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Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Friday, 18 January 2019 at 10.00 am.

Present:

Sub-Committee:

Chairman: Councillor B Gardner

Councillors: A Friend
P Walker

Officers:

Legal Adviser: Contentious and Regulatory Lawyer
Licensing Officer: Licensing Team Leader
Licensing Enforcement Officer
Administrator: Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/19/0001V).

31 APOLOGIES FOR ABSENCE

There were no apologies for absence.

32 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

33 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

34 LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE AT MARLEYBROOK HOUSE, STOURMOUTH ROAD, PRESTON, CANTERBURY

The Sub-Committee considered an application from Kris and Janie Saxby in respect of Marleybrook House, Stourmouth Road, Preston, Canterbury. The application was for the variation of a premises licence to remove the limitation from the current licence which restricted the venue to a maximum of 40 events per year.

On the basis of the representations of the applicant, his employee and other persons, the Sub-Committee found the following facts to be established:

- (i) There had been no representations made by any of the Responsible Authorities, including the Police.
- (ii) That the concerns of the three representations received were with regard to: the increase in traffic through Preston that would be created by the additional events; the noise from music at the venue; and the increase in firework displays and the noise created from them which had a distressing effect on animals.

- (iii) Mr Pidgen advised that Preston had many blind bends and a limited number of footpaths. He was aware, being a member of the parish council and the A257 Committee, that Kent County Council Highways had advised them there was a limited chance to make improvements. The traffic issue could not be attributed to the premises.
- (iv) Marleybrook House had parking on site for 200 cars and numerous coaches. On average there would be between 20 to 40 cars on site at events as most guests would car share. There had been no complaints from the venue's closest neighbours concerning traffic.
- (v) The objections regarding noise mainly concerned music and fireworks. Those who provided representations described how the fireworks distressed the livestock in the village. Jill Matthews owned pedigree goats and described an incident involving horses (not her own) that were kept in Grove Road and how they were startled by an explosion from fireworks and as a consequence ran into the electric fences.
- (vi) The Committee noted that no other residents who owned livestock had made representation.
- (vii) Mr Saxby advised that there had been 4 firework displays at the venue in the last 4 years and that they insisted that all displays were before 10:30pm. They were responsible business owners who had introduced measures at the venue, above and beyond what was required, to ensure as little disturbance to local residents as possible. These measures included a decibel reader for sound control, soundproofed stage and DJ area as well as notices at the venue asking guests to leave the venue quietly. Mr Saxby had voluntarily met with Dover District Council's (DDC's) environmental health to ask for their advice on any further measures they could make to improve the business from a noise/nuisance aspect.
- (viii) Reference was made to the nearby housing development that was incomplete and the effect the noise will have on those residents. The Legal Officer advised that this was speculation as to how and whether new residents would consider there was an undermining of the licensing objectives and therefore could not be taken into consideration.
- (ix) A firework display was not a licensable activity and therefore a condition had not been placed on the licence. To address the objectors concerns the applicants amended their application to offer a condition to their licence that would restrict the number of firework displays at the venue to 10 per year.
- (x) Mr Saxby was willing to reduce the number of firework displays at the venue to 5 per year following a request from the Sub-Committee.
- (xi) In response to the representations which stated that by allowing the restrictions to be lifted would set a precedent, the Licensing Team Leader confirmed that Preston Court were able to hold events 365 days per year and there was no condition on their licence with regard to fireworks.
- (xii) Mr Pidgen raised a question concerning planning permissions. This was not for the consideration of the Licensing Committee and therefore no consideration was given to this.

In reaching its findings the Sub-Committee took into account 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) Section 17 of the Crime and Disorder Act 1998 (Duty to consider crime and disorder implications).
- (iv) Article 6 of the Human Rights Act (Right to a fair trial).

RESOLVED: (a) GRANT the variation to the premises licence to permit events at the venue 365 days of the year.

- (b) A maximum of 5 firework displays per year will be permitted at the venue. Notification will be given to Preston Parish Council and the Licensing department (DDC) four weeks prior to the fireworks events taking place.

The meeting ended at 11.30 am.