

DARTFORD BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

MINUTES of the meeting of the Licensing Sub-Committee held on Thursday 30 July 2020 at 1.30 pm

PRESENT:

Councillor C S McLean
Councillor E H Ben Moussa
Councillor R J Wells

ALSO

PRESENT

Councillor T Maddison (Additional Member)

Councillor Rosanna Currans (Objector); PC Daniel Hunt, (Kent Police Service); Mrs Julie Short, (DBC Environmental Health Service); Mrs Yvonne Rickards, (Applicant); Sarah Cotton (Solicitor); Marie Kelly Stone; (Borough Solicitor); Joanne Philpott, (Licensing Manager); Caroline Hillman, (Licensing Officer); Neil Murphy, (Committee Co ordinator)

14. ELECTION OF CHAIRMAN

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

15. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Matthew Davies and from Mr Mark Salisbury.

16. DECLARATIONS OF INTEREST

There were no declarations of interest received from sub - Committee Members nor from the Additional Member, Councillor Maddison.

17. URGENT ITEMS

It was reported that there were no urgent items for the sub - Committee to consider.

18. 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 revised Licensing Sub-Committee Rules of Procedure, which had been circulated as a replacement for item 5 to the agenda.

He also explained the role of the Additional Member who would not participate in the meeting unless a Member of the sub Committee were to withdraw due to a failure in the IT Equipment.

CHAIRMAN'S INITIALS

19. APPLICATION BY MRS YVONNE RICKARDS FOR A VARIATION TO THE PREMISES LICENCE HELD BY WIG & GOWN, SPITAL STREET, DARTFORD, KENT DA1 1DX

The Council's Licensing Manager introduced her report and explained that Mrs Rickards (the Applicant) had applied for a variation of the Premises Licence, under section 34 of the Licensing Act 2003, for the Wig and Gown Public House, Spital Street, Dartford Kent, DA1, which is situated in Dartford Town Centre.

The following variations to the conditions of the current Premises Licence were proposed:

To *delete* the following conditions:

- a. When the premises are open on Thursday, Friday and Saturdays and Bank Holidays there will be no admission or re-admission after 00:00 hours.
- b. The rear garden shall not be used by patrons after 21:00 Sunday to Thursday, nor after 22:30 on Fridays, Saturdays, Bank Holidays or Christmas Eve.
- c. Bottles and other waste should not be removed from the premises and tipped into refuse and recycling bins between 21:00 and 08:00. Kitchen waste may be emptied until 21:30. Waste and recycling bins utilised shall be lidded and large enough to hold all waste generated by the premises.
- d. When the premises are open between 20:00hrs till close on Thursday, Friday and Saturdays and Bank Holidays a minimum of 4 SIA door supervisors must be present at the customer entrance and exit of the premises.

and

to add:

- When the premises are open on Friday and Saturdays and Bank Holidays there will be no admission or re-admission after 01:45 hours.
- The rear garden shall not be used by patrons after 00:00 Sunday to Saturday, Bank Holidays or Christmas Eve. The garden is now [sic] an enclosed area which will limit sound escaping.
- Bottles and other waste should not be removed from the premises and tipped into refuse and recycling bins between 00:00 and 08:00. Kitchen waste may be emptied until 00:30. Waste and recycling bins utilised shall be lidded and large enough to hold all waste generated by the premises.
- When the premises are open between 20:00 hrs till close on Friday and Saturdays and Sundays prior to Bank Holidays a minimum of 3 SIA door supervisors must be present at the customer entrance and exit of the premises.

LICENSING SUB-COMMITTEE

THURSDAY 30 JULY 2020

It was noted that the consultation on the proposed variations had elicited objections from respectively, Kent Police and Dartford Borough Council's Environmental Health as Responsible Authorities and from Councillor Rosanna Currans (Dartford Ward Councillor and Portfolio holder for High Street Revival and Town Centre), as an interested party.

The Chairman drew the written submissions made by the Applicant to the attention of the Sub Committee and asked the Applicant if she had anything further to add.

The Applicant:

- (a) stressed that the pub was a family run establishment and that there had been no occasions where Police presence had been required;
- (b) wished to have the flexibility to choose the night on which to provide an indoor platform for live bands and musicians. Outdoor music would be purely acoustic;
- (c) wished to reduce the number of SIA door supervisors from 4 to 3 - to reduce the risk of being overstaffed on less busy nights;
- (d) considered that the condition on waste removal was not proportionate.

