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## LICENSING SUB-COMMITTEE

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 30 November 2017 from 2.00pm - 2.55pm.

**PRESENT:** Councillors Cameron Beart (Chairman), Tina Booth (Substitute for Councillor Lesley Ingham) and Paul Fleming.

**OFFICERS PRESENT:** Mohammad Bauluck, Philippa Davies and Robin Harris.

**ALSO IN ATTENDANCE:** Mrs Nicola White, Mr Joshua White (Applicants), Mr and Mrs Mussett (Objectors).

**APOLOGY:** Councillors Lesley Ingham.

### 372 FIRE EVACUATION PROCEDURE

The Chairman ensured that those present were aware of the Fire Evacuation Procedure.

### 373 NOTIFICATION OF CHAIRMAN AND OUTLINE OF PROCEDURE

The Chairman opened the meeting by introducing the Sub-Committee and officers present, the Objectors and the Respondents.

### 374 DECLARATIONS OF INTEREST

No interests were declared.

### 375 NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003

The Licensing Officer introduced the application for a new Premises Licence for The Corn Exchange, Standard Quay, Faversham. The application was for the supply of alcohol and background music, Sunday to Thursday, 10am to 10pm, and Friday and Saturday, 10am to 11pm. The Licensing Officer referred to the legislation which stated that premises were not required to have a license for unamplified live music between the hours of 8pm and 11pm, for up to 500 people. In response to a question, he explained that the blue sign, advertising the application on the premises had not been correct as the music activities *had* been included on the poster.

The Licensing Officer drew attention to conditions requested by Kent Police, as set out in the report. These included measures for the provision of CCTV, adequate training of staff serving alcohol, the requirement of SIA door supervisors if it was shown this was required by a risk assessment, a written drugs policy, alcohol only to be served if it was with a substantial meal, and no glasses to be taken outside. The Licensing Officer reported that nine representations had been received, via email.

In response to a question, the Licensing Officer further explained that there had been an error in the advertising of the application, in that the music aspect had been advertised, and as noted above, it was no longer a licensing activity, and as such should not have been included on the advert. The Senior Lawyer (Contentious) asked all present at the meeting whether they wanted to defer the meeting, to allow the correct advert to be consulted upon.

Mrs Musset, an objector, explained that some residents had not been aware of the application and she considered signs should have been displayed in Abbey Street.

The Sub-Committee, Applicants and objectors were all happy that the Sub-Committee continued as scheduled.

Mrs White, the Applicant, explained that the application was for the sale of alcohol, with background music, in a restaurant setting, not a pub/club environment. In response to questions, Mrs White explained that the music would be background and the speakers were inside the premises.

Mrs Mussett explained that the main objection from the residents she represented, was public safety. She explained that Abbey Street varied in width, and that people often walked in the carriageway due to obstacles on the footpath, e.g. plant pots. She considered the restaurant would become a destination venue, and people not familiar with the use of the road/paths, and with pinch points and shared space this could present safety issues when restaurant-goers left the premises. Mrs Mussett was also concerned with access to the premises for emergency vehicles, and with potential flooding issues at the premises, due to its close location to the quayside.

In response to a question, the Senior Lawyer explained that in licensing terms, public safety issues were treated differently to what was normally considered to be public safety. He explained that in this instance, public safety was in relation to the safety of patrons on the premises itself, i.e. a pub and its garden, and not about how people arrived/left the premises. He further added that public nuisance, in relation to traffic and parking was within the Licensing Act. He advised that any current instances of adverse behaviour or negative effects, could not be considered or associated with this premises, as this was a new premises license. Speculative concerns could not be considered, however, there was an opportunity to review the application in the future if this was deemed necessary.

In response to further questions, Mrs White advised that only background music would be played on the premises, and that CCTV would be in place.

Members were advised that Faversham Town Council had not been notified of the application as they were not a responsible authority in terms of licensing activities.

Members of the Sub-Committee adjourned to make their decision at 2.23pm. Members of the Sub-Committee, the Senior Lawyer and Democratic Services Officer returned at 2.53pm, when the meeting was reconvened.

The decision as set out in Appendix I to these minutes was announced.

**Resolved:**

**(1) The Sub-Committee determined to hear the matter today rather than to defer the matter to allow further advertisement and public notice. The Sub-Committee was satisfied that there had been substantial compliance with the requirements of the regulations and considered that no party was prejudiced by the error.**

**(2) The Sub-Committee agreed to grant the licence as applied for subject to conditions.**

Chairman

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All Minutes are draft until agreed at the next meeting of the Committee/Panel