

## Licensing Sub-Committee

Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford at 10.00am on the **3<sup>rd</sup> June 2010**

### **Present:**

Cllr. Goddard (Chairman);

Cllrs. Norris, Woodford

### **Also Present:**

Cllrs. Hodgkinson, Holland

Licensing Manager, Legal Advisor, Member Services & Scrutiny Support Officer.

Mr Watson – Applicant.

Mr Jenner – Applicants Representative.

Mrs Wright – Interested Party.

## **34 Election of Chairman**

### **Resolved:**

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

## **35 Minutes**

### **Resolved:**

**That the Minutes of the Meeting of this Sub-Committee held on the 7<sup>th</sup> December 2009 be approved and confirmed as a correct record.**

## **36 Great Chart Golf and Leisure, Bridge Farm, Great Chart, Ashford, Kent, TN23 3BZ – Application for a 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 premises licence by Cheeky Events Limited and had been made in the proper manner. The Great Chart Golf and Leisure facility consisted of a golf driving range and archery practice area and a nine hole pitch and putt course surrounding a building housing a golf related shop, a kitchen, toilets and a small bar and catering area. A permanent marquee was constructed to join to the bar area and this was licensed in 2008.

The application did not include the current licensed premises, but was an application by an events company to license an area to the rear of the current buildings for a single event to be held on Saturday 28<sup>th</sup> August 2010. Further details of those involved in the event and the nature of the event were contained in Appendix D of the report, which was submitted by the applicant when the application was made. Members were advised that the 6 page submission was for guidance only and had no legal bearing.

The application proposed the playing of recorded music outside from 09:00 to midnight on Saturday 28<sup>th</sup> and on Sunday 29<sup>th</sup> August 2010. It was not known why the premises licence was being sought for the two days. The sale of alcohol for consumption on the premises, performance of dance, the facilities for making music and dancing were sought for the same dates and times. Late night refreshment was proposed until midnight on both days. The premises were proposed to be open for licensable activities until midnight on both days. The golf practice area would be out of action when the event was planned to take place.

No representations had been received from the Responsible Authorities, although the Senior Environmental Health Officer and the Environmental Protection Manager suggested a number of conditions regarding the prevention of public nuisance and the public safety licensing objectives. These conditions were accepted by the applicant and a copy of the letter agreeing to those additional conditions was provided in Appendix B of the papers.

Two parties had made representations, both of whom lived approximately  $\frac{3}{4}$  of a mile from the premises; copies of the letters were contained in Appendix C of the papers. Whilst the distance from the premises was further than was often regarded as being "in the vicinity" of the premises, both parties had experienced noise nuisance from the premises in the past and were therefore considered to be directly affected by the proposed licensable activities.

The representations had common themes in terms of the licensing objectives and they could be summarised as follows:

- Noise generated from amplified music was likely to cause a public nuisance.
- The issue of whether the premises had the correct planning permission was an issue which Members considering this application should discount. The Licensing Act stated that planning was a matter for planning legislation and that only matters relating to the four licensing objectives may be considered when determining an application.
- While the noise generated by the paint-ball activities may be an indication of how noise could be heard at the parties properties, the paint-ball itself was not a licensable activity and so should not be considered as part of the application.

In addition to those matters outlined in the Applicant's operating schedule if Members were minded to grant the application there were additional conditions suggested on page eight of the report.

The Licensing Manager advised the Sub-Committee that Members could grant the licence with no modifications to the conditions, modify the conditions of the licence or reject whole or part of the application.

Mr Watson, the applicant, spoke in support of the application. He advised Members that they had requested the licence for two days as they had been informed by the Golf Club that there would be a wedding at the venue on the same weekend and they wanted to be flexible. He wished to amend the hours requested for the licence from 13:00 hours instead of the original 09:00 hours. The event was to be targeted at 25 to 40 year olds as an alternative to clubbing and would be managed by an experienced team. It was to be a one off event. The field adjacent to the Golf Club would be used for car parking and there would be marshals directing people in and out.

Music would stop at 23:30 at which time coaches and taxis would be available to ferry people into the town centre. The DJ tents would be positioned to project noise into each other and would play only commercial main stream music not drum and bass or heavy music.

