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Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Monday, 23 September 2013 at 9.31 am.

Present:

Sub-Committee:

Chairman: Councillor B W Butcher

Councillors: J A Cronk  
M J Ovenden

Officers:

Legal Adviser: Senior Solicitor  
Licensing Officer: Acting Licensing Team Leader  
Administrator: Team Leader – Democratic Support  
Democratic Support Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2013/004).

5 APOLOGIES FOR ABSENCE

There were no apologies for absence received from Members.

6 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members.

7 DECLARATIONS OF INTEREST

Councillor M J Ovenden declared that a third party who was speaking on behalf of an Other Party was known to her and that following advice from the Senior Solicitor she withdrew from the meeting.

The Chairman, in the absence of contrary representations from any parties present, announced the intention of the Sub-Committee to continue with the meeting.

8 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCES IN RESPECT OF MARLEY BROOKS WEDDINGS AND EVENTS, MARLEY BROOKS, STOURMOUTH ROAD, PRESTON CT3 1HP

The Sub-Committee considered an application for a new premises licence under Section 17 of the Licensing Act from the applicants Mr Kris Saxby and Mrs Janie Saxby, in respect of Marley Brooks Weddings and Events, Marley Brooks, Stourmouth Road, Preston, CT3 1HP.

The application was for:

- (a) Supply of Alcohol (for consumption on and off the premises)

Monday to Sunday	11.00 to 23.30
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(b) Live Music (indoors, with or without amplification)

Monday to Sunday	12.00 to 23.30
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(c) Recorded Music (indoors and outside)

Monday to Sunday	12.00 to 23.30
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(d) Late Night Refreshment

Monday to Sunday	23.00 to 23.30
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(e) Opening Hours for guests

Monday to Sunday	The premises will be open to guests of any wedding or event organised at the premises between 11.00 and 24.00 hours
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On the basis of the representations of the applicant, the responsible authorities and other persons, the Sub-Committee found the following facts to be established:

- (i) That the roads in the vicinity of Stourmouth Road were unlit and not suitable for pedestrians;
- (ii) That the marquee was acoustically transparent;
- (iii) That the applicant and the Environmental Health Officer were in agreement that should the application be granted a further 8 conditions be applied.

In reaching its findings, the Sub-Committee took into account the following:

- (i) The Licensing Act 2003 and in particular the guidance given under Section 182 of the Act.
- (ii) The Dover District Council Licensing Policy.
- (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).
- (v) The judgement in the case of Daniel Thwaites PLC vs Wirral BC which emphasised that speculative representations may be disregarded unless supported by relevant material in support of such representations.

RESOLVED: That in accordance with the Notice of Determination (NOD/2013/004) the application for the a new premises licence in respect of Marley Brooks Weddings and Events, Marley Brooks, Stourmouth Road, Preston, CT3 1HP be approved as follows:

- (i) GRANT the premises licence for the SUPPLY OF ALCOHOL (for consumption on and off the premises) Monday to Sunday 11.00 hours to 23.30 hours.
- (ii) GRANT the premises licence for LIVE MUSIC and for RECORDED MUSIC (indoors, with or without amplification) Monday to Sunday 12.00 hours to 23.30 hours.
- (iii) GRANT the premises licence for LIVE MUSIC and for RECORDED MUSIC (outside, with or without amplification) Monday to Sunday 12.00 to 18.00 hours.
- (iv) GRANT the premises licence for LATE NIGHT REFRESHMENT Monday to Sunday 23.00 hours to 23.30 hours.
- (v) GRANT the premises licence for the OPENING HOURS FOR GUESTS – the premises will be open to guests of any wedding or event organised at the premises, Monday to Sunday 11.00 hours and 24.00 hours.
- (vi) The premises licence holder will manage events in accordance with the Event Management and Dispersal Policy dated 19 August 2013. The licence holder shall update the local Licensing Authority in writing (if changes are made) on a yearly basis.
- (vii) Notices shall be displayed in prominent positions at main exits to remind customers to respect any residential neighbours and keep noise to a minimum. The notices shall be maintained to ensure they are visible both night and day at all times.
- (viii) During licensed regulated entertainment all speakers playing internal live and recorded music shall be pointed into the middle of the activity area within the planned marquee and positioned away from openings.
- (ix) There shall be no externally sited (in the open air) amplified music (live or recorded) at the site after 18.00 hours.
- (x) During licensed regulated entertainment there shall be one opening to the marquee. This opening shall be used for entrance and exit. A porch area, to limit the escape of noise, shall enclose the opening.
- (xi) During licensed regulated entertainment the premises supervisor shall control the breakout of noise so that during licensed regulated entertainment in the form of live/recorded/karaoke music events,

noise from music is not audible at the façade of the nearest residential property.

- (xii) Deliveries and collections of materials in relation to licensed events shall only occur at the site between the hours of 08.00 hours to 18.00 hours Monday to Saturday, 09.00 hours to 13.00 hours Sunday and Bank Holidays. Deliveries shall only be made by Light Goods Vehicles (in reference to the Department for Transport guidance on vehicle type).
- (xiii) External lighting at the site in relation to licensed activity shall be positioned to avoid over-lighting of other property. All lighting shall be set to light below the horizon level.
- (xiv) A traffic marshal shall be located at the junction with the public highway to assist the safe control of vehicles entering and leaving the licensed premises during the licensed events.
- (xv) During the playing of live or recorded music, a noise limiter with cut-out device shall be fitted and in-use to ensure compliance with Condition (xi) above, in accordance with Environmental Health guidelines.
- (xvi) The maximum number of attendees at any single event shall not exceed 200 persons.

The meeting ended at 10.58 am.