to bonfires (2019, 2018 & 2016); chiller noise, dartboard noise and smoking (2013); dartboard noise (2012); and smoking (2009). As these are not pertinent to the Licensing Objectives, I have not provided further information on them.

An Abatement Notice in respect of amplified music has been served to the premises in the past, but as this was in 1997 it would no longer be enforceable.

In light of the above, I would wish to register an OBJECTION to the proposed Variation.

Agenda Item 6

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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