Mr Watson had invited those who had made representations to a meeting with himself and the owner of the Golf Club in an effort to discuss the issue that they had over the event, however no-one had turned up. He had also written to the objectors asking them to contact him to discuss their concerns but had received no response. He would provide a package of information to the objectors detailing the hours of operation and the contact details for all senior team members should they experience any issues on the day. He concluded by advising the Sub-Committee that he had offered to pay for the objectors to have a day out and a meal in the evening to alleviate the impact of the event but this had been turned down.

The Chairman asked for clarification as to why the application had been made for two days when the event was to be a one day event. Mr Watson advised that they were unsure what day the event would be held on as they were yet to speak to the wedding party, a meeting had been scheduled for that afternoon. The Licensing Manager advised that the Father of the Bride was in attendance at the Meeting and it may be advisable for the Applicant to discuss the matter with him prior to the Sub-Committee making a decision.

The Sub-Committee adjourned for ten minutes to allow for discussions to take place between the Applicant and the Father of the Bride.

Upon returning to the Council Chamber Mr Watson advised that he had been led to believe that the original date for the event was appropriate however upon discussions with the Father of the Bride he had discovered that this was not the case, as such he wished to amend the application to Sunday 29<sup>th</sup> August 2010 only from 13:00 to 23:30.

A Member raised concern over the potentially competitive nature of DJ's and queried whether there could be an opportunity for the DJ's to try to out do each other and raise the level of the music? Mr Jenner advised that he was a professional sound engineer and would be managing sound at the event. He assured Members that limiters would be used to ensure that once a limit had been set it could not be adjusted by the DJ's.

The Chairman asked for clarification on the proposed layout of the marquees to be used for the event. Mr Watson advised that there would be two marquees each one housing a different DJ which would be positioned to direct music towards each other, there would be no music outside of the marquees and the bar area would also be located outside of the marquees. Mr Jenner assured Members that there would be

sound technicians on site with portable decibel monitors to ensure that noise levels were not creating a nuisance. Prior to the event they would measure the level of background noise and use that level as a comparison when testing the level of the music. They would be happy to work with the Environmental Protection Officer and the objectors in reaching a level which all parties would find acceptable.

Mrs Wright, an Interested Party, spoke in objection to the application. She advised Members that her objection was twofold; the event was to take place in a highly rural location and she felt that it was not suitable for such an event – there were more suitable locations elsewhere in the Borough. There was a history of noise nuisance from the Golf Club, there had been marquees to the front of the Golf Club previously and they had been able to hear each song that had been played and the DJ speaking, whilst she appreciated that the marquees in question were to be located behind the clubhouse she felt that the distance was negligible. She requested clarification of the number of marquees that would be on site should the event take place. Whilst the applicant had stated that the marquees would face each other she was concerned how this would stop noise travel without using barriers. Paintballing was not a licensable activity, however the event was not to be just about music, there would also be paintballing, zorbing and pitch and putt activities taking place which could add to the noise nuisance that would potentially be created by the event.

Mrs Wright was concerned about traffic using only the A28 to access the site, as many patrons would know the area and could access the site via Hothfield or Pluckley should they wish to do so. Whilst she felt that tally counters were a good idea she felt that it gave the impression that people would be 'coming and going' throughout the event, which was contrary to what the applicant had stated that people would be there for the whole event. She was concerned about the amount of light pollution that may be created by the tower lighting which she had been informed would be used. Whilst only objections to the event had been raised by two households she felt that this could be attributed to the fact that the event was not well advertised. She concluded by saying that she thought the event was at odds with Article 8 of the Human Rights Act.

The Chairman advised the Sub-Committee that whilst the event was to be held at the Golf Club the event management was to be carried out by a different company. So whilst there had been issues of noise nuisance in the past it was an issue with the Golf Club itself not the applicant in this case.

