
By: Head of Libraries, Registration and Archives
To: Regulation Committee Member Panel – 15 June 2012
Subject: The Lost Village of Dode
Classification: Unrestricted
Summary: This report sets out details of a request by the owner of the Lost Village of Dode to vary two of the local conditions attached to his licence to hold civil marriages and civil partnerships.

1. Background

1.1 The venue lies on the western side of Wrangling Lane, Great Buckland, Luddesdown. The western boundary of the site on which the venue is located forms part of the boundary line between Tonbridge and Malling Borough Council (TMBC) and Gravesham Borough Council (GBC). The venue is within the Metropolitan Green Belt (MGB), the Kent Downs Area of Outstanding Natural Beauty (AONB) and a Special Landscape Area (SLA), and outside of any rural settlement confines. The venue is in TMBC but access (via Wrangling Lane) is in GBC.

1.2 The venue comprises a former church, now named by the owner 'The Lost Village of Dode'. A retreat building (holiday home) which lies to the north of the former church, is separate from it and is at a lower level on the site. The former church is the most prominent structure within the site.

2. Approved Premises for Civil Marriage

2.1 The Marriage Act 1994 allows local authorities to licence, for a period of three years, suitable venues where civil marriages can be solemnized. The latest guidance for licensing procedures is outlined in 'The Registrar General's Guidance for the Approval of Premises as venues for Civil marriages and Civil Partnerships' (4th Edition 2011). The relevant sections of this guidance are set out in **Appendix 1**. The parameters within which KCC is able to consider an application are narrowly prescribed, and rigours and tests that might apply to planning or other licensing applications do not apply to the licensing of approved premises for civil marriage. In practice there are very few grounds for KCC not to approve a licence, although KCC can attach such local conditions as it deems appropriate (see 2.8 of Appendix 1). The Marriage Act 1994 also states that upon grant of an approval the authority may:

'Attach to the approval such further conditions as it considers reasonable in order to ensure that the facilities provided at the premises are suitable and that the solemnization of marriages on the premises does not give rise to a nuisance of any kind.'

3. Previous History of the Venue and Surrounding Site

3.1 The Lost Village of Dode is described by the owner as the last remaining building of the medieval village of Dode which ceased to exist as a community at the time of the Black Death. The last remaining building is a medieval church structure consisting of one, two-cell room. It is likely that the building has not been used formally as a church on a regular basis since the demise of the community. It passed to private ownership in 1905. It was gifted back to the Catholic Church in 1954 and eventually sold, together with surrounding land, to the present owner and licence holder, Mr Douglas Chapman, in 1991.

3.2 Mr Chapman first applied for a civil ceremony licence in 1999. The application was approved for the period 1 April 2000 to 31 March 2003. At the time, the licence was granted with a number of local conditions attached. These included restrictions on the number of people attending ceremonies, car parking, incompatible religious activity during the life of the licence, lighting and fire precaution issues. The restrictions were put in place following opposition to the licence from Luddesdown Parish Council, residents living in Great Buckland and the former Member for Gravesham Rural, Mr Frank Gibson.

3.3 In 2003 the licence was renewed for the period 1 April 2003 to 31 March 2006. During the renewal process a comprehensive consultation was undertaken and those responding included the local KCC Members, local residents, and Luddesdown Parish Council. As part of this consultation, a number of objections were raised to the renewal of the licence and these included objections from both KCC Members. These objections can be summarised as follows:

- increased traffic on a narrow country lane;
- increased noise and disruption;
- unsuitable venue for a business of this kind in a green belt area; and
- adverse impact on remote location.

3.4 As a consequence of both KCC Members' objections, and in accordance with the Delegations to Officers, the decision as to whether to grant or refuse a new licence was referred to a Member panel of the Regulation Committee. As a result, further conditions were imposed on the licence. These included:

- Restricting the number of ceremonies to 30 per year for the duration of the licence.
- Restricting the days on which ceremonies could be held to Thursday, Friday and Saturday.
- Ceremonies restricted to no more than one per day.
- Ceremonies restricted to the period 1 April to 30 September each year.

3.5 In December 2005 Mr Chapman requested a review of conditions 7 (the restriction on the number of ceremonies) and 11 (the restriction on the months ceremonies were allowed). This review was carried out by Sue Edmunds the former Assistant Head of Trading Standards on behalf of Clive Bainbridge the former Divisional Director for Regulatory Services. This resulted in the number of ceremonies being increased to 33 per year for the period 1 April 2006 to 31 March 2009.

3.6 In 2006 the licence was renewed for a further period of 3 years from 1 April 2006 to 31 March 2009. The application received no objections provided that the conditions attached to the previous licence remained unchanged.

3.7 In April 2008, Mr Chapman requested a review of the 4 conditions referred to in 3.3. The request was submitted to a Panel of the Regulation Committee on 11 April. The decision of the Panel was to increase the number of ceremonies that could be held in each year of the licence from 33 to 42, and that in addition ceremonies should be allowed to take place between 1 December and 23 December during each year of the licence.

