

Public Document Pack

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 3 October 2023 at 2.05 pm.

Present:

Sub-Committee:

Chairman: Councillor S B Blair

Councillors: D G Cronk
D J Parks

Officers:

Legal Adviser: Principal Lawyer - Litigation and Regulatory
Licensing Officer: Licensing Manager
Licensing Officer
Technical Support Officer (Licensing)
Administrator: Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2023/0008A).

9 APOLOGIES FOR ABSENCE

There were no apologies for absence.

10 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

11 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

12 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A CLUB PREMISES CERTIFICATE IN RESPECT OF THE GOAT HOUSE, 92 LONDON ROAD, DOVER, CT17 0SH

The Sub-Committee considered an application for the grant of a Club Premises Certificate in respect of The Goat House, 92 London Road, Dover, CT17 0SH. The application (as amended) was for:

Supply of Alcohol (for consumption ON the premises)

Sunday – Thursday	11:00 – 23:30 hrs
Friday – Saturday	11:00 – 01:30 hrs

Recorded Music (indoors)

Sunday – Thursday	11:00 – 23:00 hrs
Friday – Saturday	23:00 – 01:30 hrs

Exhibition of Film (indoors)

Sunday – Thursday	11:00 – 23:30 hrs
Friday – Saturday	11:00 – 01:30 hrs

Opening hours of the premises

Sunday – Thursday	11:00 – 00:00 hrs
Friday – Saturday	11:00 – 02:00 hrs

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

- (i) The Licensing Manager's report including, the option available to the Sub-Committee
- (ii) Application from The Goat House for the grant of a Club Premises Certificate and plan (appendix A of the agenda)
- (iii) Map of the area (appendix B of the agenda)
- (iv) Correspondence from Kent Police (appendix C of the agenda)
- (v) Representation from Other Persons (appendix D of the agenda)

On the basis of the representations of the applicant, their representatives and Other Persons, the Sub-Committee found the following facts to be established:

- (i) The application from The Goat House, represented at the hearing by Leigh Vickers (who performed duties of secretary to the club and President of Baphomet), Mitch Castle (Vice President) and Matt Cooke (Club member), was for the grant of a Club Premises Certificate at 92 London Road, Dover CT17 0SH.
- (ii) The application as submitted sought:
 - Supply of alcohol (for consumption ON the premises)
Every day 11:00 – 02:00 hrs;
 - Recorded music (indoors)
Every day 23:00 – 02:00 hrs; and
 - Exhibition of film (indoors)
Every day 11:00 – 02:00 hrs.

The opening hours of the premises – every day 11:00 – 02:00 hrs.

- (iii) During the consultation period Kent Police discussed the application with the applicant, following which the applicant made some amendments to the operating schedule to include some additional conditions (appendix C of the agenda pack) and a representation from Kent Fire and Rescue Service (KFRS) was received (but withdrawn prior to the Hearing since the points raised were addressed by the applicant to the satisfaction of Kent Fire and Rescue Service).

- (iv) There were two representations received from Other Person objecting to the application. Both cited prevention of public nuisance and one cited public safety. In essence both objectors were concerned about the noise impact on the adjoining flats and the provision of parking for the motorcycles.
- (v) At the commencement of the Hearing the Licensing Manager informed the Licensing Sub-Committee (and was confirmed by Mr Vickers) that the application was amended to seek as follows:
- Supply of alcohol (for consumption ON the premises)
Sunday – Thursday 11:00 – 23:30 hrs and
Friday – Saturday 11:00 – 01:30 hrs;
 - Recorded music (indoors)
Sunday – Thursday 23:00 – 23:30 hrs and
Friday – Saturday 23:00 – 01:30 hrs; and
 - Exhibition of film (indoors)
Sunday – Thursday 11:00 – 23:30 hrs and
Friday – Saturday 11:00 – 01:30 hrs.

The opening hours of the premises were amended to: Sunday – Thursday 11:00 – 00:00 hrs and Friday – Saturday 11:00 – 02:00 hrs.

- (vi) The Licensing Sub-Committee heard from Mr Powers on behalf of Mr Diamond expressing concern regarding noise, and whether there was adequate sound proofing. Also, on behalf of Mr Diamond, Mr Powers raised the concern as to whether there would be use of the rear garden by the club because outside drinking in that rear area would be unacceptable and that there was a worry about Planning [permissions].
- (vii) The Legal Advisor reminded parties that the Licensing and Planning regimes were separate. The deregulatory changes regarding recorded music was also explained.
- (viii) Responding to Mr Powers, the applicant advised that the club had no access to the rear garden from the premises and had no intention of using the rear garden. Within the interior the applicant explained that the ceiling tiles were soundproofed and that the rear wall was acoustically neutral and the only thing against the back was the pull down screen; there were no speakers and the TVs had been removed.
- (ix) The applicant stated that the music would only be at a background level and explained that voices would not need to be raised to be heard over it. The applicant was also agreeable to working on the Certificate to this effect. Mr Powers considered that this sounded acceptable.
- (x) The Sub-Committee took into account the written representation of Alex Robinson.
- (xi) Members asked questions regarding ‘qualifying’ clubs and queried that the report stated the premises would be used as a social hub / venue for other like-minded clubs or groups. The Licensing Manager explained the ‘qualifying’ club rules and confirmed that Mr Vickers would be responsible for the Club Premises Certificate if granted.