A Member questioned Mrs Wright as to why neither she nor the other objectors had attended the meeting that had been set up by the applicant? Mrs Wright advised that two of the objectors had been unable to attend due to work commitments and the other had been away. She had made a noise complaint to the Council which had been kept anonymous and as such would not have felt comfortable meeting with the Golf Club owner. She also felt that the issue was in the public interest. The Licensing Manager advised that there had been a number of noise complaints made which had resulted in the Licensing Team visiting the premises and discussing the positioning of speakers, volume of music etc with the License Holder. There had been no further issues raised after this had happened, which it appeared was down to a lack of communication and he would investigate the matter further.

The Chairman queried the type of marquee that was to be used for the event. The Licensing Manager advised that the type of marquee did not make any difference as they provided no sound mitigation at all.

Mrs Wright drew attention to paragraph 27 of the Report and advised the Sub-Committee that the tour and admission to the event had been offered to her neighbours along with accommodation for the evening, this however had not been offered to her, although it should be noted that she would not have accepted the offer as she was a voluntary worker at the Smarden Cat Sanctuary. Mr Watson advised that he had proposed to pay for a 'Big Cat Encounter' which included feeding the animals, he wanted to organise the day in a proper manner and had approached the Sanctuary who had been accommodating although the gentleman he had spoken to had since left.

Mrs Wright questioned if the event was aimed at mid 20's to 40's what would the applicant do if 18 year olds purchased tickets? Mr Watson advised that he could not stop anyone over the age of 18 purchasing a ticket to the event. Mr Jenner added that the music had been marketed away from the 18 year old crowd.

It was questioned where the decibel reading would take place? Mr Jenner said that it would take place at the perimeter of the site and if they were granted permission they would be happy to carry out readings in the properties of the objectors. This could take place as often as required and would as a matter of course be carried out throughout the event.

Mr Watson advised that the venues listed on the website were used for corporate events, there would not be large parties on a regular basis, and this was to be a one off event as stated. In respect of the issue surrounding light pollution he was happy to work with the objectors on this, he did not envisage an expanse of lighting however some would need to be available when people were leaving the site.

The Chairman questioned the possibility of noise nuisance and conflict between the limiters on the equipment and the decibel monitors to be used. Mr Jenner advised that they did not wish to upset anybody in the process of the event. Mr Watson added that they wished to proceed in the proper manner and should the nearby residents be willing they would ensure that an engineer visited their properties to check on noise levels throughout the event.

The Licensing Manager then summed up the nature of the application and the issues for the Sub-Committee to consider. He reminded the Sub-Committee that they may grant the license with no modifications to the conditions, modify the conditions of the licence or reject whole or part of the application.

The Sub-Committee then retired to make their decision.

On return the Legal Advisor read out the decision.

**Resolved:**

**That the premises licence be granted for:      Sunday 29<sup>th</sup> August 2010**

**13:00 to 00:00**

**The sale of alcohol be permitted:**

**13:00 to 23:30**

**Regulated Entertainment:**

**The facilities for making music  
and for dancing:**

**13:00 to 23:30**

**Late Night Refreshment:**

**23:00 to 23:30**

**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 shall ensure that a site meeting is held with the regulatory bodies a minimum of 8 weeks prior to the event.**
- (ii) The Licence Holder shall ensure that the following documents are submitted to the Local Authority a minimum of 2 weeks before the above meeting:**
  - A full written health and safety risk assessment for the event and associated activities.**
  - An outline of the measure to control the volume of amplified music from the event and the means of responding to residents complaints.**
  - A detailed site plan indicating the position of attractions, facilities etc.**
- (iii) The Licence Holder will inform in writing all neighbours living within 1km of the site boundary of the event, a minimum of 14 days before it takes place.**
- (iv) The Licence Holder and appropriate staff will regularly monitor noise levels outside the premises and specifically near the residences of the parties making representations to ensure that they are not excessive or likely to disturb neighbours.**
- (v) The Licence Holder or representative shall receive and respond to complaints on the day of the event.**
- (vi) The Licence Holder will ensure that the capacity of the event is agreed in advance of the event with the Fire & Rescue Service, through a comprehensive fire risk assessment.**

**The Licensing Manager be delegated authority to amend the wording of the conditions as appropriate.**

The Legal Advisor informed those present of their right of appeal to the Magistrates' Court.

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