
LICENSING SUB-COMMITTEE

MINUTES of the Licensing Sub-Committee held via Skype on Friday, 9 October 2020 from 10.00am - 12.07pm.

PRESENT: Councillors Derek Carnell (Chairman), Carole Jackson and Lee McCall.

OFFICERS PRESENT: Sarah Beasley, Philippa Davies, Robin Harris and Chris Hills.

ALSO IN ATTENDANCE: Councillor Richard Palmer, Mr Henry Eakin (Applicant), Dawn Munns, Sharon Munns, Nicola Scott (Leysdown Parish Council) and Diane Wade.

184 NOTIFICATION OF CHAIRMAN AND OUTLINE OF PROCEDURE

The Chairman explained that the meeting would be conducted in accordance with the Local Authorities and Police and Crime Panel (Coronavirus) Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No. 392.

In welcoming all Members and members of the public, the Chairman explained which officers were in attendance. All those present at the meeting were asked to introduce themselves.

185 DECLARATIONS OF INTEREST

No interests were declared.

186 APPLICATION FOR A NEW PREMISES LICENCE

The Licensing Officer introduced the report which was for an application for a new Premises Licence at Neptune's Beach Café, Shellness Road, Leysdown-on-Sea, Sheerness. She outlined the proposed activities and hours, set-out on page 4 of the Committee report. The Licensing Officer stated that the Applicant had advised on 4 September 2020 that he was happy to reduce the opening hours to 11pm each day. No representations had been received from the Police, however they had sought additional conditions, set-out on pages 5 to 7 of the report, and which the Applicant had been happy to agree to. The Licensing Officer reported that five representations had been made, plus one from Leysdown Parish Council and one from a Ward Member, and these were set-out at Appendix B.

Members sought clarification on the opening hours at the venue and the Licensing Officer confirmed that the Applicant had changed these so that the premises closed by 11pm each evening. She also confirmed that from October to March, the premises would close at 6pm.

The Chairman invited the Applicant to present their case. Mr Eakin said the venue opened in May 2020. He had looked at all the representations that had been received, and confirmed that he had agreed to close the venue by 10pm each evening, following concerns from members of the public. Mr Eakin outlined security measures that would be implemented which included 24/7 CCTV; heat sensors; and burglar alarms. He said that he supported the RNLI 'don't drink and drown' campaign. Mr Eakin acknowledged the concerns raised with regard to noise, and said that at the moment there was low-level background music, but there was no intention to apply for more than that. He clarified that he was the keyholder for the car park and this would sometimes be opened earlier or later to allow for deliveries. Mr Eakin said the premises had been inspected by Kent County Council (KCC) in terms of hygiene and safety, and the premises had been given a 5* rating, with no issues raised. He added that all the equipment was new. In response to concerns raised with regard to the toilets, Mr Eakin explained that the toilets were currently closed, and would open again following renovation work. He said that the general aspect of the venue would not change, and it would not be a late night venue. If there were to be any events at the venue, he would be required to apply for a Temporary Events Notice (TEN). In response to questions raised by Members, Mr Eakin explained that the toilets would be maintained on a daily basis. He added that they had been closed due to vandalism and the owners not having Personal Protective Equipment (PPE) to clean them during the Covid-19 pandemic. Mr Eakin confirmed that his application was intended for on-site drinking and further explained that the company he used for deliveries did not accept alcohol.

The Chairman invited those who had made a representation to ask the Applicant questions.

The Contentious Team Leader and the Licensing Officer responded to questions regarding the name of the premises and reminded those present that planning and licensing were two separate regulatory regimes.

Mr Eakin responded to questions on the following themes:

Litter problems

Drinks would be served in cans or bottles, and with regard to any potential rubbish issues, he said that he organised litter picks already, and this would be increased in the future.

Crowd control issues

There were plans to add fencing to make the site more contained, and up to 75 people could be accommodated at the venue. He added that they would struggle to go beyond that figure because of the size of the car park, and so the scenario of a rave situation would not happen. Drinks would be served for customers to drink at their table, and CCTV was present to monitor this.

Alcohol and safety

Mr Eakin said that customers would not be served if they appeared to have consumed too much alcohol. A large proportion of customers either walked or

cycled to the venue, and since June 2020, the CCTV could pick up the number plates of cars visiting the premises. He explained that lights would be installed and that the 10pm closing time mainly referred to July and August when the evenings were lighter. The Contentious Team Leader said that any risk to the public after leaving the premises, from, for example dangers of the sea, or driving, was covered by Section 182 guidance where it was clear that safety of patrons was whilst they were on the premises only.

Future plans

Mr Eakin confirmed that options to hold cinema events were not included in this application, but if they were considered in the future this would be done through a TEN.

Noise issues

Mr Eakin said that any noise from the premises would reduce at 10pm as customers dispersed. He added that there had been background music at the venue for a few months and no complaints had been received. Mr Eakin said that he could put up signs requesting that customers left quietly.

In response to further questions regarding the possibility of there being a cinema at the venue, the Contentious Team Leader drew attention to page 15 of the report where the Applicant had ticked 'no' to the question of whether films would be provided at the venue. So, this matter was not being considered today, but if the Applicant wished to in the future he could apply by means of a TEN.

The objectors were invited to make final statements and the following points were raised:

- A 8.30pm or 9pm closing time would be preferable;
- there were risks to the public if they wandered off to a 60mph speed limit road;
- there were no street lights in the vicinity;
- noise issues;
- alcohol would attract a lot of people;
- there was a potential for anti-social behaviour;
- this was an area that attracted families, it did not seem right to be selling alcohol at 10am;
- the integrity of the area might be spoilt;
- this was not an indoor venue, there was a potential for matters to get out of control; and
- the area was not policed regularly and was very remote.

The Applicant was invited to summarise. Mr Eakin said that he was local to the area which he loved and he intended to preserve it and make no adverse changes.

The Contentious Team Leader advised that issues such as noise were speculative as the activity had not yet commenced. He added that if there were issues in the future, these could be looked into under the review provisions of the licence.

Members of the Sub-Committee adjourned to make their decision at 11am. Members of the Sub-Committee, the Contentious Team Leader, the Senior Lawyer – Contentious and Democratic Services Officer returned at 12pm when the meeting was reconvened.

The decision as set out in Appendix I to these minutes was announced.

Resolved:

(1) The Sub-Committee agreed to grant the licence for the hours set out in Appendix I to these minutes and subject to the conditions set out in the Committee report.

Chairman

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