

Public Document Pack

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Friday, 21 July 2023 at 10.00 am.

Present:

Sub-Committee:

Chairman: Councillor S Hill

Councillors: P M Brivio
M P Porter (as substitute for Councillor M F Hibbert)

Officers:

Legal Adviser: Principal Lawyer - Litigation and Regulatory
Licensing Officer: Licensing Manager
Administrator: Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2023/0007V).

5 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor M F Hibbert.

6 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor M P Porter was in attendance as substitute for Councillor M F Hibbert.

7 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

8 LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE AT SOLLEY'S FARM ICE CREAM LTD, THE DAIRY, RIPPLE, DEAL

The Sub-Committee considered an application for the variation of the current premises licence at Solley's Farms Ice Cream Limited, The Dairy, Ripple, Deal, Kent, CT14 8JL to: increase the licensable area incorporating a newly built bar (for ON and OFF sales), replace the ON sales provision to OFF sales at the ice cream parlour, extend the provision for alcohol sales to every day and extend the times, extend the provision for live music to every day and extend the times, remove the condition that stated events will be ticketed only and limited to 1,000 guests and replace with a condition that states any events over 500 persons will be ticketed only and that the maximum number of persons allowed to attend ticketed events was to be 1,500.

Supply of Alcohol (for consumption (for consumption ON and OFF the premises in the bar "Red Bar Area" and for consumption OFF the premises only in the Ice Cream Parlour)

Monday – Thursday	12:00 – 22:00 hrs
-------------------	-------------------

Friday	12:00 – 23:00 hrs
Saturday	11:00 – 23:00 hrs
Sunday	11:00 – 22:00 hrs

Live Music (Indoors and Outdoors)

Every Day	13:00 – 22:00 hrs
-----------	-------------------

Opening Hours

Sunday – Thursday	10:00 – 22:00 hrs
Friday – Saturday	10:00 – 23:00 hrs

A written statement from Keith Morrison, Managing Director and Mr Morrison provided clarification before the hearing regarding: the use of a tent bar, the purpose of requesting that ON sales be removed for the ice cream parlour, and any representation regarding additional SIA supervisors for events with up to 1,500 attendees.

The following documentary evidence and/or other information was taken into account by the Sub-Committee:

- (i) The Licensing Manager's report including, the options available to the Sub-Committee
- (ii) Application from Solley's Farms Ice Cream Limited to vary the premises licence (appendix A of the agenda)
- (iii) Existing premises licence (appendix B of the agenda)
- (iv) Map of the area (appendix C of the agenda)
- (v) Representation from Kent Fire and Rescue Service, and further confirmation from Kent Fire and Rescue Service confirming that they wished to withdraw their representation (appendix D of the agenda)
- (vi) Representations from Other Persons (appendix E of the agenda)

On the basis of the written representations on behalf of the applicant (and the three points of clarification by Mr Morrison ahead of the hearing) and the written representations from Other Person, the Sub-Committee found the following facts to be established:

- (i) The variation application was made by Solley's Farms Ice Cream Limited represented by Mr Morrison, Managing Director who apologised for being unable to attend in person but who provided a written statement and three points of clarification ahead of the hearing. The Sub-Committee decided to proceed in the Applicant's absence.
- (ii) During the consultation process five representations objecting to the application were received from Other Persons. The Sub-Committee had regard to the written representations which cited the prevention of public nuisance and public safety. The objections included disruption due to the extended live music time, consumption of alcohol encouraging loud

behaviour, increased traffic and insufficient parking at the premises for increased numbers of tickets.

- (iii) The applicant had held a premises licence since August 2019 and previously used TENS.
- (iv) In the written statement Mr Morrison on behalf of the applicant stated that there was no evidence of increased congestion or traffic movements because of activity at the farm; the statement also provided additional information as to parking arrangements and accommodating visitors' cars; it was also stated that new plans had been agreed with Kent Fire and Rescue Service to further improve traffic management and visitor safety and they had been used at the recent Martha's Music on the Farm event on 25 June 2023; no complaints had been received in respect of the recent event; that they had not received a single complaint relating to any aspect of their events (and no statutory consultee had received any such complaint either); and reassurance that the business was not looking to have huge events every weekend and evening but as a concession to the concerns, the applicant would be agreeable to having the events at 1,500 tickets limited to 3 per annum.
- (v) Regarding the points of additional clarification Mr Morrison, on behalf of the applicant, stated: the Applicant would be agreeable to having a condition regarding a minimum of 3 SIA registered door supervisors on duty at any 1,500 tickets events; that at any 1,500 tickets events the bar in a tent will continue to be used; and having sought a single licensed area in the application (rather than zones) for the current ON sales in the ice cream parlour to remain with the addition of OFF sales.
- (vi) The Licensing Manager confirmed Licensing had not received any complaints regarding the premises.

In reaching its findings the Sub-Committee had 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 from and disorder implications)

RESOLVED: That the application to vary the premises licence in respect of Solley's Farms Ice Cream Limited, The Dairy, Ripple, Deal CT14 8JL be modified and GRANTED as follows:

Supply of Alcohol (for consumption ON and OFF the premises in the bar "Red Bar Area" and for consumption ON and OFF the premises in the Ice Cream Parlour)

Monday – Thursday	12:00 – 22:00 hrs
Friday	12:00 – 23:00 hrs

Saturday	11:00 – 23:00 hrs
Sunday	11:00 – 22:00 hrs

Live Music (Indoors and Outdoors)

Every Day	13:00 – 22:00 hrs
-----------	-------------------

Regarding live music, this is applicable in circumstances where deregulation does not apply.

The licensed area is agreed as per the plan at page 35 of the agenda pack. The details at page 16 of the agenda pack regarding the operation of the car is accepted by the Sub-Committee. The Operating Schedule at page 30 of the agenda pack is accepted in so far as it accords with the following variation decisions by the Sub-Committee.

In respect of conditions at Annex 2 (page 42 of the agenda pack) the Sub-Committee rejects the application to vary the condition so events under 500 attendees to be non-ticket events. However, is agreeable to amending the current condition as follows:

“Events are all ticket only. Events are limited to 1,000 attendees save for a maximum of 3 events per annum when attendees are limited to 1,500”.

For those 3 events, a minimum of 3 SIA registered door supervisors are to be on duty at the event.

It is understood that the “tent bar” will only be used during these 3 events. If this is the case, that condition is to be amended to reflect its use during these 3 events.

Anything not applied for or not determined in the Sub-Committees decision remains as is.

The meeting ended at 10.22 am.