The Sub - Committee posed a number of questions of the Applicant. Members sought clarification on the reasons for the proposed variations, standards of management and the Applicant's understanding respectively, of her responsibilities to manage a licensed premises and good business practices, to achieve the licensing objectives.

The Chairman then invited Constable Daniel Hunt representing Kent Police, to explain the objections raised by the Police to the proposed variations.

Constable Hunt explained that prior to the Applicant taking over the management of the Premises in 2018 and the subsequent grant of a Premises Licence in May 2018, the Police had been involved with a number of anti-social behaviour issues at the Premises.

Constable Hunt was of the view that the May 2018 licensing conditions had proved effective in addressing the licensing objectives.

The Sub - Committee posed a number of questions of Constable Hunt relating to the Police's objections.

Constable Hunt explained:

that the variation seeking to extend the 'no admission or no re-admission'-terminal hours [from 00:00 hours] to 01:45 on Fridays, Saturdays and Bank Holidays would pose a serious risk to the licensing objectives of crime and disorder and public nuisance, through alcohol fuelled anti-social behaviour etc. A variation to this condition would not be supported by the Police.

that live music on Fridays, Saturdays and Bank Holidays alters the dynamics of a licensed premises from a traditional pub into a nightclub, making the premises attractive to patrons wanting a livelier night out.

The proposal to reduce the number of door supervisors, from 4 to 3 on live music nights was concerning. SIA door supervisors are needed to manage the front door, inside the venue, the rear garden, and the upstairs toilets and control entry to the premises etc. Door supervisors play a central role in dealing with anti-social behaviour in the night time economy. The lack of adequate numbers of SIA door supervisors to manage and/or control anti-social behaviour such as alcohol fuelled, drug and knife related incidences would pose a serious risk to the licensing objectives of crime and disorder and public nuisance.

The Police suggested a condition imposing a requirement on the Applicant to undertake a risk assessment for any events and where deemed appropriate, to employ a minimum of 4 door supervisors.

The Chairman invited Mrs Julie Short, Principal Environmental Health Officer of Dartford Borough Council, to explain objections raised to the proposed variation to extend the terminal hours for use of the garden, from 21:00 Sunday to Thursday and 22:30 on Fridays, Saturdays, Bank Holidays and Christmas Eve, to 00:00 hours.

The Sub - Committee posed a number of questions to Mrs Short relating to Environmental Health's objections.

Mrs Short informed Members that the Premises were in very close proximity to residential properties and that noise (live music, chatter etc.) from the garden had the potential to expose local residents to excessive noise nuisance. The addition of a plastic roof to the garden seating area and other miscellaneous materials to absorb the noise were not considered adequate noise control measures. The Applicant had made no contact with Environmental Health to discuss noise sensitive mitigation/sound attenuation measures for the garden.

She noted that residents could tolerate an element of noise disturbance in the earlier part of the night when ambient noise levels are high but would find it increasingly intolerable as ambient levels fell. The proposed variation to the terminal hours would be detrimental to local residents, as they might be more sensitive than normal to noise during the latter part of the night.

The Chairman invited Councillor Currans to explain her opposition to the application.

Councillor Currans responded that considerable resources were being devoted by Dartford Borough Council to make the Town Centre a more pleasant place and improve the night time experience for visitors.

Councillor Currans felt that variations to the terminal hours for the garden use and live music, would worsen the current situation relating to anti-social behaviour and noise, thus impacting on local residents and making the Town

CHAIRMAN'S INITIALS

LICENSING SUB-COMMITTEE

THURSDAY 30 JULY 2020

Centre an unpleasant place to visit. She also had concerns about cigarette littering when the garden was closed.

At the conclusion of questioning, Constable Hunt, Councillor Currans and the Applicant and were invited to make closing statements. The Applicant reiterated a few substantive issues from her original statement.

The Sub – Committee then withdrew in closed session to consider its decision. The legal adviser and Committee Co-ordinator accompanied the Sub-Committee.

