

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Thursday, 8 September 2016 at 2.40 pm.

Present:

Sub-Committee:

Chairman: Councillor S F Bannister

Councillors: L A Keen  
P S Le Chevalier

Officers:

Legal Adviser: Contentious and Regulatory Lawyer  
Licensing Officer: Public Protection Manager  
Licensing Team Leader  
Environmental Protection Manager  
Administrator: Democratic Support Officer

Applicant: Mr J Chamberlain

Persons  
in attendance: Mr E Edwards  
Mrs M Edwards  
Mr R MacFarlane  
Mrs C MacFarlane  
Mr K Saunders  
Mrs A Saunders

9 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor D G Cronk.

10 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor L A Keen was appointed as substitute for Councillor D G Cronk.

11 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

12 LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE AT THE LYDDEN BELL, 81 CANTERBURY ROAD, LYDDEN, DOVER CT15 7EX

The Sub-Committee were asked to consider an application for the variation of a premises licence for The Lydden Bell, 81 Canterbury Road, Lydden, Dover CT15 7EX for the removal of two conditions on the current premises licence which stated

‘Any noise emanating from the premises when regulated entertainment is taking place shall not be audible at the boundary of the nearest residential property’

'No extension speakers to be utilised in the garden or skittle alley'

For the variation the applicant had completed section E of the operating schedule namely in respect of live music alone. The current licence however permitted live music to be played until 00.01hrs and recorded music until, on some days, as late as 01.00hrs. The Licensing Team Leader advised the Committee that immediately prior to the start of the meeting the applicant asked to amend the application for the timings of Live and Recorded Music from 11.00hrs to 23.00hrs every day.

In light of this the Legal Adviser explained to Members that this amendment, whereby no music would now be played beyond 23.00hrs, was permissible without a licence being required, due to amendments to the Licensing Act 2003 made by the Live Music Act 2012. As a result of this amendment, the playing of live and recorded music (amplified or unamplified) inside or outside on the licensed premises was no longer a licensable activity between the hours of 08.00hrs and 23.00hrs, provided it took place on a premise with fewer than 500 people and while alcohol was being served. As a result the two conditions that the Sub-Committee were to be asked to remove, would no longer apply as a result of these amendments, and as such there was no application to consider and therefore no hearing was necessary.

All representors in attendance were invited to discuss any noise related issues with regard to the premises and the powers under the Environmental Protection Act 1990 with the Environmental Protection Manager at the close of the meeting.

The meeting ended at 3.00 pm.