

DARTFORD BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

MINUTES of the meeting of the Licensing Sub-Committee held on Friday 9 November 2018 at 10.30am

PRESENT: Councillor I D Armitt JP
Councillor A Bardoe
Councillor C S McLean

Others Present Ms S Cotton, Ms Angie Amar (Dartford BC Legal Services) Mrs J Philpott, Ms Caroline Hillman (Dartford BC Licensing) Mr N Murphy, Ms R Olagun (Dartford BC Democratic Services) Mr L Churrington, Mr Phil Grigg, Mr G Domlio (Punch Taverns) Mr B Parry, Ms Carly Brook (Local Residents)

15. ELECTION OF CHAIRMAN

Councillor Bardoe was proposed, seconded and duly elected Chairman of the meeting.

16. FIRE EVACUATION PROCEDURE AND ARRANGEMENTS AND CONSTRAINTS RELATING TO FILMING OR RECORDING THE MEETING

The clerk to the Sub - Committee explained the fire evacuation procedure and the arrangements and constraints relating to filming or recording the meeting.

17. APOLOGIES FOR ABSENCE

There were no apologies for absence.

18. DECLARATIONS OF INTEREST

There were no declarations of interests.

19. REFERENCES FROM OTHER COMMITTEES

It was reported that there were no references for the Sub – Committee to consider.

20. URGENT ITEMS

The Chairman reported that there were no urgent items for the Sub – Committee to consider.

CHAIRMAN'S INITIALS

21. RULES OF PROCEDURE

The Chairman introduced Members present and called upon others present to identify themselves. He then explained to the parties that the Sub-Committee intended to follow the procedure detailed in the Licensing Sub-Committee Rules of Procedure, circulated as item 6 to the agenda.

22. APPLICATION BY PUNCH PARTNERSHIPS LIMITED (PTL) FOR A VARIATION TO THE PREMISES LICENSE HELD BY THE PIER HOTEL, 6 HIGH STREET GREENHITHE, KENT. DA9 9NN

The Chairman, Councillor Bardoe, invited the Licensing Manager Mrs Philpott to introduce her report on an application received from Punch Partnerships Limited (PTL) to vary the current Premises License held under Section 34 of the Licencing Act 2003 in relation to the Pier Hotel in Greenhithe Kent.

Mrs Philpott reported that the Application received was to extend the trading hours as follows :

1. Friday and Saturday until 00:30
2. To extend the terminal hour by 1 hour on Fridays, Saturdays, Sundays proceeding all Bank Holiday, Bank Holiday Mondays, Christmas Eve, Boxing Day, 27th, 28th, 29th and 30th December, Bonfire Night and New Year's Day.
3. New Year's Eve – From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.

Mrs Philpott also explained that while there had been no objections received to the proposals from the Environmental Health Service, the Kent Police, Dartford Borough Planning Officers, Fire Safety Officer, Child Protection Agency, and Trading Standards, significant objections had been received from Local residents, and that mediation had not achieved agreement between the parties. Consequently it was necessary to convene a Sub - Committee to resolve the application.

Mr George Domleo, the Solicitor representing PTL, explained the relevant provisions of the application. He also produced two additional letters from local residents that opposed the extension of opening hours and circulated these to the Sub – Committee.

He introduced Mr Grigg, the publican, and Mr Cherrington, the Brewery Business Development Manager, and explained that they had worked hard to produce a family orientated environment at The Pier.

He reported that there had been 27 approved applications for extended hours over the last few years and that as far as he was aware there had not been

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LICENSING SUB-COMMITTEE

FRIDAY 9 NOVEMBER 2018

any incidents or complaints. He therefore considered that the extended hours should not prove problematic.

It was also noted that following a pre-consultation and risk-assessment with the Kent Police Service, a number of additional conditions had been agreed and that they were already included within the application.

With regard to issues arising from customers drinking and smoking on the forecourt of the Pier, Mr Domleo explained that customers had also been advised to refrain from taking drinks to the front of the premises, and encouraged to use the designated space to the rear of the premises when leaving to smoke. In addition more visual notices were to be displayed to prevent noise from customers and thus to respect the needs of the residents. An increase in boundary checks were also proposed to prevent further inconvenience for residents.

Mr Dolmeo reiterated earlier statements relating to the excellent rapport between the publican and Authorities and drew the Sub Committee's attention to a number of letters supporting the extended hours.

Mr Brian Parry, a local resident, expressed his concern at the proposed conditions, suggesting that the later hours would give rise to anti-social behaviour.

He explained that properties in the area were noise sensitive having single - glazed windows which could not be changed as the area was a Conservation Zone, and the structure of the houses was not conducive to sound insulation.

Thus, music played in the Pier would often cause disturbance and prevent sleep for local residents.

Mr Parry explained that complaints had been made to the Licensing Committee in 2005 and 2015, however the conditions had not improved. He requested that residents be given prior notice of amplified music and contact details of the supervisor to report any disturbance.

Local resident Mrs Carlie Brooks concurred with the points made by Mr Parry. She also reported that many residents were not aware of the proposed Variation as the notice inviting objections was only displayed in the Pier's window for one day.

She also explained that although ten people opposed the extension of trading hours, four people from the group regularly attended the pub. The general consensus was that it was a good pub, however anti-social behaviour resulting from the consumption of alcohol at late hours had become a nuisance which affected the quality of life for residents.