The determination of the hearing is as follows:

In seeking to achieve an appropriate balance between the extension of hours sought and the impact it would have on the residential area and having considered the evidence presented, national guidance and the Licensing Authority's Statement of Licensing Policy, in particular section 2.7 'The Licensing Authority considers the effective and responsible management of the licensed premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the Licensing Objectives', the Sub-Committee concluded that for the reasons detailed below, the application by Mrs Yvonne Rickards for the variation to the Premises Licence of the Wig & Gown Spital Street Dartford Kent DA1 1DX, be APPROVED subject to a variation of the conditions of the Premises Licence as detailed in the table below.

The Sub-Committee considered that the licensing objectives of the prevention of crime and disorder, and the prevention of public nuisance were engaged.

Conditions to be removed from the Premises Licence	Conditions to be added to the Premises Licence	Licensing Objective
When the premises are open between the 20:00hrs until close on Thursday, Friday and Saturdays and Bank Holidays a minimum of 4 SIA door supervisors must be present at the customer exit and entrance of the premises.	Three (3) SIA registered door supervisors shall be on duty at the premises from 20:00 hrs to close: (a) on Fridays and Saturdays, and on any day proceeding a Bank Holiday or public holiday; AND (b) on any day when a live music performance is being held at the premises.	Crime and Disorder
The rear garden shall not be used by patrons after 21:00 Sunday to Thursday, nor after 22:30 on Fridays, Saturdays, Bank Holidays or	The rear garden shall not be used by patrons after 21:00 Sundays to Thursdays, nor after 23:00 on Fridays and Saturdays.	Public Nuisance

Christmas Eve.		
Bottles and other waste should not be removed from the premises and tipped into refuse and recycling bins between 21:00 and 08:00. Kitchen waste may be emptied until 21:30. Waste and recycling bins utilised shall be lidded and large enough to hold all waste generated by the premises.	With the exception of kitchen waste, bottles and other waste shall not be removed from the premises and tipped into refuse and recycling bins between 21:00 and 08:00. The waste and recycling bins utilised shall be lidded and large enough to hold all waste generated by the premises.	Public Nuisance

Reasons for the decision:

1. The Sub – Committee noted the history of the premises and that there was a level of crime and disorder and noise disturbance associated with its operation. However, The Sub-Committee noted that these incidents occurred before the Applicant took over the running of the premises. The Sub-Committee was confident in the Applicant’s knowledge and experience to manage the premises.
2. The Sub-Committee noted Kent Police’s concerns that any extension of the terminal hour for no admission or re-admission to 1:45 would result in public disorder arising from patrons attending the premises to drink alcohol after they had been ejected from other local licensed premises. The Sub-Committee was therefore of the view that the retention of the terminal hour of 00:00 regarding no admission or re-admission was appropriate to meet the licensing objective of crime and disorder.
3. Kent Police was prepared to withdraw its objection to reduce the number of SIA registered door supervisors from 4 to 3 and the requirement for a risk assessment, provided the terminal hour regarding no admission or re-admission remained at 00:00 hours.
4. The Sub-Committee was of the view that the presence 3 SIA door supervisors was appropriate to meet the licensing objective of the prevention of crime and order and should be required on:
 - (a) Fridays and Saturdays, and on any day proceeding a Bank Holiday or public holiday; and
 - (b) when any live music events were being held at the premises.
5. The existing condition limiting the use of the rear garden was unduly restrictive considering the location of the premises within the town centre, where there would be background noise. The Sub-Committee was therefore prepared to vary this condition as set out in the table above, on the basis that the revised condition was appropriate to meet the objective of the prevention of public nuisance.
6. The Sub-Committee was satisfied that any kitchen waste from the premises would be placed in the bins in the rear garden to the premises without causing any disturbance to local residents. The

CHAIRMAN'S INITIALS

LICENSING SUB-COMMITTEE

THURSDAY 30 JULY 2020

existing condition limiting the times of such activity was therefore not appropriate and should be varied so as to remove any such controls relating to kitchen waste.

The Sub-Committee considered that the above conditions were proportionate and appropriate, given the location of the premises and the representations objections made.

On the above basis, the Sub-Committee was prepared to approve the application to vary the Premises Licence, mindful of the fact that if any issues arose as a result of the operation of the Premises, residents and responsible authorities would be able to bring a review of the Premises Licence, which would bring the matter back before the Sub-Committee.

The parties are hereby notified that they may appeal against this decision to a Magistrates' Court within 21 days beginning with the date of notification of this decision.

The meeting closed at 3.35 pm

CHAIRMAN

- (a) FIELD
- (b) FIELD_TITLE