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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 Friday, 9 October 2015 from 10.00 - 11.18 am.

**PRESENT:** Councillors Paul Fleming, Lesley Ingham (Chairman) and Ghlin Whelan.

**OFFICERS PRESENT:** Philippa Davies, Robin Harris, Jo Millard and Angela Seaward.

**ALSO IN ATTENDANCE:** Mr Fabio Armenti (applicant), Mrs Ellie Metcalfe and Mr Chris Oswald-Jones (both speaking on behalf of objectors).

### 261 NOTIFICATION OF CHAIRMAN AND OUTLINE OF PROCEDURE

The Chairman welcomed everyone to the meeting.

### 262 DECLARATIONS OF INTEREST

No interests were declared.

### 263 APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003

Mrs Angela Seaward, the Senior Licensing Officer, introduced the application in respect of 1 Gatefield Lane, Faversham, for the provision of sale of alcohol and recorded music. She explained that the opening times would be from 10am to 10pm, Monday to Saturday, and from 11am to 3pm on Sundays. The Senior Licensing Officer advised that small platters of food would also be available. Representations had been received from both Kent Police and Environmental Health, their comments were included in the report. It had also been requested that the volume of background music was to be kept at a reasonable level. A representation from the Planning Department had been received, however, the Senior Licensing Officer explained that this was separate to the licensing application and was reported for information only. Two representations from objectors had been received and their comments were outlined in Appendix C in the report and within the tabled paper.

Mr Fabio Armenti, the applicant, presented his case. He outlined his reasons for his proposals and explained that he wanted to offer a different hospitality experience for Faversham. Mr Armenti acknowledged the neighbours' concerns with any potential noise issues from the premises. He considered any noise from the premises would be less than 30 watts and would not create a nuisance.

In response to a question, Mr Armenti read out the Licensing Committee's objectives.

Mrs Ellie Metcalfe, representing her mother, Mrs Janet Lee whose property was next door to 1 Gatefield Lane, outlined Mrs Lee's concerns with the application.

Mrs Metcalfe explained that she considered the shared wall between the properties was not suitable for the proposed use of the property. She stated that even now it was possible to hear everyday 'comings and goings' through the wall. Mrs Metcalfe explained that the noise was not so much of an issue during the day, but was she was concerned about the evenings. She explained that her mother did not object to the proposed use, but was concerned with the practicalities of addressing the noise that would be generated, and was keen to address the issues before they became more serious.

At this point, the Senior Lawyer explained that any potential noise issues were speculative at the moment, and he acknowledged that the applicant was keen not to cause nuisance.

Mr Armenti explained that he had taken the dividing wall into consideration, and planned to mitigate any noise issues by positioning shelves and wine racks against that wall. He acknowledged that this would not be a sound-proofing solution, but it could stop some noise going through to the neighbour's property. Mr Armenti was happy to try and address the issues that had been raised.

Discussion ensued on the planned opening times, and whether they would be used to the full extent.

Mrs Metcalfe considered from a practical point of view, that soundproofing should be in place, with the assumption that the premises would be used for the requested opening times, rather than coming back at a later date.

Mr Armenti explained that the application was for a wine shop, not a wine bar, and he advised that the measures provided were well below the legal measure, more of a tasting measure. He considered that as the shop was currently empty, it would carry more noise, and he advised that if noise went above a certain level, he would be happy to take sound-proofing measures.

Mr Chris Oswald-Jones, spoke on behalf of Mrs Gloria Nahrwold, an objector to the application. He explained that Mrs Nahrwold objected on the grounds of potential noise from the proposed use. He suggested that a clause be added so that if the noise became an issue, sound checking measures were to be put in place. He acknowledged the noise was speculative noise, but welcomed measures to mitigate this if the noise reached an unreasonable level.

Members of the Sub-Committee adjourned to make their decision at 10.41am. Members of the Sub-Committee, the Senior Lawyer (Contentious) and the Democratic Services Officers returned at 11.17am, when the meeting was re-convened.

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

***Resolved: The Sub-Committee agreed to grant the licence.***

Chairman

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