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Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held as a Teams Live Event on Thursday, 28 January 2021 at 10.00 am.

Present:

Sub-Committee:

Chairman: Councillor D P Murphy

Councillors: M Bates
O C de R Richardson

Officers:

Legal Adviser: Contentious and Regulatory Lawyer
Licensing Officer: Licensing Team Leader
Administrator: Technical Support Officer - Licensing
Democratic Services Officer
Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2021/0001V).

5 APOLOGIES FOR ABSENCE

There were no apologies for absence.

6 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

7 DECLARATIONS OF INTEREST

There were no declarations of interest made.

8 LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE AT PRESTON COURT, COURT LANE, PRESTON

The Sub-committee considered an application from The Steam Museum Trust in respect of Preston Court, Court Lane, Preston. The application sought to extend the licensable area to include a bar and marquee (to be used for events between 1 May – 30 September each year) and increase the times for the current licensable area as follows:

Supply of Alcohol (for consumption ON the premises)

Every day	09:00 – 00:00 hrs
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Live Music and Recorded Music and Facilities for Dancing

Every day	09:00 – 00:00 hrs
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The application also sought to remove the following condition from the premises licence

'All music and alcohol sales to be between the hours of 09:00 and 23:00 hrs'.

On the basis of the representations of the applicant, their representative, the police as the Responsible Authority, and Other Persons, the Sub-Committee found the following facts to be established:

- (i) The application made by The Steam Museum Trust and represented at the Hearing by Anna List Brain (venue manager and operator) sought to vary the premises licence to amend the hours for alcohol sales and live and recorded music; to add to the licensable area to include a bar and marquee for the sale of alcohol (to be used for events between 1 May – 30 September each year); and to remove the condition on the current licence that prohibited music and alcohol sales after 23:00 hrs.
- (ii) Eight representations were received from Other Persons objecting to the application and all cited the licensing objective, Prevention of Public Nuisance in their representations. Ms Jill Matthews was in attendance at the Hearing. Kent Fire and Rescue Service (KFRS) had objected as the Responsible Authority, citing the licensing objective Prevention of Public Safety and Daniel Pott and Kirsty Ferguson were in attendance.
- (iii) The representations made by the Other Persons and as included in the agenda papers were considered by the Sub-Committee. Ms Matthews stated that the application had not been advertised correctly and had informed close neighbours of the application herself. The Licensing Team Leader advised that the requirements of the Licensing Act to advertise such applications had been satisfied and a site visit carried out to ensure the required notice was correctly displayed.
- (iv) Preston Court through Peacock Events had been operating as a wedding venue since 2010 and The Steam Museum Trustees had held the licence since this time. A marquee had been used for events since 2016 and were permitted under Temporary Event Notices (TENs). The applicant advised that approximately 60 TENs had been utilised in that time and the application for the inclusion of the marquee on the application was to lessen the administrative burden of the TEN application process and not increase the number of events planned.
- (v) Ms Matthews stated the nearby residents were not notified in advance when TENs had been utilised for the use of the marquee. The Licensing Team Leader advised that the legislation only required the police and Environmental Health to be notified so as to make any objection.
- (vi) Mr Pott (KFRS) advised that since representation was made another visit to the venue with the Risk Assessment Team was carried out and the reasons given in the objection were still valid. The access road was not adequate and water facilities were not in place at the time of the visit. The Fire Authority were a statutory consultee on planning and building regulation consents and would comment accordingly if an application for the erection of the marquee for the months of May to September was submitted.

- (vii) Ms List Brain advised that the marquee would only be erected per event unless there were a group of events close together – it would not be in place for the entire period of May - September.
- (viii) Ms List Brain asked to share a new Fire Access Plan that sought to meet the requirements of the KFRS. The plan was accepted by all parties present and displayed at the Hearing. Following questions from Members Mr Pott confirmed that if the actions as set out in the new plan were implemented then KFRS would be satisfied. They would however need to inspect the works as and when done and so at that present time the objection still stood.
- (ix) No formal complaints had been made to the licensing authority since 2017 and Environmental Health since 2014. Ms Matthews advised that complaints regarding noise from the venue, be that from the glamping site, wedding venue or marquee, were dealt with directly via the venue by way of a phone call although neither she nor Ms Matthews were aware of how many calls made were as a direct result of noise from the marquee. The complaints were always acted upon positively and in a timely manner by either Ms List Brain or her sister. Ms Matthews did not contact Environmental Health regarding the noise as residents had called in the past and officers were not available to attend to witness the noise. Ms List Brain confirmed that the telephone number was advertised on the venue's website and residents could call at any time if they were experiencing problems as a result of an event at the venue. The Sub-Committee noted the difference between a statutory nuisance and a public nuisance that affects residents in a rural area.
- (x) Ms List Brain confirmed there was no intention to run events simultaneously at the venue and the marquee was required to offer a different style of wedding to couples. The additional hour sought on the licence for the sale of alcohol was only to be utilised when requested by couples which was done very rarely and was not intended to sell alcohol all day, every day. It was there as an option and residents would see no changes to the way the venue operated.
- (xi) Ms Mathews stated that whilst Peacock Events had advised that they planned to only continue with a limited number of wedding events, it was the Steam Museum Trust who have the licence and that granting the variation to the licence, would in fact permit various events to be held in a marquee more frequently.
- (xii) The Sub-Committee considered all representations made and assured all that they do not look merely at the number of representations, but the issues raised and thanked all parties for their clarity.
- (xiii) Kent Fire and Rescue Service had expressed clear concerns regarding the access and water facilities. The Sub-Committee noted that KFRS had agreed with the applicant what was required and as shown in the Fire Access Plan presented at the Hearing. Given that KFRSs concerns had been alleviated and their confirmation that if the plan proposed were to be undertaken, then they would have no objection to the use of the marquee.
- (xiv) Planning consent was not a matter for the licensing Sub-Committee to determine and no assumption on any necessary planning permissions could be taken from the decision of the Sub-Committee.

- (xv) In summary, the Sub-Committee found the applicant to be aware of her obligations to the licensing objectives. The applicant sought to lessen the burden of TENs rather than extend the business activities. It was clear that there was some public nuisance caused to residents and that extending the licensable hours, given the applicant had indicated how infrequently to date such an extension was required, the Sub-Committee did not consider it necessary to extend any hours as sought in the application.

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 in particular the guidance given under Section 182 of the Act
- (iii) Article 6 of the Human Right Act (Right to a fair trial)
- (iv) Section 17 of the Crime and Disorder act 1998 (Duty to consider crime and disorder implications).

RESOLVED: GRANT the addition of the marquee and additional bar in the licensable area between the period of 1 May – 30 September as follows:

- (a) Events will be limited to 15 during that period and;
- (b) Notification must be provided in writing (including by email) to both Dover District Council and Preston Parish Council 7 days prior to an event;
- (c) The marquee cannot be utilised as a licensed premise until the requirements of Kent Fire and Rescue Service are met and that it is done in accordance with any necessary planning or building regulations or permissions as may be required as per the plan submitted;
- (d) Confirmation of point (c) above to be presented to Dover District Council's licensing team before the licence can take effect.

The meeting ended at 12.13 pm.