

Licensing Sub-Committee

Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford at 2.00pm on the **3rd June 2010**.

Present:

Cllr. Goddard (Chairman);

Cllrs. Mrs Blanford, Holland.

Also Present:

Cllr. Norris.

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

Mr White, Mr James – Applicant.

Mr Woodhouse, Mrs Knight, Mr Moss, Mrs Moss, Mrs Blakley, Mrs Holliday – Interested Parties.

37 Election of Chairman

Resolved:

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

38 Farriers Arms, The Forstal, Mersham, Ashford, Kent, TN25 6NU – 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 and had been made in the proper manner. The application for the premises licence was contained at Appendix A of the Report, along with a plan.

The premises were previously owned by Punch Taverns and in recent years had fallen into a state of disrepair. In 2009 the pub was refurbished and reopened by a company owned by villagers and their friends. The current premises licence permitted the sale of alcohol from 10:00 until 23:30 on Sunday, midnight on Monday to Thursday and until 01:00 on Friday and Saturday. There were also extensions on specific days and the current licence was contained at Appendix E of the Report. The current premises licence also permitted the playing of recorded and live music, the performance of dance and the facilities of music inside the premises to the same hours as the permitted hours for the sale of alcohol. The same activities were permitted outside the premises in the area up to the stream at the rear of the pub, but these were limited to 23:00.

The applicant contacted the licensing authority several months ago and a site visit was undertaken. The applicant had started to make several changes to the premises, specifically the building of a new kitchen area and the redesigning of the existing kitchen into a dining area. There was also a proposal to use outbuildings for

licensable activities and to licence the large green open space to the rear of the property. Due to the extent of the changes and the size of the green space to be licensed the pub's managing director was advised to apply for a new premises licence. The application proposed the sale of alcohol from 10:00 until 23:30 on Sunday, midnight on Monday to Thursday and until 01:00 on Friday and Saturday, with extensions on specific days. The application sought permission to sell alcohol across the area identified in the plan attached to the application.

The application proposed to permit performances of live and recorded music and the performance of dance until 23:30 on Sunday, until midnight on Monday to Thursday and until 01:00 on Friday and Saturday, with extensions on specific days. The facilities for making music and for dancing were also requested. While these were the same hours and activities permitted in the current licence, they were also requested in the outside areas, including the green open space identified in the application. The application also proposed the showing of films indoors until the same hours as those proposed for the sale of alcohol and this was unchanged from the current premises licence. Council records showed that the Council had received no complaints regarding the Farriers Arms since the current licence holders had been responsible for the pub.

No representations had been received from the responsible authorities, although the Environmental Health Manager had suggested a number of conditions regarding the use of the area to the rear of the pub. A copy of the letter agreeing these additional conditions was provided in Appendix B of the Report. Nine parties had made representations, including Mersham and Sevington Parish Council. A summary of these representations was provided in Appendix C of the Report. Copies of the letters were contained in Appendix D of the Report. All of the representations were from parties living in the area.

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

- Use of the area to the rear of the pub and the public nuisance that may be caused from people using this area late at night.

As part of the process, the applicant was informed of the objections and a compromise was suggested; namely that:

- (i) The indoor alcohol/music licence to stay as present.
- (ii) The alcohol/music licence for outdoors to be limited to 10:00 until 23:00 Sunday to Saturday with an extension to be permitted until 01:00 on 4 occasions per calendar year.
- (iii) The Licence Holder to notify in writing a specified group of residents of events that were planned to operate in outside areas after 23:00 in advance of the event.

As all representations were not withdrawn and a compromise could not be agreed, the matter was brought before Members for consideration.

In addition to those matters outlined in the Applicants operating schedule if Members were minded to grant the application they may wish to consider the following conditions:

- (i) The Licence Holder and appropriate staff would regularly monitor noise levels outside the premises to ensure that were not excessive or likely to disturb neighbours.