She further explained that there had been unsavoury incidents outside the premises, after closing time with residents being disturbed on a regular basis.

At this point Members of the Sub - Committee took the opportunity to ask questions of the Applicant and the Objectors.

Councillor McLean asked if the designated smoking area was limited to the rear of the premises why it was that some patrons went out to the forecourt and took their drinks with them.

Mr Grigg responded that he and his staff try to enforce a smoking ban at the front of the premises and advise customers of this regularly. Customers are not permitted to take drinks onto the forecourt and are encouraged to use the rear of the premises.

Councillor Armitt asked the Objectors why there were no complaints made to Environmental Health or the Local Council regarding anti - social behaviour at the Premises.

Mrs Brook explained that the pub was very well run and local residents did not wish to appear as bad neighbours.

Councillor McLean suggested that door supervisors be employed to control unruly customers and enforce a smoking ban at the forecourt of the premises.

Mr Dolmeo resisted this idea suggesting it was unnecessary and inappropriate.

Councillor Bardoe suggested that customers be denied admission to the premises after Midnight to deter the migration of people from other local hostelries once those had closed for the night.

Mr Dolmeo agreed that this was a reasonable step and should be added to the new conditions.

In closing, Mrs Brooks asked that the owners prohibit the customers from smoking outside resident homes as there was a designated area for smokers at the back of the premises. She asked that the application for the extended trading hours be rejected.

Both parties then summarised their cases.

At the conclusions of the summaries, the Clerks and the Members withdrew from the meeting room to consider the matter in private.

During the consideration of the consideration the Sub - Committee requested that Ms Cotton join them to provide guidance on legal matters.

On resumption of the proceedings in open session,

Ms Cotton explained why she had been invited to join the Sub – Committee and that the advice which she had given was limited to the wording of Conditions for the decision.

CHAIRMAN'S INITIALS

LICENSING SUB-COMMITTEE

FRIDAY 9 NOVEMBER 2018

The Chairman stressed that the Sub-Committee had considered all the submissions and evidence from all parties in making its decision and accordingly, on the basis that the decision was appropriate to meet licensing objectives for:

- (i) the prevention of crime and disorder; and
- (ii) public nuisance

RESOLVED:

That the Licence be granted to permit the following licensable activities and hours:

Relevant licensable activities:

- Sale and supply of alcohol for consumption on and off the premises.
- The provision of Late Night Refreshment;
- The provision of recorded music
- The provision of live music

Hours for the sale and supply of alcohol:

Sunday to Thursday	10:00 – midnight
Friday and Saturday	10:00 – 02:00
Sundays prior to a Bank Holiday and Christmas Eve	10:00 – 02:00
New Year's Eve	10:00 to 03:00

That the License be issued subject to the conditions as set out below

1. The Designated Premises Supervisor will undertake a risk assessment in respect of the provision of door supervisors for any unusual events and where deemed appropriate a minimum of 2 door supervisors will be employed.
2. The premises shall install and maintain a comprehensive digital colour CCTV system. All parts of the premises to which the public have access will be covered. The CCTV cameras shall continually record while the premises are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum of 30 days. In the event of a CCTV failure the DPS will notify the Police Licensing Officer or Licensing Authority of the failure.
3. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce/download/burn CCTV images upon request by a Police Officer or an authorised officer of the Licensing Authority. Any footage must be in a format that can be played back on a standard personal computer or standard DVD player.

Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.

4. Full training shall be provided to all staff on commencement of employment relating to prevention of underage sales of alcohol, in line with an industry standard underage sales prevention scheme, proxy sales of alcohol to underage persons and sales of alcohol to a person who is drunk. Refresher training shall be provided at regular intervals – at least every 12 months. Records detailing the training provided shall be kept on the premises for a minimum of 12 months and be made available for production upon request by the Police and any authorised officer of a Responsible Authority.
5. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be made available for inspection at the premises by the Police and any authorised officer of a Responsible Authority at all times whilst the premises are open.
6. The management must ensure that the premises have a written drugs policy in place which is acceptable to the Police and Licensing Authority.
7. An incident log shall be maintained at the premises and details of all known incidents recorded within the log. The log shall be kept on the premises for a period of no less than 12 months and shall be produced to the Police and any authorised officer of a Responsible Authority on reasonable request.
8. A list of names of staff working is to be maintained and made available to the Police and any authorised officer of a Responsible Authority upon request.
9. When regulated entertainment is taking place, regular boundary noise checks shall be conducted and any required action shall be taken. Records detailing the sound checks and any required action shall be recorded and retained on the premises.
10. Notices shall be prominently displayed at all exits from the premises requesting customers to leave the premises and area quietly.
11. There shall be no admittance to the premises after midnight.

LICENSING SUB-COMMITTEE

FRIDAY 9 NOVEMBER 2018

12. Staff shall monitor patrons at the front of the premises on a regular basis to ensure they do not cause a public nuisance and to ensure that patrons who wish to smoke do so at the rear of the premises.
13. Drinks shall be prohibited outside at the front of the premises.
14. A contact telephone number for the Manager be provided to local residents for use where problems occur relating to licensable activity

The meeting closed at 12.55pm

CHAIRMAN