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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, East Street, Sittingbourne, Kent ME10 3HT on Thursday, 28 June 2018 from 10.00am - 12.22pm.

**PRESENT:** Councillors Mike Dendor, Peter Marchington and Tony Winckless (Chairman).

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

**ALSO IN ATTENDANCE:** Mr James Hunt (applicant), Mr Dean Attfield, Mr John Macoy and Mr Matt Walsom (objectors).

### 85 FIRE EVACUATION PROCEDURE

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

### 86 NOTIFICATION OF CHAIRMAN AND OUTLINE OF PROCEDURE

The Chairman opened the meeting by introducing the Sub-Committee and asked Officers to introduce themselves.

### 87 DECLARATIONS OF INTEREST

No interests were declared.

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

The Licensing Officer introduced the application for a new Premises Licence for Iwade Barn, All Saints Close, Iwade. The application was for the provision of plays, films, indoor sporting events, live music, recorded music, performance of dance and supply of alcohol. The proposed hours of operation were Monday to Sunday, 10:00 to 23:00, and public holidays, 10:00 to 01:00. The opening hours were Monday to Sunday, 08:00 to 00:00 and public holidays, 10:00 to 02:00.

The Licensing Officer reported that nine valid representations had been received. The applicant had sent a letter to those who had submitted the representations, as attached to Appendix D in the report. One of the nine had subsequently withdrawn their objection, subject to the withdrawal of the public holiday opening hours, except for New Year's Eve. The Licensing Officer reminded the Sub-Committee that under the Live Music Act 2012 and Deregulation Act 2015, the proposed hours for live and recorded music did not require licensing. As it was currently, alcohol licensed premises were entitled to have music (recorded or live unamplified music) between 8pm and 11pm without the need for a licence provided the audience was less than 500 people. He also stated that licensing regulations were different from planning regulations, and that the application had been advertised in the usual way.

Mr Hunt, the applicant, provided an overview of the background of the Iwade Barn. He explained that it had been set-up as a venue for community use, as part of the planning permission for All Saints Close, Iwade. The Parish Council had carried out a survey, and this had shown that there was a need for additional community space, and a charity was set-up to oversee the Barn. Mr Hunt explained that a constitution had been drawn-up which stipulated that all members of the Barn had to be residents of Iwade, and that this allowed more control over the use of the Barn, and this had been a successful approach. Mr Hunt explained that there had been a number of open days, and feedback from residents had included a request that the Barn had a licence for alcohol. He gave an overview of the current use which included use by the church, teas being served and local fruit being made into wine. Mr Hunt explained that the proposed new use would be for occasional use. The Barn was free to use for community groups, and this application would provide a potential for an income to be made from the Barn. Mr Hunt explained that one of the volunteer Trust members would be on site, at an event where alcohol was served. Kent Fire and Rescue Service had advised that no more than 60 people would be allowed at the venue, and Mr Hunt stated that this figure would usually be between 20 to 25 people. He further explained the need for a venue like the Barn and stated that it provided a different type of venue from the Village Hall, and was not a suitable venue for large parties, and was more likely to attract customers wanting a venue for 10 to 15 people. Mr Hunt advised that he was happy to include only New Year's Eve, and no other Public Holiday, with a 12pm finish.

The applicant was asked questions by the Sub-Committee and the members of the public present at the meeting.

Mr Hunt advised that when alcohol was being served, a trustee would be present, and that a trustee had not been present on a particular date raised by the questioner, as this event had been a private booking. Mr Hunt referred to that booking and advised that he had not been aware of any issues that evening, and no complaints had been received by the Trust. At this point a video recording of the event was shown to Mr Hunt and the Sub-Committee.

In response to further questions, Mr Hunt explained that at the moment there was no deposit imposed at the time of booking, as he considered that as it was being used by local residents, everyone would respect and care for the building. He added that if non-residents of Iwade were to use the Barn, then this option could be looked into. The booking conditions were very strict. Mr Hunt considered that noise could be an issue at any location, and not solely at this venue.

Mr Hunt outlined the running costs of the Barn, which included heating, car park maintenance and insurance. He advised that members of the Barn were any residents who lived within the Iwade parish. Mr Hunt clarified that private hire of the Barn needed to be from Iwade residents, and business hire could be outside of the Parish, so long as they brought a benefit to residents. He outlined the roles of some of the Trustees, smoking was not permitted anywhere on the premises or car park, and the Trust provided the role of Designated Premises Supervisor (DPS).

The Senior Lawyer (Contentious) advised that community premises were able to apply for an exemption in having to have a named DPS, and this would remove the

obligation to have someone present, although in this case, a Trustee would be present.

Mr Hunt advised that 60 people would not fit comfortably in the barn. There were terms and conditions on the booking form, and also signs inside the Barn to request that users of the Barn respected neighbours with regard to any noise issues and left the building quietly.

Mr Attfield, an objector, spoke against the application and considered that by allowing the alcohol license, the noise issues currently at the Barn would increase. He welcomed the whole Barn initiative as having a community use in the village, but considered funding could be raised in an alternative way, rather than providing an alcohol license. He advised that there was a village market that sold wine etc., and so that facility was not needed at the Barn as well. Mr Attfield explained that the Barn was very close to houses, and users of the Village Hall were requested to close doors and windows at a certain time in the evening, but it appeared that no option was in place to do the same at the Barn, which he considered to be unfair. Mr Attfield spoke on the proximity of the Barn to the church, the sympathetic design and use of building materials on nearby houses and he felt that live music was not in-keeping with the setting of the church. Mr Attfield also raised concern with people smoking in the car park, and noise late at night.

Mr Hunt explained that the funding suggestions had come from residents in the village.

The Senior Lawyer advised that some of the points raised by Mr Attfield were planning points, and not within the remit of the Sub-Committee. He asked Mr Attfield if there were any conditions that he considered would assist in making the situation more 'bearable'. He also reminded Mr Attfield, that the venue could have music, even without an alcohol license. In response to a question, the Senior Lawyer stated that if there were issues after the license had been granted, it could be reviewed, and the license, in fact, allowed more controls to be in place, than there were at the present time.

At this point two of the objectors left the meeting.

Mr Walsom, an objector, raised concern with the uncontrolled environment at the Barn. The Senior Lawyer explained that there was nothing to stop private users taking drink into the Barn at the moment. He added that he was trying to point the objectors to mitigation areas that the Sub-Committee could consider. He explained that the music could be controlled when an alcohol license was in place.

Mr Walsom acknowledged that the license gave more of a remit to 'police' the situation, but also raised concern with the disruption in the evenings. He welcomed the opportunity to have regular meetings with the Trustees to monitor any issues at the Barn.

Mr Hunt explained that there had been open days at the Barn, to help explain to local residents what the plans were for the Barn, and acknowledged that with regard to music, the license would help to regulate matters. Mr Hunt suggested a

condition be added to ensure that the shutters and doors were shut from 9pm, and this could be added to the booking form.

Mr Walsom welcomed the suggested condition.

There was some discussion on how the condition could be monitored.

Members of the Sub-Committee adjourned to make their decision at 11.32am. Members of the Sub-Committee, the Senior Lawyer and Democratic Services Officer returned at 12.20pm, when the meeting was reconvened.

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

***Resolved:***

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

***Recommended:***

***(1) That the applicant creates a designated smoking area as far away from residential properties as possible as this will provide better control of smokers and any impact from smoking.***

Chairman

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