- (ii) The licensee or a nominated representative shall receive and respond to complaints.
- (iii) Events involving licensable activities in the green area beyond the stream be limited to 23:00.
- (iv) The number of events involving licensable activities that were permitted outside the buildings to be limited to a specified number each calendar year.

Members may grant the licence with no modifications to the conditions, modify the conditions of the licence or reject whole or part of the application.

Mr White, the applicant, spoke in support of the application. He advised that they had tried to come to an agreement with the objectors over the application. They wished to hold weddings and large functions at the Farriers Arms but at the same time did not wish to make the public house a nuisance to its neighbours.

The Licensing Manager clarified that the application was to include all of the outside space that was outlined red on the plan to allow for events to take place up until 23:00 with three/four events a year permitted until 01:00.

Mr James, the applicant, advised that they had four/five bookings for the field already, one of which was for the local fete and would finish by 18:00. They hoped to host a beer festival in July over a two day period which would finish at 23:00 on each day. Whilst they wished to hold events at the public house and on the field it would not be on a weekly basis.

Mr Moss, an Interested Party, advised that he had experienced first hand the effect that the proposed licence would have, on the 23rd May a band had been performing at the Farriers Arms which both his wife and himself had been able to hear not only in their garden but also inside of their house. They had in fact left their house to get away from the noise. He felt that music in an outside environment was un-monitorable. Mrs Moss, an Interested Party, added that they were supportive of the public house however they were concerned that the number of events held at the premises could increase over and above what the applicant had stated.

Mr White advised that they had hosted one wedding party at the venue and this had been held in the Forge. The music that the previous speaker had alluded to had been aimed towards the public house and had resulted in reverberation of the noise into the field.

A Member raised concern over the provision of parking should an event take place that would attract a large number of patrons. Mr Moss advised the Sub-Committee that on the 23rd May when the band had been playing at the public house he, along with his neighbours, had had difficulties accessing his driveway.

Photographs supplied by Mr Moss were handed round to all parties to demonstrate the issue surrounding parking.

Mr White advised that they had permission to use a field owned by one of the shareholders of the Farriers Arms for parking should it be required. Mrs Moss advised that by using the field for parking, vehicles would be able to park close to her property; the village hall had a maximum of 20 parking spaces. Mr James advised that the entrance/exit to the field was dangerous and so wished to limit the occasions when the field would be in use.

Members asked for clarification on why such a large area was being applied for under the licence. Would this be used as an opportunity to hold large functions and

how would the field be maintained? Mr James advised that they had applied for the licence to cover the whole field as it had been an easy opportunity, they would not use the whole of the area. They intended to use the area for the beer festival and weddings and would not allow it to become churned up; they would ensure that it was maintained.

Mr Woodhouse, an Interested Party, spoke in objection to the application. He advised that he was representing Mersham and Sevington Parish Council who had been asked by local residents to support their objection. The Parish Council felt that 23:00 was the latest that the licence should be permitted for, they were also concerned that should the Sub-Committee permit the Farriers Arms to have additional events that would finish later than 23:00 there would not be a way of ensuring that this was adhered to. He asked the Sub-Committee to restrict the licence to 23:00 inside and outside with the proviso that should the applicant wish to hold events in the field that would finish later than 23:00 they could apply for a special licence.

Mrs Knight, an Interested Party, spoke in objection to the application. She advised Members that she moved to the area in August of last year with three young children who were already experiencing issues of noise nuisance connected to the Mill which was next to their property. She was concerned about the effect that the potential noise nuisance would have on her children should the application be permitted.

Mrs Blakley, an Interested Party, spoke in objection to the application. She advised the Sub-Committee that she lived opposite the field and although she loved the aspect she was fully aware of how hazardous accessing the field was. In her opinion it was an accident waiting to happen. Whilst she supported the idea of holding the village fete and fireworks evening on the field she did not wish to see large scale music events taking place there. She had been able to hear the band playing at the Farriers Arms on 23rd May and felt that should such an event take place again and continue until 23:00 or 01:00 it would be unbearable. She concluded by saying that she did want the public house to survive and wanted to be supportive but was concerned that events would take place every weekend.

