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17 January 2022

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **LICENSING COMMITTEE** will be held in the Council Chamber at these Offices on Wednesday 26 January 2022 at 5.30 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Jemma Duffield, Democratic Services Officer on (01304) 872305 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a white background.

Chief Executive

Licensing Committee Membership:

T A Bond (Chairman)	J P Haste
P D Jull (Vice-Chairman)	M F Hibbert
M Bates	S C Manion
D G Beaney	K Mills
P M Brivio	D P Murphy
N J Collor	R S Walkden
D G Cronk	C D Zosseder
D Hannent	

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 3)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4 **MINUTES** (Pages 4 - 5)

To confirm the attached Minutes of the meeting of the Committee held on 20 October 2021.

5 **MINUTES OF SUB-COMMITTEE MEETINGS** (Pages 6 - 11)

To receive the attached minutes of the meeting of the Licensing Sub-Committee held on 7 September 2021.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is step free access via the Council Chamber entrance and an accessible toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Jemma Duffield, Democratic Services Officer, democraticservices@dover.gov.uk, telephone: (01304) 872305 or email: democraticservices@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

Minutes of the meeting of the **LICENSING COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 20 October 2021 at 5.15 pm.

Present:

Chairman: Councillor T A Bond

Councillors: M Bates
P M Brivio
N J Collor
D G Cronk
D Hannent
M F Hibbert
P D Jull
R S Walkden

Officers: Head of Regulatory Services
Licensing Manager
Democratic Services Officer

8 APOLOGIES

There were no apologies for absence from Members.

9 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

10 DECLARATIONS OF INTEREST

Councillor T A Bond declared an Other Significant Interest in Agenda Item 14 by reason that he carries out work with two hotels in the district and would leave the meeting for consideration of the item.

11 MINUTES

The Minutes of the meeting of the Committee held on 25 May 2021 were approved as a correct record for signing by the Chairman.

12 MINUTES OF SUB-COMMITTEE MEETINGS

The Minutes of the meetings of the Licensing Sub-Committees held on 7 June 2021, 28 June 2021, 6 July 2021, 8 July 2021, 20 July 2021 and 3 August 2021 were received and noted.

13 LICENSING ACT 2003 AND GAMBLING ACT 2005 - AMENDMENTS TO LICENSING SUB-COMMITTEES

Following the Extraordinary meeting of the full Council on 15 September 2021 and the change made to the membership of the Licensing Committee to appoint Councillor M F Hibbert to the Committee (replacing Councillor O C de R Richardson), the Committee was asked to amend the sub-committees to reflect the new membership.

RESOLVED: That sub-committee (B) be amended as follows

- (B) Councillor D P Murphy (Chairman), Councillor M F Hibbert, Councillor M Bates.

(The remainder of the sub-committees remained unchanged.)

14 FEES AND CHARGES 2022/23

Councillor P D Jull, as Vice-Chairman, assumed the Chair in the absence of Councillor T A Bond.

Members considered the report of the Head of Regulatory Committee which set out the fees and charges for 2022/23 relevant to the Licensing Authority. Members were reminded that the Licensing Act fees were set by Government and not by the Council and that the fees set under the Gambling Act were capped by Government and set within the guidelines.

- RESOLVED:
- (a) That the Fees and Charges for 2022/23 as set out in Appendix 3 be approved.
 - (b) That Members approve the general principle that fees are set at an appropriate inclusive level, irrespective of VAT status, and that the VAT element within the overall fee level is then determined.
 - (c) That Members approve the general principle that, unless the fee is set by statute, licensing fees will be set on a cost recovery basis.
 - (d) That the Head of Regulatory Services be authorised to adopt fees at, or close to government directed levels without the need for further reporting, in cases where the Council is awaiting Government guidance and it has not been possible to set a fee level at this stage.
 - (e) That the Head of Regulatory Services be authorised in consultation with the Portfolio Holder for Transport, Licensing and Regulatory Services and the Strategic Director of Corporate Resources to make minor adjustments to the fees and charges as necessary.

(Councillor T A Bond declared an Other Significant Interest by reason that he carried out work with two hotels in the district and withdrew from the meeting for consideration of this item.)

The meeting ended at 5.25 pm.

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 7 September 2021 at 2.45 pm.

Present:

Sub-Committee:

Chairman: Councillor T A Bond

Councillors: D G Cronk
P D Jull

Officers:

Legal Adviser: Contentious and Regulatory Lawyer
Licensing Officer: Regulatory Lawyer
Administrator: Licensing Manager
Licensing Enforcement Officer
Technical Support Officer - Licensing
Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2021/0011A).

28 APOLOGIES FOR ABSENCE

There were no apologies for absence from Members.