- (xii) The applicant confirmed that persons using the premises would either be members or guests of members' another club would not be coming into the premises and running it. The club might invite guests for a ride out or use the venue to host biker events such as the Kent Fire and Rescue Service 'Biker Down!' training course but the premises would be run by the club.
- (xiii) Regarding the 'qualifying' status the Sub-Committee noted the declaration at pages 30-35 of the agenda pack.
- (xiv) In response to Member questions, the applicant stated that the bike club had 15 members but the social club (applicable for the application) had 27 members. The applicant had not been informed of a premises capacity but sensibly would only permit 35/40 people.
- (xv) Regarding parking, the Sub-Committee heard from the applicant that one or two bikes might be outside the front (which would still leave a 1200mm clearance) but arrangements had been put in place for parking at nearby business car parks, Watling Tyres and the taxi company. In this regard, it was expressed that a decision of the Licensing Sub-Committee does not override or infer any other requirements and / or permissions and parking should not cause a public nuisance.
- (xvi) Members were keen to learn more about soundproofing of the rear wall given the flats adjoined at the rear and particularly, a bedroom. The applicant explained that prior to receiving the agenda pack they had no knowledge of the bedroom, they only rented the front space. The applicant explained that the rear wall was double thickness and had a void, they had removed the 8-10 TVs and brackets that were on the wall so there was nothing on the wall to transmit sound. The only sound transmitters in the space would be speakers for music at background level.
- (xvii) The applicant explained (using the plan at page 29 of the agenda pack) that the Committee Room (adjacent to the bedroom) was due to be used for a meeting once a week rather than being part of the area for the social club. There was no music in that room, no TVs.
- (xviii) The Sub-Committee considered the plan at page 29 of the agenda pack in detail further noting that in respect of the other neighbouring rear flat, this adjoined the staff toilet where the Sub-Committee anticipated there would be no music and that the section of wall with the projector (the area where noise was most likely to be created) did not appear to directly adjoin a living area of the rear flat, it looked to be a hallway / stairwell. The Sub-Committee accepted what the applicant explained regarding the steps taken in that area of their premises.
- (xix) When asked about the proposed operating times and clean up, the applicant explained that they would need to clean up but they were not a nightclub or a pub and at most the premises was likely to be used twice a week however, they had asked for the times they had for flexibility. The club members worked so being able to meet on a different night was the flexibility the club required. The club would collect their waste behind the bar and they had an arrangement in place for waste services and collections would take place in normal business hours as and when required by the club.

- (xx) The applicant was asked about the hours being sought, particularly those at the weekend, and whether, if the Sub-Committee considered reduced hours, the applicant had any submission in this regard. It was stated that the Sub-Committee was aware of other club's hours (although, each application was to be determined on its own merits). The applicant explained they had looked to pub / clubs in town for standard hours and understood the venue across the road from their premises could open until 02:00 hrs. The applicant also stated that they had already reduced the hours sought. The club was not wanting to use the premises every weekend but could not guarantee which weekend they would use the premises.
- (xxi) Regarding public safety, the applicant was asked how the 'no glasses / bottles outside' rule would be controlled. The applicant explained members and guests would be told that there were to be no drinks outside. The applicant also informed the Sub-Committee they had spleen to Environmental Health regarding smoking and Environmental Health were agreeable for two free standing ashtrays to be placed in the premises porchway when the premises was open.
- (xxii) Following deliberations, Members offered the applicant an opportunity to respond to their consideration of Friday – Saturday 00:30 hrs in respect of qualifying club activities that were licensable (with the premises closing at 01:00 hrs). The applicant had no submissions in this regard stating it was the Sub-Committee's decision.

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 crime and disorder implications)

RESOLVED: (a) That the application in respect of The Goat Houe, 92 London Road, Dover CT17 0SH be GRANTED as follows:

Supply of Alcohol (for consumption ON the premises)

Sunday – Thursday	11:00 – 23:30 hrs
Friday – Saturday	11:00 – 00:30 hrs

Recorded Music (indoors)

Sunday – Thursday	23:00 – 23:30 hrs
Friday – Saturday	23:00 – 00:30 hrs

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Exhibition of Film (indoors)

Sunday – Thursday	11:00 – 23:30 hrs
Friday – Saturday	11:00 – 00:30 hrs

Opening Hours of the Premises

Sunday – Thursday	11:00 – 00:00 hrs
Friday – Saturday	11:00 – 01:00 hrs

(b) The Sub-Committee accepted the operating schedule (pages 27 and 38-39 of the agenda pack); it is noted that rules 11 and 12 (at page 36 of the agenda pack) – and any others as applicable – will need to be revised accordingly. The Sub-Committee also accepted the applicant’s offer regarding background level music and that voices would not need to be raised to be heard over it.

(c) The Legal Advisor on behalf of the Sub-Committee informed parties that:

- (i) At any stage, following the grant of a Club Premises Certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives; and
- (ii) A Licensing authority can withdraw a Club Premises Certificate where it appears that it has ceased to meet the qualifying conditions.

The meeting ended at 3.22 pm.