

Licensing Sub-Committee

Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **30th April 2009**

Present:

Cllr. Goddard (Chairman);
Cllrs. Feacey, Woodford

Also Present:

Cllr. Norris

Licensing Manager, Licensing Officer, Legal Advisor, Environmental Health Manager (Environmental Protection), Member Services & Scrutiny Support Officer

531 Election of Chairman

Resolved:

That Councillor Goddard be elected as Chairman for this meeting of the Licensing Sub-Committee.

532 Minutes

Resolved:

That the Minutes of the Meeting of this Sub-Committee held on the 9th March 2009 be approved and confirmed as a correct record.

533 Hare and Hounds, Maidstone Road, Ashford, Kent TN25 4NR – Application for a variation of existing premises licence.

The Chairman opened the meeting and welcomed all those present. Members confirmed that they had read the papers relating to the application. The Chairman explained the procedure to be followed at the meeting.

The Licensing Manager then gave a brief summary of his report. The application was for a variation of an existing licence. The current premises licence permitted the sale of alcohol from 12:00 until 22:30 on Sunday and 10:00 until 23:00 Monday to Saturday, with extensions on Good Friday 12:00 until 22:30 and Christmas Day 12:00 until 15:00 and 19:00 until 22:30. The licence also permitted live and recorded music, facilities for making music and dancing from 19:00 until 02:00 on Friday and Saturday, including New Year's Eve. The current licence holder had been operating since December 2008.

The application proposed to permit the sale of alcohol, live and recorded music, the provision of facilities for making music and dancing, indoors and outdoors from 10:00 until midnight on Sunday, from 10:00 until 01:00 Monday to Thursday and 10:00 until 02:00 Friday and Saturday with an extension to 02:00 on New Year's Eve, Christmas

Eve, Bank Holiday Mondays and Good Friday with the opening hours to match this. The application stated that any music outside was to finish by midnight.

He advised Members that they may wish to seek clarification of the extent of the outside area as it was not clear from the plan which was submitted with the application. There was an error in paragraph 13; the word 'non' should be removed from before the word amplified.

Five parties had made a representation. A summary of these representations was provided in Appendix C and copies of the letters at Appendix D. All representations were from parties living in the area, they could be summarised as follows:

- The prevention of public nuisance and the prevention of crime and disorder are objectives raised with reference to the behaviour of customers leaving the premises.
- The prevention of public nuisance is raised with reference to loud music coming from both within the premises and from music outside the premises and the applicant's request to extend days, hours and area for live and recorded music and the effect the potential noise nuisance this may cause.
- The prevention of public nuisance in reference to the request for extended hours for the sale of alcohol and people gathering outside the front of the premises in the designated smoking area and the potential noise nuisance this may cause.
- The lack of parking and the potential for increased traffic which may cause a nuisance to those interested parties who had made representations. Members were asked to consider whether the applicant was responsible for these issues under the Licensing Act 2003.
- Semi rural nature of the area.

Mr Ralph, the applicant, spoke in support of the application. He advised Members that the proposed hours were those that had been recommended by the Environmental Control Officer. The Hare and Hounds served the local community and they hoped to create a successful business, although they were aware that there was an all time high of public house closures. Some of the objections that had been raised did not fall within the remit of the licensing objectives. They were willing to do all that was possible to be considerate neighbours. Outside events involving amplified music would only occur a few times a year, not every night as suggested.

Mr and Mrs Sayer, Interested Parties, spoke in objection to the application. They were concerned that they had been able to hear a recent karaoke event inside their house. They were worried that these events would occur more often should the licence be granted.

The Licensing Manager advised that when a premises license has applied for maximum hours were requested. It was rare for premises to be granted a license and for the premises to be open all of the hours of the licence. Should conditions of a licence be broken then the Responsible Authority could ask for a review which would bring the application back before Members. There had not yet been a review in the Borough.

The Environmental Health Manager (Environmental Protection) re-iterated the concerns previously raised by his colleague and reported on page 24 of Appendix B and advised the Sub-Committee that the playing of amplified music should be restricted to inside the premises. He also confirmed that the premises was of traditional construction and therefore not specifically designed for amplified music.

The Licensing Manager advised that in addition to the licence the applicant could apply for a Temporary Event Notice, this would mean that the event wouldn't be controlled under the conditions of the licence. However it would be possible to condition the licence to state a period of notice to be given to neighbours in the event of an outside event.

Miss Finn, representing her parents who had made a representation, was worried that the occurrence of events would increase however if it was to be on a few occasions a year then that would not cause a problem.

When questioned why they were not satisfied with applying for Temporary Event Notices to cover outside events instead of varying the license, Mr Ralph explained that they wished to be able to control when they held events.

The Licensing Manager then summed up the nature of the application, the additional steps put forward by the applicant to promote the four licensing objectives which he had interpreted into enforceable conditions, and the issues for the Sub-Committee to consider. He reminded the Sub-Committee that they may grant the variation without modifications to the proposed conditions, modify the conditions of the licence, or reject whole or part of the application.

Mr Ralph summed up by saying that they did not intend to hold outside events on a regular basis.

The Sub-Committee then retired to make their decision.

On return the Legal Advisor read out the decision.

Resolved:

That the variation to premises licence be granted and the sale of alcohol and entertainment inside the premises be permitted from:

Sunday: 1000 until 2300

Monday to Thursday: 1000 until 0000

Friday and Saturday: 1000 until 0130 (except to continue the current licence times for live and recorded music, facilitates for making music and dancing until 0200)

Patrons to have left the premises 30 minutes after the end of the permitted hours for the sale of alcohol.

Subject to the conditions consistent with the operating schedule set out in Appendix E of the Licensing Manager's report, and the following additional conditions: -

- (i) The licence holder will ensure prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents and leave the premises and the area quietly.

Reason:

To meet the licensing objectives in helping to prevent noise from customers leaving the premises

- (ii) The licence holder will ensure all external doors and windows are kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.

Reason:

To meet the licensing objectives in helping to prevent noise nuisance from the premises

- (iii) The licensee or a nominated representative shall receive and respond to complaints.

Reason:

To meet the licensing objectives by ensuring that potential nuisance problems are efficiently dealt with

- (iv) The licence holder will ensure that no more than twelve outside events take place in the year, 14 days notice for neighbours is required to be given and will follow the alcohol licensing hours as applicable for Friday and Saturdays.

Reason:

To control potential nuisance for one off temporary events by bringing these within the controls of the premises licence and therefore subject to conditions on the licence

- (v) The license holder will not permit the consumption of alcohol outside the premises after 2300 on any evening excluding the 12 permitted outside events.

Reason:

To comply with the licensing objectives in preventing noise from outside the premises causing which might disturb neighbours later at night.

The Chairman expressly requested that the applicant should regularly monitor noise from outside the premises.

KL/
LHSX0918