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## LICENSING SUB-COMMITTEE

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**MINUTES** of the Meeting held in the West Faversham Community Centre, Bysingwood Road, Faversham ME13 7RH on Monday, 10 October 2022 from 12.45 pm - 3.46 pm.

**PRESENT:** Councillors Carole Jackson (Substitute for Councillor Mike Dendor), Lee McCall and Tony Winckless (Chair).

**OFFICERS PRESENT:** Steph Curtis, Chris Hills, Kellie MacKenzie, Jo Millard and Helen Ward.

**ALSO IN ATTENDANCE:** Councillors Alastair Gould and Tim Valentine.

Chris Baigent, Lucy Barnes, David Callister, Gill Davis, Luke Elford, Richard Vivian and Chris Wells.

**ALSO IN ATTENDANCE (Virtually):** Councillor Cameron Beart.

**APOLOGY:** Councillor Mike Dendor.

### 368 **Emergency Evacuation Procedure**

The Chairman outlined the emergency evacuation procedure.

### 369 **Notification of Chairman and Outline of Procedure**

The Chair opened the meeting and asked those in attendance to introduce themselves.

### 370 **Declarations of Interest**

No interests were declared.

### **Part B Minutes for Information**

### 371 **Application for a new Premises Licence Cave Hotel & Golf Resort, Brickfield Lane, Boughton, Faversham, Kent, ME13 9AJ**

The Licensing Team Leader introduced the report which asked Members to consider a new premises licence under the Licensing Act 2003 for the Cave Hotel & Golf Resort, Brickfield Lane, Boughton. She drew attention to the existing licence which was set-out at Appendix (IV) of the report and referred to the new licence application as set-out in paragraph 3.2 of the report. The Licensing Team Leader referred to paragraph 4.2 of the report setting-out a summary of representations from responsible authorities, which included conditions requested by Kent Police. With regard to a request from Swale Borough Council's (SBCs) Environmental Health Team for the imposition of a condition requiring a Noise Management Plan (NMP), she confirmed that the wording for this had now been agreed by the applicant and the Environmental Health Team. A draft condition was enclosed with the agenda. She confirmed that no representations had been received from any of the other responsible authorities.

The Licensing Team Leader reported that 52 representations from members of the public had been received and these were set-out at Appendix V of the report.

The Chair invited the Applicant to present their case.

Mr Jonathan Callister, the applicant, spoke in support of the application. He said that they had owned the Cave Hotel & Golf Resort for 25 years and that he was also a resident in a nearby village. Mr Callister spoke about the challenges they had encountered as a business during the Covid-19 pandemic. He acknowledged that, with the number of complaints received, they had made mistakes for which he apologised.

Mr Callister said that the key components of the application included no music outside including in the marquee after 11 pm and no live music after 10 pm. They would also be reducing the amount of firework displays to further limit disruption to the local residents.

Mr Luke Elford, Solicitor for the Applicant, felt that some local residents misunderstood what they were applying for and what it entailed. Mr Elford explained that there was little difference between the existing licence and the one applied for which he outlined. He explained the application was not seeking an extension of licensable activities.

Mr Elford explained that they had engaged an extremely experienced acoustic consultant, Mr Richard Vivian. He stated that the licence being applied for was backed-up by a comprehensive operating schedule and set of conditions. They also ensured the Designated Premises Supervisor (DPS) was on-site to cover all events and would provide a direct line for residents to the DPS if they had any concerns. Mr Elford explained that they were applying for the licence because the old licence only included conditions for a golf club and not a hotel.

Mr Elford reiterated that they were extremely sorry that local residents had been disturbed by their premises. He said that having read all 52 of the objection letters it was clear the two main areas of concern to the local residents were: music noise and fireworks at events. Mr Elford explained that during the Covid-19 pandemic, events were held outdoors, and the hotel erected a marquee which proved popular, however marquees were not good containing sound. To deal with noise issues from the marquee the applicant was agreeing that no external music would be played including within the marquee after 11 pm and were working with their noise consultant to work with the hotel and develop a NMP which SBC's Environmental Health Team raised no objection. With regard to fireworks, Mr Elford explained that they were not regulated by the Licensing Act 2003 but accepted that noise from fireworks could be a public nuisance if not controlled. He explained that the use of fireworks at the venue was being reviewed and they were developing a firework policy and were happy to agree to a limited number of fireworks per year and consider the use of low noise fireworks.

