
LICENSING SUB-COMMITTEE

MINUTES of the Meeting held in the Committee Room - Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Wednesday, 25 July 2018 from 2.30 - 4.35 pm.

PRESENT: Councillors Tina Booth (Chairman), Roger Clark and Paul Fleming.

OFFICERS PRESENT: Philippa Davies, Robin Harris and Chris Hills

ALSO IN ATTENDANCE: Mr Richard Smith and Ms Amanda Williams (applicants), Ms Rachel Collier (Designated Premises Supervisor), Mr Andrew Gillet (Solicitor for objector), Mr Joslin Anderson and Mrs Lourdes Anderson (objectors).

150 FIRE EVACUATION PROCEDURE

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

151 NOTIFICATION OF CHAIRMAN AND OUTLINE OF PROCEDURE

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

152 DECLARATIONS OF INTEREST

No interests were declared.

153 **Part B Minutes for the Licensing Sub-Committee to decide NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003**

The Licensing Officer introduced the application for a new Premises Licence for The Flying Sheep Micro Pub, 193 High Street, Sheerness. The application was for the supply of alcohol. The proposed hours of operation were Monday to Thursday and Sunday, 11:00 until 23:00, Friday and Saturday, 11:00 until 00:00, Bank Holidays and Christmas Eve, 11:00 until 00:00 and New Year's Eve, 11:00 until 01:00.

The Licensing Officer reported that Kent Police had made no representations, but had requested conditions, as outlined on pages 3 and 4 of the report. One objection had been received and this was set-out on pages 27 to 30 of the report. The Licensing Officer added that a planning application had also been considered for the premises by the Planning Committee.

Mr Smith, the applicant, acknowledged the concerns that had been raised by the objector. However, he explained that micro-pubs were very different from more general-type pubs. There would be no amplified music, just talking, and he considered the noise levels would be very low. Mr Smith explained that sound proofing along the walls would be installed. He referred to the opening times and explained that in reality the hours would not be as long as was proposed.

Mr Gillet, the Solicitor, representing the objector, outlined the concerns that his client had. These included issues of public nuisance and public safety. Mr Gillet suggested that railings be installed outside the premises.

The applicants and Designated Premises Supervisor (DPS) were asked questions by the Sub-Committee, the Solicitor for the objector and the objector.

The DPS, Rachel Collier, advised that she would train the staff working at the premises, and that the two applicants would also take training so that there would be three qualified trained people at the premises. She advised that first aid training was not a requirement of the Licensing Act. Ms Amanda Williams explained that there was a first aid kit on the premises and that training for staff could be arranged. Ms Collier explained that there was a Fire Station across the road from the premises.

Mr Gillet considered there was a potential danger with numerous customers exiting the public house and moving out into the road, which could be dangerous with any emergency vehicles leaving the Fire Station at high speed, and he considered railings outside the premises would address this. The Licensing Officer explained that Kent Fire and Rescue Service (KFRS) had made no representations. The Senior Lawyer acknowledged that public safety was within the licensing objectives, but questioned how it was different to any other pubs along the High Street, which did not have railings in front of their doorway.

Mr Gillet suggested a condition be added to limit the capacity of the premises, and the Senior Lawyer reminded him, with issues related to risks associated with evacuation in cases of a fire, that KFRS had made no representations, and that barriers outside were street furniture, and this would not be part of the application.

The Senior Lawyer asked whether a Fire Risk Assessment had been carried out on the premises. Ms Williams advised that one had not been carried out so far, and that fire extinguishers would be present in the building. The Senior Lawyer, again stated that a Fire Risk Assessment had not been requested by KFRS, but this could be added as a condition to the application.

Ms Williams explained that she was happy for a Fire Risk Assessment to be carried out.

Mr Gillet then outlined the issue of public nuisance, and the objections from his client, Mr Anderson. Mr Gillet stated that this included noise from the premises, and as there was no designated smoking area on the premises, smokers would congregate outside the premises and smoke would travel along to the neighbouring property's bedroom windows.

Mr Smith explained that a designated smoking area to the back of the premises was the preferred option for the applicants, but he stated this option had been objected to by Mr Anderson. Ms Williams added that their preference would allow them to have more control on smoking issues, rather than smokers going out onto the street to smoke. There was some discussion on the decision that the Planning

Committee had made as to whether a designated smoking area could be installed to the rear of the property

Mr Anderson explained that he understood that no decision had been made regarding the site of a designated smoking area.

The Senior Lawyer explained that to the front of the premises was public highway, and it was difficult to stop people from smoking there in any case. He suggested it was preferable to have a designated smoking area.

Mr Anderson objected to people smoking to the front of the premises, because of the impact on his property and the smoke drifting into opened windows.

Ms Williams stated that she would ensure that any cigarette butts would be cleared up outside the front of the premises.

Mr Anderson referred to his letter included within the report, and he raised concern that he had submitted it to the Planning Committee, but the letter had not been considered by them. He was advised that the Planning Committee and Licensing Committee were two separate teams and there was no overlap in the work they carried out. The Licensing Officer advised that she had included the letter within the agenda paperwork as it had included licensing issues, and she had previously advised Mr Anderson that planning was separate to licensing and vice versa.

The Solicitor suggested this application not be granted until the public nuisance (designated smoking area) had been resolved.

There was some discussion with the Solicitor and Senior Lawyer on case law, designated smoking and speculation of what might happen. The Solicitor considered the issue of the designated smoking area had not been answered, and that the nuisance from the pub outweighed its benefits.

The Senior Lawyer explained that there was no nuisance at the moment, as there was no evidence, but this could be looked at in the future under a review of the premises licence, if there was an issue after the licence was granted. The Solicitor stated that even though the premises was not yet open, there was a problem, as smoking was a problem per se.

The Solicitor explained that Kent Police had the opportunity to comment, but they made no representations, and so the issue here was a complaint from a neighbour about the smoking aspect. He added that Environmental Health did not object to the application.

The Senior Lawyer advised that the Sub-Committee could add a condition to the application with regard to the designated smoking area. There was some discussion on the effects on amenity at the back of the premises, versus smoking to the front, where there was no control as it was the public highway.

The applicants were happy to reduce the Bank Holiday Monday licensing time to be the same as Sunday times, and to also carry out a Fire Risk Assessment on the property.

Members of the Sub-Committee adjourned to make their decision at 3.25pm. Members of the Sub-Committee, the Senior Lawyer and Democratic Services Officer returned at 4.31pm, 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 subject to conditions.

Appendix I

Chairman

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