

Licensing Panel

Wednesday, 3 April 2024

10.00 am

Present:

Cllr Baljit Hayre (Chair)

Councillors: Derek Ashenden
 Lee Croxton

Mandy Francis	Licensing Manager
Katie Honeywood	Licensing Officer
Julie Oates	Senior Environmental Health Officer
Kyle Rogers	Legal Advisor to the Panel
Mr Chukwuma Okoruwe	Applicant, Dizz Hubb
Karen Gingles	Committee Services Officer (Minutes)

Note: Councillors: Peter Scollard, Jo Hart and Alison Williams were also in attendance

7. Apologies for absence

No apologies for absence were received.

8. Declaration of Interest

No declarations of interest were made.

9. Consideration of an application for a new premises licence for Dizz Hub, Ebbsfleet Rainbow Centre, Rose Street, Northfleet, Gravesend, Kent DA11 9EQ

The Licensing Panel were asked to consider an application for a new premises licence under the Licensing Act 2003. The Licensing Panel were asked to determine the application for a new premises licence, following receipt of objections from Environmental Protection and Licensing.

The Licensing Manger highlighted to the Committee that there were two slight typographical errors within the report. These were in relation to paragraph 3.2 which should have read: *'The application is for the sale by retail of alcohol and licensable activities'*. Also, on page 7 of the report, the aerial view should have been labelled Appendix A not Appendix B.

Members were informed that the application had been received on 26 October 2023 for sale by retail of alcohol with licensable hours as followed:

- Sale by retail of alcohol in the Convenience Store:
Monday to Sunday 0800: to 00:00 – Off sales only
- Community Hall: Monday to Sunday 08:00 to 02:00 – On sales only
Regulated Entertainment:
Performance of dance, Recorded Music, Live Music, Indoor sporting events,
Films, Plays, anything of a similar description: Monday to Sunday 23:00 – 02:30
- Late Night Refreshment – Indoor only:
Monday to Sunday 23:00 – 02:30

Members were informed that following a representation by Kent Police, conditions had been agreed by the applicant on the basis of amending the proposed operating schedule, contained within their application. The conditions were outlined in appendix C of the report.

The Panel were informed that a representation was received from Environmental Protection on 15 February 2024 objecting to the licence as it would have a negative impact on the Prevention of Public Nuisance licensing objective. This representation could be viewed in Appendix D.

Members were informed that on 13 March 2024, Licensing, as a responsible authority, also submitted a representation. The applicant in response had agreed to the additional conditions however, no agreement to reduce the hours for the Community Hall has been received. A copy of the representation and agreement could be viewed in Appendix E.

The Licensing Manager informed Members that representation received from Licensing was only in objection to hours applied for the Community Hall, not the Convenience Store.

The Panel heard representations from both the Licensing Officer from the authority and the Senior Environmental Health Officer.

The Applicant addressed the Panel and summarised why they should be granted the new premise licence.

The Chair opened the Panel to allow questions from Councillors:

- Members sought clarity regarding the type of activities that would take place in the Community Hall and why such a late licence was required. The applicant explained that during the day the space would be hired for fitness/dance classes, community groups etc. In the evenings the hall could be hired for parties. The applicant expressed that there would be no bar facility but with waiters serving drinks via a table service. Drinks would be stored and served via waiters from the kitchen area. It was explained that upon booking the customer hiring the hall would select their chosen drinks package from a menu.
- Referring to the floor plans outlined in appendix B, members queried what the difference was between the function room and the hall. The applicant informed the panel that the function room was small with a 3 metre table and was separate from the main hall. The room was bookable for meetings or smaller events. The main hall measured 77 square metres and could seat 50-70 people facing the projector or 40 guests seated at tables.

- The panel expressed concern that hall may be used for extended public drinking after the local pub was closed. The applicant assured Members that the venue would not be open to the public and was for private hire only.

At 10:32am, following discussion with the Licensing Manager, the Chair requested that the meeting be adjourned, as there was concern that answers given to Member questions regarding the sale of alcohol, was contrary to the application. The applicant, Licensing Manager, Licensing Officer and Legal advisor left the Council Chamber.

The Meeting reconvened at 10:48am. The Chair requested that the Licensing Manager provide the panel with further explanation for the adjournment.

The Licensing Manager clarified that it had appeared from statements made during the Q&A, that there were in fact no licensable activities taking place on site in the Community Hall. However, after speaking with the applicant during the adjournment, there would be a sale of alcohol but via a bill, at the end of the evening and not directly at a bar.

The Chair invited the panel to ask any further questions:

- Members queried how the booking process would operate in terms of the administration of the alcohol and whether security had been considered. The applicant explained that venue booking could be made online or in person. Upon booking the customer would be provided with a drinks menu. Customer selection would be payable after the event. Drinks would be distributed during the evening, via waiters employed by the applicant. The applicant updated the panel that prior to each event a vetting process would be conducted via risk assessments for each activity. As one of the conditions imposed by Kent Police, there would also be SIA security staff present at evening parties along with noise rules implemented, which would be explained to guests upon booking and displayed on signage in the hall.
- Referring to Appendix B, the Chair requested clarity in respect of entrances to both the convenience store and the community hall. The applicant advised that the entrances were separate from one another. The entrance to the convenience store was located in Rose Street with the community hall entrance situated by the public parking area.
- The chair asked for clarification as to where the alcohol would be serviced from in the kitchen. The applicant explained that the spirits would be stored behind the counter with wine and beer stored in the fridges.
- Members requested further information regarding the security provision and whether there would also be supervision from the applicant's staff. The applicant assured that there would be staff from the community hall along with SIA staff presence where appropriate.

The Chair invited the Council representatives to ask any questions for clarification:

- The Senior Environmental Health Officer requested more information regarding music entertainment and whether an external provider would use their own amplifiers or use those provided by the community hall. The applicant explained that there were already speakers within the hall, which were managed via a control room. Any external equipment would be connected to the existing speakers. The applicant stated that once he was informed of the correct noise level requirements, it would be

assessed on how this would be managed. He also went on to say that ventilation to the hall would be provided with an air conditioning unit.

Members observed that there were expected standard noise levels to be adhered to.

The Chair noted the garden space at the side of the building, shown on page 7 of the report and whether this space would also be used within the activities. The applicant expressed that a planning application was being made to extend the building on this land. This was not outlined within the report.

The Chair queried whether sound proofing would be carried out in which the applicant agreed it would.

The meeting adjourned at 11:07am to deliberate.

The meeting re-convened at 11:18am.

The Chair addressed the panel and noted that the minor amendments to the report, highlighted by the Licensing Manager at the start of the meeting, had been accepted by the Committee.

Determination

The Chair advised that,

The Panel had carefully considered the application before it; and in doing so, had taken into account the written application and the objection received,

The Panel had carefully considered those representations (both written and oral) and applied the law and licensing principles in determining the application for a premises licence in respect of Dizz Hubb, Ebbsfleet Rainbow Centre, Rose Street in Northfleet.

The panel noted that there had been agreement reached with the Police as to additional conditions at Appendix C and noted no formal objections had been received from Ward Councillors or public.

The panel felt the objections on the grounds of public nuisance were valid and as such considered whether any variation to the application could allay those concerns. The panel decided that a variation of the licensable hours from 8am – 12 midnight would allay those concerns and allow the panel to grant the application on that basis.

In addition, to allay concerns in respect of public nuisance the following condition would be included:

“Prior to any licensable activity taking place on the Property, sound proofing must be installed to the satisfaction of Environmental Health.”

Close of meeting

The meeting ended at 11:25am