Mrs Holliday, an Interested Party, spoke in objection to the application. She was concerned about the noise impact and also the issue of the field being on a floodplain.

Mr James advised that there were 22 houses within 20yards of the Farriers Arms with eight/nine representations being made which he considered amounted to 27% of the neighbouring properties objecting to the proposal. Should there be a need to use the field for car parking then they would ensure that someone would be present to control the traffic.

Mr White added that he lived above the Farriers Arms and had a young family so was conscious of noise levels. He was aware that he could apply for a Temporary Event Notice (TEN) should the Committee decide not to grant the licence for the field.

The Licensing Manager advised those present of the process for apply for TEN's and the restrictions imposed by a TEN on numbers of people able to be present at any one time and that there was a limit for the number of TEN's that can be applied for in one year. He added that TEN's were an inflexible way of licensing as they could not be applied for on short notice which was why many premises had flexible licences.

When question how the limit of people would affect functions should the premises have to apply for a TEN, Mr White advised that the limit of 499 would not be

sufficient. Mr Moss added that the interior of the Farriers Arms was small and so such large numbers of people would need to use the outside space and would cause more of an issue in respect of the logistics and safety relating to parking provision. Mr White advised that they would expect to see approximately 3000 people attend the beer festival, although he felt that many patrons would not drive due to the nature of the event. They would ensure that the area was coned off to prevent cars blocking driveways and would use the field for car parking. Mrs Moss raised an issue over the security of using the field as a car park as her property had been burgled with the field being used as the access to the property.

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 licence 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 and the sale of alcohol be permitted from:

Sunday:	10:00 to 23:30
Monday to Thursday:	10:00 to 00:00
Friday and Saturday:	10:00 to 01:00

Opening hours until 30 minutes after the end of the permitted hours for the sale of alcohol.

Regulated entertainment:

Showing of films, performances of live and recorded music and of anything of a similar description (all inside the premises) and facilities for making music and dancing:

Sunday:	10:00 to 23:30
Monday to Thursday:	10:00 to 00:00
Friday and Saturday:	10:00 to 01:00

Late Night Refreshment:

Sunday:	23:00 to 23:30
Monday to Thursday:	23:00 to 00:00
Friday and Saturday:	23:00 to 01:00

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

- (i) The Licence Holder and appropriate staff will regularly monitor noise levels outside the premises to ensure that they are not excessive or likely to disturb neighbours.**
- (ii) The Licence Holder or a nominated representative shall receive and respond to complaints.**
- (iii) The Licence Holder will ensure that a written health and safety risk assessment is completed for each event held on the land at the rear of the premises. The assessment will be available to the regulatory bodies on request.**
- (iv) The Licence Holder will ensure that all large scale public entertainment events (exceeding 500 people) held on the land at the rear of the premises will be notified to the regulatory bodies a minimum of 8 weeks before the event.**
- (v) The Licence Holder will, if requested by the regulatory bodies, arrange a site meeting to discuss the safety/security of large scale events and will pay due attention to any concerns expressed by the regulatory bodies over the conduct of the event.**
- (vi) The Licence Holder will ensure all external doors and windows are kept closed, other than for access and egress, in all rooms in the Forge when events involving amplified music or speech are taking place.**
- (vii) No more than ten outdoor events in the garden and field, as identified on the application plan, to be held with a finishing time of 23:00, with four of the ten events to finish at 00:00.**
- (viii) The Farriers Arms amplification system is to be used at all times when music, recorded or otherwise, is being played at the premises.**
- (ix) The Licence Holder will ensure that all events to be held on the land at the rear of the premises will be notified to the 22 dwellings surrounding the premises a minimum of 14 days before the event.**

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 and the Right to Review a Premises Licence. She advised the Applicant that the Sub-Committee had concerns regarding the parking provision. The field that the Applicant intended to use for parking could require permission for a change of use and she advised that they contact the Local Authority regarding this.
