

Licensing Panel

Thursday, 04 July 2019

10:00am

Present:

Cllr Steve Thompson (Chair)

Cllrs: Leslie Pearton
Derek Ashenden

| | |
|----------------------|---|
| Emily Lane-Blackwell | Senior Licensing Officer |
| Debbie Wilders | Senior Environmental Health Officer |
| Vicki Nutley | Lawyer |
| Mr Colin Cross | Chairman of the Istead Rise Community Association |
| Mr David Ray | Objector |
| Mrs Adrienne Ray | Wife of Objector |
| Ben Clarke | Committee & Scrutiny Assistant (Minutes) |

26. Apologies for absence

No apologies of absence were received.

27. Declarations of Interest

No declarations of interest were made.

28. Determination of an application for a variation of a Club Premises Certificate GMCP/08/0001, Istead Rise Community Centre, Worcester Close, Istead Rise, Kent DA13 9LB.

The Licensing Panel were asked to determine an application to vary a Club Premises Certificate granted under the Licensing Act 2003 in respect of the premises known as Istead Rise Community Centre, at Worcester Close, Istead Rise, Kent DA13 9LB

The Senior Licensing Officer gave a brief overview of the current Club Premises Certificate and the Community Centre with background information to the Panel.

On 21 May 2019 an application to vary the Club Premises Certificate was received by the Licensing Section from the Istead Rise Community Association. The application was to extend the hours for live music, recorded music and supply of alcohol on Friday and Saturday nights to 01.00.

The Licensing Team received an objection to the application in respect of the Istead Rise Community Centre, Worcester Close, Istead Rise, Kent DA13 9LB on 17 June 2019.

Environmental Protection raised a formal objection on the basis of undermining the Prevention of Public Nuisance licensing objective. This was due to the close proximity to houses (50m away), nature and location of the club as the Service was concerned that there

could be considerable disturbance due to the late hour to the residents by the live/recorded music, people congregating outside the centre and the dispersal of the people via the no through road (Worcester Close).

The Committee were made aware that the property had planning conditions attached to it listed below:

- No activity shall take place in the extension to the premises between the hours of 11.30pm on Saturday and 7.00am on the following day nor on any other day between 11.00p.m and 7.00am the following day

The applicant addressed the Panel arguing the reasons as to why the variation to the club premises certificate should be granted.

Cllr Pearton suggested that a rule be created in which the Members children are asked to stay inside the premises from a designated time.

The Senior Environmental Health Officer addressed the Panel and explained her objection to the application as well as running through her presented evidence; the Environmental Protection Team proposed the amended conditions for Friday and Saturday Evenings only:

- Live Music until 23:00
- Recorded Music extended to 00:00
- Supply of alcohol extended to 00:30
- Opening Hours extended to 00:30

The objector addressed the Panel arguing the reasons as to why the variation to the club premises certificate should be denied.

Once members had their questions answered the Panel adjourned to consider its decision.

Determination

Before the Chair announced the Panel's decision, he implored that both parties communicate with each other in the future as residents and the Community Association should work together in cohesion for the benefit of the Community.

The Chair advised that, in coming to their decision, the Panel considered all the evidence presented by both parties at the hearing, the possible effect to residents and the local area, the licensing objective of preventing nuisance, the applicant and objectors verbal addressing's to the panel, the formal objection and evidence put forward by the Senior Environmental Health Officer.

Having considered all those matters and advice given, the Panel rejected the applicants proposed variations to the Club Premises Certificate and instead granted the variation to the Club Premises Certificate under the proposed conditions by the Environmental protection Team. Those conditions state that:

On Friday and Saturday Evenings only:

- Live Music until 23:00

- Recorded Music extended to 00:00
- Supply of alcohol extended to 00:30
- Opening Hours extended to 00:30

The Chair further added that the unenforceable licence condition which stated that the premise must close at 12:00am be removed.

The Chair advised that one additional condition was also to be imposed on the new licence which stated that there must always be a SIA trained door staff member at the premise whenever it is open later than 11:30pm.

The Chair reminded the applicant that as part of his current licencing conditions all of the windows were to remain shut at night in order to mitigate noise to residents.

However, the granted variation to the Club Premises Certificate is conditional on the planning application to amend the current planning conditions on the premises being approved. Until the planning application is approved the amended Licence cannot be legally operated.

The Chair concluded the meeting by asking that any further queries be put in writing and sent to the Licensing Team.

Close of meeting

The meeting ended at 11:35am.