The Chair invited questions from Members.

In response to a question from a Member, Mr Elford confirmed that they would be surrendering their old licence.

The Chair invited questions from officers.

Swale Borough Council's (SBCs) Lawyer (Contentious) asked about the capacity of the hotel, what was the difference between normal trading and event trading, and what was meant by events? Mr Callister said that for normal trading maximum capacity was fire pit 80 seats; Korean cowgirl approximately 150 seats; outside fire pit area 144 seats and cowgirl lounge had approximately 100 seats, so for normal trading and for events a further 130-140 for a one-off evening. The hotel had 41 bedrooms. Mr Elford confirmed that before 11 pm capacity would not go over 500.

In response to a query from the Lawyer (Contentious) about the licence plan area shown on page 39 of the report, Mr Elford confirmed that it was not a different footprint, and the licensable area was the same as that shown on the plan on page 56 of the report.

The Chair welcomed interested parties to speak.

In response to a question from Gill Davis, a local resident, Mr Callister explained that the hotel had evolved to accommodate the golf course business.

Lucy Barnes, a local resident, asked that by having 130-140 guests were they in breach of their current licence? Mr Elford explained that they were not because they operated under temporary event notices. Dr Barnes said that events at the venue were disruptive to local residents and spoke about the harm to pets and the disruption they caused to children trying to sleep.

Mr Callister accepted the disruption caused by fireworks and said that they were committed to restricting their use at events.

Chris Wells, spoke on behalf of Jane Wells, and stated that two firework events a month was not a restriction. Mr Elford explained that he referred to a restriction on the licence that specified the number of displays allowed per year as currently there was no restriction on the licence.

Councillor Alastair Gould, a Ward Member, asked whether fireworks were included in the NMP? Mr Elford said that fireworks were not specifically within the NMP but the Fireworks Policy could be included. Following a request from Councillor Gould, Richard Vivian, provided some details about the NMP which included best practice and common-sense rules. Mr Vivian said that he had liaised with the Council's Environmental Noise expert and noted that she did not raise any objection.

The Chair invited all interested parties to summarise their closing remarks.

Councillor Tim Valentine, a Ward Member, raised concern that often residents were not able to get a response from the hotel when they called to complain about noise. Mr Elford said that they acted upon any complaints received and reiterated that a designated telephone number would be shared with local residents.

Councillor Tim Valentine spoke about the complaints about music from the premises and the effect of noise from fireworks. He welcomed the use of low noise fireworks and limiting the number of occasions fireworks could take place at the premises. He said that the situation needed to be better managed. Councillor Valentine read out a statement on behalf of Lisa Davies who had experienced issues with noise from the marquee.

Councillor Gould asked the Committee to consider how conditions to reduce noise from the venue could be applied and asked that they focussed on the NMP.

Jill Davies said that for the last 18 months noise from the venue had been too loud for a rural area. She said initially it was a golf course but seemed to be morphing into a nightclub.

Chris Wells representing Jane Wells said that events held in the marquee were having a negative impact on their domestic life. He considered that the applicants appeared to have no idea how to deal with complaints about noise. He stated there was an over concentration of events within the marquee and asked if there was a mechanism to allow a review of the premises.

Lucy Barnes said that noise from fireworks from events held at the premises was unacceptable.

In response from a question from the Lawyer Contentious, Mr Vivian said the noise limiter was a sensible suggestion.

Mr Elford said that the new licence was business critical and would improve the situation for local residents. He added that if they did not get it right then residents could call for a review. In response to a concern from Mr Wells, The Lawyer Contentious explained the mechanism for reviewing licences under the Licensing Act 2003 and advised that residents could seek guidance on procedures to deal with noise concerns from SBC's Environmental Health Team.

Members of the Sub-Committee adjourned at 2.45 pm to make their decision.

Members of the Sub-Committee, the Lawyer (Contentious) and Democratic Services Officer returned to the meeting at 3.45 pm and the decision, attached as Appendix I to these minutes, was announced. Please note Appendix I is attached to the online version of the minutes.

***Resolved:***

- (1) The Sub-Committee agreed to grant the licence, in part as applied for, save for amendments and conditions as set out in Appendix I to these minutes.***

**372 Adjournment of Meeting**

The meeting was adjourned at 1.55 pm and reconvened at 2.05 pm.

Chair

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