3.8 On 1 April 2009, the licence was again approved on renewal subject to the conditions as set out in the previous licence. The application received no objections provided the conditions were unchanged.

4. The Current Position

4.1 In January 2012 Mr Chapman applied to renew the licence for a further period of three years from 1 April 2012 to 31 March 2015. His application is attached as **Appendix 2 (including a supporting statement)**. In submitting his renewal application Mr Chapman also requested that:

- the current condition of 42 ceremonies per year be removed to allow an unlimited number of ceremonies; and
- the current condition that restricts ceremonies to Thursdays, Fridays and Saturdays;

be removed so that ceremonies can be held on any day of the week.

4.2 The application was advertised as usual in the local press and the advert made specific reference to the request to vary these two conditions. We also notified the following parties of Mr Chapman's renewal application and the request to vary the two conditions:

- Tonbridge and Malling Borough Council.
- Gravesham Borough Council.
- Luddesdown Parish Council.
- The KCC Local Members – Sarah Hohler (Malling North) and Michael Snelling (Gravesham Rural).

4.3 Three objections were received, one from Mrs Hohler, one from the Parish Council and one from a local resident (**Appendix 3**). However, these were all on the basis of no objection to the renewal if the current conditions remained in place and the licence was duly granted on that basis. It is therefore now a matter for this Panel to determine Mr Chapman's request to remove the two conditions set out in Paragraph 4.1.

5. Specialist advice

5.1 One of the main concerns in the past, and indeed now from those objecting to the removal of the two conditions is the potential impact that an increase in ceremony-based traffic would have on Wrangling Lane. I have sought advice from Highways and Transportation on this issue and the response from their Development and Planning Officer is **set out here**:

“From a highway safety perspective, it is apparent that existing conditions enable a direct control to be retained over potential vehicle conflict and parking concerns which could arise from the unlimited use of this site as a venue for weddings, those being the conditions limiting the use of the site to one ceremony a day and limiting the number of vehicles on site to no more than 10 per ceremony all to be parked off-street.

Whilst it is noted that other conditions are currently in place limiting the number of ceremonies per year and the days on which ceremonies can take place, it would be very difficult to justify a highway safety objection to the removal of such conditions. If ceremonies are being restricted to 1 per day and to no more than 10 vehicles per ceremony, then the use of the site for such ceremonies on additional days and at other times of the week would have no greater highway safety impact per event than that which is currently permitted.

Relaxation of the condition relating to latest start times could also be difficult to resist on highway safety grounds as no current condition restricting the time at which vehicles must leave the site exists meaning that movements relating to the site could already take place after dark.

In conclusion I would therefore recommend that subject to the existing conditions restricting ceremonies to 1 per day and restricting the number of vehicles to no more than 10 per ceremony all to be parked off-street being retained as per their existing wording, that there is no KCC Highways objection to the proposed removal of other current special conditions attached to the licence for this site.”

5.2 This is different to the advice obtained in 2006 from Kent Highways which recommended that:

“Increased traffic movements and frequency of road use (given the rural setting) would cause a nuisance to road frontages and neighbours and be to the detriment of road safety.”

5.3 The Lost Village of Dode is the only venue out of over 200 venues that are currently licensed by KCC to have any local conditions attached to the licence. I have therefore sought the advice of the Director of Governance and Law in respect of the appropriateness of the local conditions and whether these could be regarded as a restriction on the venue owner’s trade. His view is that there are no substantive reasons to imposing any conditions other than those based on Highways grounds.

6. **Summary**

6.1 The owner of the Lost Village of Dode has applied for two of the conditions attached to his approved premises licence for civil marriages and civil partnerships to be removed. The request has been advertised in the usual way to which there have been three objections. In accordance with the Regulation Committee Procedure for Considering Applications for the Registration of Premises for the Solemnization of Marriages and the Registration of Civil Partnerships, as one of those objections has been made by

a KCC local member the request must be submitted to a Panel of the Regulation Committee to determine.

7. Recommendation

7.1 Based on the specialist Highways advice received and the venue continuing to meet all of the criteria set out in the Marriages (Approved Premises) Regulations and Guidance, there do not appear to be any valid reasons to reject Mr Chapman's request.

7.2 It is therefore recommended that the Member Panel agree to the removal of the two licence restrictions requested by Mr Chapman, namely:

- that a maximum of 42 ceremonies per year be allowed; and
- that ceremonies be restricted to Thursdays, Fridays and Saturdays.

7.3 It is recommended that the Member Panel retain the remaining licence restrictions, namely:

- that ceremonies be restricted to no more than one per day;
 - that ceremonies be restricted to the period 1 April to 30 September and 1 to 23 December each year; and
 - all other existing local restrictions for example on the number of people attending ceremonies and car parking.
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