29 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

30 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

31 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT SOLTON MANOR, EAST LANGDON, KENT CT15 5JB

The Sub-Committee considered an application for the grant of a Premises Licence for Solton Manor, East Langdon, Dover for the following

Films (Indoors)

Every Day	09.00 – 21.00 hrs
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Live and Recorded Music (Indoors)

Thursday – Saturday	23.00 – 23.59 hrs
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Supply of Alcohol (for consumption ON the premises)

Sunday – Wednesday	12.00 – 23.00 hrs
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Thursday – Saturday	12.00 – 23.30 hrs
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On the basis of the representations of the applicant's, the applicant's representatives, the Responsible Authority and Other Persons, the Sub-Committee found the following facts to be established:

- (i) Solton Manor was a Grade II listed manor house set within 9 acres of private grounds with a converted barn and outbuildings.
- (ii) The Venue Manager advised that the Manor House provided self-catering accommodation for wedding guests who had exclusive use of the premises the day before a wedding event. Guests had use of the whole of the ground floor during their event.
- (iii) The Tudor Hall, which was within the Manor House, was a dining area with capacity for a music and bar area. The Manor House also included the Bell Tower Barn (a separate room within the house).
- (iv) The Barn, which was separate to the Manor House, could accommodate 150 guests with 70 being seated.
- (v) The application sought a premises licence for the ground floor of the Manor House and the Barn only with drinks being permitted to be consumed outside also.
- (vi) The accommodation at the premises comprised of 10 bedrooms in the Manor House accommodating 22 guests, and two beds in the cottage accommodating four guests.
- (vii) There was a planning permission that limited the number of weddings/events at the premises and was limited to 50 events per year with a maximum of 150 guests for each event.
- (viii) The premises had been holding weddings using Temporary Event Notices (TENs) and ten events had been held throughout June, July and August with five more scheduled for September and October.
- (ix) The operating schedule had been amended twice by the applicant during the consultation process having had discussions with Kent Police and Environmental Health and these amendments were shown in appendices C and D of the report.
- (x) During the consultation process three representations from Other Persons and one representation from the Responsible Authority, Kent Fire and Rescue Service (KFRS), were received objecting to the application. The Licensing Objectives cited to be undermined were Public Safety and Prevention of Public Nuisance.
- (xi) KFRS stated that the applicant had failed to inform the local authority Building Control department of the material changes to the premises (the Manor House) following the grant of planning permission for the change of use to a wedding venue. KFRS were statutory consultees as part of the application process for Building Regulations.

- (xii) Following a risk assessment of the premises in March 2019 KFRS advised that the significant findings had not been actioned and following a regulatory inspection carried out on 10 August 2021, KFRS would be issuing two statutory notices under Article 30 of The Regulatory Reform (Fire Safety) Order 2005.
- (xiii) The Sub-Committee was informed of two main issues arising from the inspection in August 2021 being that there was no automatic alarm detection in place and no protected route for means of evacuating the premises. The Tudor Room had only one exit, that was not a protected route, and it was the opinion of KFRS that the room could only hold up to 60 guests.
- (xiv) Mr Harden advised he was liaising with Dover District Council's Heritage Officer to discuss the protected route as the property was listed and oak doors would have to be removed, which he was reluctant to do.
- (xv) The Sub-Committee was also informed that the issues arising from the inspection related to the Manor House only and that an audit of the Barn had not been undertaken. Having looked at the plans of the Barn they had no concerns.
- (xvi) Mr Harden advised that following the inspection a Part 6 temporary hard-wired system was installed in the Manor House on 12 August 2021. An L2 wireless system was later installed within 10-14 days of the inspection, within the Manor House. The Barn had a hard-wired system that was satisfactory to KFRS.
- (xvii) KFRS advised the Sub-Committee that without a sufficient Risk Assessment they still had significant concerns. Ms Holmes stated that a Risk Assessment had been completed although it had not been accepted by KFRS.
- (xviii) The representations from Other Persons cited the licensing objective Prevention of Public Nuisance as their main concern and that the application suggested additional uses beyond the premises being used as a wedding venue.
- (xix) Those who had made representation were neighbours to the premises and had experienced excessive noise from private parties and gatherings at the premises that were not necessarily weddings.
- (xx) Mr D MacWatt was not objecting to a premises licence for the Barn. His objections related to the noise created from events held in the Manor House and strongly objected to events outside of the planning consent and requested the licence be restricted to weddings only and that there be no extension to the licensable hours.
- (xxi) Mr and Mrs Hyde lived approximately 250 metres from Solton Manor and reported that gatherings at the premises had taken place during the recent lockdowns and that it was their opinion that this behaviour demonstrated a lack of control by the management of the venue and a disregard for the authorities and public safety. They were, however, content if the premises was properly controlled as a wedding venue.

