

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Friday, 9 February 2024 at 9.04 am.

Present:

Sub-Committee:

Chairman: Councillor S Hill

Councillors: S B Blair (as substitute for Councillor P M Brivio)
M F Hibbert

Officers:

Legal Adviser: Principal Lawyer - Litigation and Regulatory

Licensing Officer: Licensing Manager
Licensing Officer

Administrator: Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2024/0002A).

30 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor P M Brivio.

31 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor S B Blair was appointed substitute for Councillor P M Brivio.

32 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

33 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF RIPPLE COURT ESTATE, RIPPLE, DEAL

The Sub-Committee considered an application for the grant of a Premises Licence in respect of Ripple Court Estate, Ripple, Deal, Kent CT14 8HX. Pursuant to amendments, the application was for:

Supply of Alcohol (for consumption ON and OFF the premises)

Every Day 09:00 – 23:00 hrs

Late Night Refreshment (Indoors)

Every Day 23:00 – 23:30 hrs

The following documentary evidence and/or other information was taken into account:

- (i) The Licensing Manager's report including, the options available to the Sub-Committee
- (ii) Application from Nunc Est Bibendum Ltd for the grant of a Premises Licence and plan (appendix A of the agenda)
- (iii) Email thread between Environmental Health and applicant (appendix B)
- (iv) Map of the area (appendix C of the agenda)
- (v) Representation from Other Persons (appendix D of the agenda)

On the basis of the representations of the applicant, their representatives and the representations from Other Persons, the Sub-Committee found the following facts to be established.

- (i) The application from Nunc Est Bibendum Ltd, represented at the hearing by Michael Kheng of Kurnia Licensing Consultants Ltd and the directors / owners of the premises Peter Robertson and Francesca Reed (also the Designated Premises Supervisor), was for the grant of a Premises Licence at Ripple Court Estate, Ripple, Deal. The revised application sought: supply of alcohol for consumption ON and OFF the premises, every day between 09:00 – 23:30 hrs, and late-night refreshments to be served indoors, every day between 23:00 and 23:30 hrs.
- (ii) The original application had been amended by removing: live music, recorded music, performance of dance and anything of a similar description.
- (iii) During the consultation, Environmental Health made a representation. However, following discussions with the applicant and the amendments to the application, Environmental Health withdrew their representation.
- (iv) There were discussions between the applicant and the Kent Police. No representation was made by Kent Police or by other Responsible Authorities.
- (v) Two representations were received from Other Persons citing the prevention of public nuisance licensing objective.
- (vi) The Sub-Committee heard from Mr and Mrs Smyth at the hearing. They raised concerns regarding residents being disturbed by the sort of behaviour that generally accompanies the excessive consumption of alcohol and they would like the alcohol sale to cease at 22:30 hrs (this was revised to 23:00 hrs during the course of the hearing). Parties were reminded that speculative representations should be disregarded.
- (vii) The Sub-Committee heard from Mr Batchelor at the hearing. He raised concerns about noise emanating from the premises and would like to see a noise management plan in place and a restriction of 30 events per year at the premises and limited to 120 guests. Mr Batchelor also suggested that the conditions imposed on the planning permission should be included in the premises licence and raised an issue that the marquee was meant to be a temporary structure and if it was no longer to be temporary that CCTV should be installed.

- (viii) Parties were reminded at the hearing that the licensing and planning regimes were separate and that the regulated entertainment elements of the application had been withdrawn. With regard to the written representation regarding pyrotechnics, Parties were informed that pyrotechnics were not a licensable activity.
- (ix) Regarding the CCTV concerns, the Committee noted that the Police appeared in correspondence to accept the low risk assessment and had not made a representation.
- (x) The Sub-Committee heard from the applicant's representative Mr Kheng who presented the applicant's revised application.
- (xi) Mr Kheng advised the Sub-Committee that applying for supply of alcohol at 09:00 hrs was not for a reception but to cover activities such as, a bridal party at the estate and having prosecco whilst getting ready. Receptions were more likely to be lunch time or afternoons.
- (xii) Mr Robertson and Ms Reed owned the premises and were the directors of the wedding company. They lived at the property with their young family and they did not wish to disturb the residents or their family. The building was listed and required a lot of upkeep, this business venture would help support the building.
- (xiii) There had been no weddings as yet but the business employed 7 permanent staff. It was likely there would be 15-20 additional people employed for weddings. It was likely there would be less than 30 events per year and the applicant would be agreeable to communicating events to neighbours (it was stated that this already happened with Mr Batchelor) and installing signage at the premises asking guests to leave quietly.
- (xiv) The premises has been approved for a wedding licence and planning had also been granted. Mr Kheng referred the Committee to the s.182 guidance that stated: "(conditions) should not duplicate other statutory requirements", and: "Licensing committees are not bound by decisions made by a planning committee".
- (xv) The Legal Advisor advised the Sub-Committee that they would not be prevented from attaching a 'similar' condition to a premises licence where relevant to promoting the licensing objectives.
- (xvi) It was observed by Mr Kheng that Mr and Mrs Smyth's representation only related to hours. The applicants did not consider 23:30 hrs to be excessive. To reduce the hours would have an adverse effect and the venture would be unviable. The hours as requested would permit guests to purchase unopened bottles of alcohol to take home at the end of the event (given that the alcohol would have been brought in specifically for the event and it could be another 4 weeks before the next event) and with regard to late night refreshment, grant of the licence would allow the premises to provide hot drinks to guests after 23:00 hrs.
- (xvii) Regarding Mr Batchelor's representation, aside from the planning aspects, it was observed that: the regulated entertainment elements of the application had been withdrawn and that no Responsible Authorities had submitted a representation, and they were the "main source of advice" (cited from the

s.182 guidance) in their respective areas. Mr Kheng also referred the Sub-Committee to 'the Thwaites case' which emphasised the important role that Responsible Authorities had in providing information to decision makers to contextualise the issue before them.

The Sub-Committee has taken into account the following:

- (i) Dover District Council's Licensing Policy
- (ii) The Licensing Act 2003 and in particular the guidance given under Section 182 of the Act
- (iii) Article 6 of the Human Rights Act (Right to a fair trial)
- (iv) Section 17 of the Crime and Disorder Act 1998 (Duty to consider crime and disorder implications)

RESOLVED: The Sub-Committee has decided to:

- (i) GRANT the revised application in respect of Ripple Court Estate, Ripple, Deal, CT14 8HX as follows:
 - Supply of Alcohol (for consumption ON and OFF the premises):

Every Day	09.00 – 23.30 hrs
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 - Late Night Refreshment (Indoors):

Every Day	23:00 – 23:30 hrs
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- (ii) The Sub-Committee accepts the operating schedule and the applicant's offer to install signage regarding guests leaving quietly and that events will be communicated to neighbours.
- (iii) The decision of the Sub-Committee does not relieve the applicant of the need to adhere to other applicable regimes.

The meeting ended at 9.55 am.