- (xxii) The representations stated that firework displays had taken place at the premises beyond 22.00hrs. The noise caused distress to wildlife and the firework debris was also harmful.
- (xxiii) The Licensing Manager advised the Sub-Committee that fireworks were not a licensable activity and therefore not a matter for the Sub-Committee. Noise complaints would be a matter for Environmental Health and the debris from the fireworks would need to be dealt with by the Environmental Protection team.
- (xxiv) Mr R MacWatt provided video evidence to those present. The three video clips were filmed from the neighbouring property, the Calf House, which was located next to the premises' boundary. The videos were provided as evidence of amplified live music (played outside) and fireworks from the premises as follows:
- 22 June 2021 at 17.48 hrs – live music
 - 29 July 2021 at 20.30 hrs – live music
 - 29 July 2021 at 20:30 hrs – live music
 - 14 August 2021 at 21.35 hrs – fireworks
- (xxv) The Licensing Manager provided the dates of fifteen Temporary Event Notices the premises had applied for and reported that no Temporary Event Notices were in place on 22 and 29 July 2021. A TEN had however, been submitted for 14 August 2021.
- (xxvi) The Licensing Manager provided dates of four complaints made to Environmental Health regarding noise from the premises and these complaints were made on 23 January 2021, 27 August 2021 and a further two on 5 September 2021. It was stated by the Events Manager that these were private events organised by the owner for their personal guests, of which, as they were private, she had no involvement in.
- (xxvii) Ms S Holmes confirmed that the owners of Solton Manor had held house parties at the premises, although it was not known when. Ms Holmes was aware a self-catering group had been present at the premises and no wedding event had taken place. The Licensing Manager advised the Sub-Committee that a premises licence was not required for house parties.
- (xxviii) Ms Holmes addressed the concerns and advised the Sub-Committee that consideration had been given to neighbours. The hours being sought were fewer than the previous premises licence, with the terminal hour now being midnight. Solton Manor had been granted planning permission for 50 weddings per year only and were permitted to utilise fifteen TENs throughout the year. They were not advocating other events.
- (xxix) Security measures had been put in place, and these included 22 security cameras and SIA security staff.
- (xxx) Staff on site during weddings and pre-events in the Manor House would include: three in-house staff; six to ten catering staff; a minimum of two SIA security staff and one SIA security staff on duty for any pre-events.

- (xxxix) A member of staff would be on duty from official check-in at 1600 hrs until 23:00 at pre-events. Then someone would be on site overnight. Previously there was no one present.
- (xxxii) Following discussions with Environmental Health a noise limiter had been installed in the Barn and was set at a maximum 90dB(A) to minimise noise disturbance to neighbouring properties. Staff would also ensure that windows and doors would remain closed.
- (xxxiii) The hours in which the bottle bins could be emptied were discussed with the Ms Holmes and it was suggested by her that they could be emptied between 09.00 hrs and no later than 20.00 hrs to minimise the noise disturbance to neighbours.
- (xxxiv) The Sub-Committee had considered the representations and the concerns of the Responsible Authority that there was no automatic fire alarm and no protected route in the Manor House. More exits were required to satisfy KFRS.
- (xxxv) The Sub-Committee was concerned that the significant findings from KFRS' report in 2019 had still not been dealt with although they noted that the staff present at the Hearing had been helpful and this was echoed by KFRS. Whilst the Sub-Committee was encouraged to hear that consideration was being given to the listed status of the premises, safety was paramount.
- (xxxvi) The Sub-Committee noted that two of the three complaints made to the local authority regarding noise were made whilst the premises was operating under a Temporary Event Notice and that video evidence had been provided.
- (xxxvii) Having considered the points made by the Other Persons it was found the objections were mainly relating to noise from pre-wedding events and having heard from the Venue Manager, staff were now present when they had not been previously at the pre-events.
- (xxxviii) Having heard the concerns of KFRS the Sub-Committee was not satisfied to permit the grant of a premises licence or any licensable activity in the Manor House. The Sub-Committee was however satisfied with the set level of the noise limiter in the Barn (separate to the Manor House) and having heard from Kent Fire and Rescue, that they had no safety concerns.
- (xxxix) The grant of any activities that were now licensed, but not permitted under the planning permission would require the applicant to seek any appropriate planning permission before they could undertake that activity.

In reaching its findings the Sub-Committee considered the following:

- (i) Dover District Council's Licensing Policy
- (ii) The Licensing Act 2003 and the guidance given under Section 182 of the Act
- (iii) Article 6 of the Human Rights Act

(iv) Section 17 of the Crime and Disorder Act 1998

RESOLVED: That the application for a Premises Licence for Solton Manor, East Langdon, Dover be GRANTED in the Barn only, for a maximum of 50 weddings a year (starting from date of grant) as follows

(a) In the Barn ONLY
Films (Indoors)

Every Day	09.00 – 21.00 hrs
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In the Barn ONLY
Live and Record Music (Indoors)

Thursday – Saturday	23.00 – 23.59 hrs
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In the Barn ONLY
Supply of Alcohol (for consumption ON the premises)

Sunday – Wednesday	12.00 – 23.00 hrs
Thursday – Saturday	12.00 – 23.30 hrs

(b) With the inclusion of the conditions offered in the operating schedule and set out in the Licensing Manager's report and also specifically:

- (i) That at least 2 SIA door staff are present for every event from the start until an event ends and suppliers and guests are off site.
- (ii) Bottle bins to be emptied only between the hours 8am and 8pm.

The meeting ended at 5.36 pm.