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LICENSING SUB-COMMITTEE

Monday, 7 September 2020

**Present: Backhouse (Chairman)
Councillors Pope and Thomson**

Officers in Attendance: Robin Harris (Team Leader (Contentious)), Sharon Degiorgio (Senior Licensing Officer), Trevor Horner (Licensing Officer) and Caroline Britt (Democratic Services Officer)

Other Members in Attendance: None

CHAIRMAN'S INTRODUCTION

LSC5/19 The Chairman opened the meeting, introduced Committee members and officers in attendance, and outlined procedural matters of the meeting.

APOLOGIES FOR ABSENCE

LSC6/19 No apologies were received.

DECLARATIONS OF INTEREST

LSC7/19 No declarations of interest were made by members at the meeting.

DETERMINATION OF AN APPLICATION TO VARY THE PREMISES LICENCE FOR COLEBROOK PARK

LSC8/19 Mr Horner, the Licensing Officer summarised the facts, relevant representations and matters relevant to the local authority licensing policy statement and statutory guidance in relation to the application. This information had been provided in more detail within the agenda report.

Mr Stephen Thomas, on behalf of Mr Ian Love the applicant, presented the background and details of the application, a copy of which had been attached to the agenda report. Members of the Sub-Committee had the opportunity to ask questions and ascertained further clarification regarding the number of events intended to be held, the different times of day of the event, the extent of the applicant's consultation with neighbours regarding noise nuisance, the length of separation days between the events and the road access to the event.

Mr John McCullough, Senior Environmental Health Officer presented the reasons Environmental Health were supporting the application outlining the benefits for the promoter, Environmental Health and the nearby residents. Again, Members of the Sub-Committee had the opportunity to ask questions and obtained further clarification on matters mainly relating to disturbance from noise.

Councillor Frank Williams on behalf of Mrs Joanne Funnell presented details of their submitted objections. It was confirmed to Councillor Williams that the content of his representation was limited to that of the original representation made by Joanne Funnell and not as a Ward Councillor. Once again, members of the Sub-Committee had the opportunity to ask questions.

All parties had the opportunity to sum up. The objectors had no further matters to add. John McCullough advised that it was night time events that caused most issues and that he hoped these controlled measures put in place would make it so that it was not audible. The applicant provided further details of the benefits of a proper analysis being carried out.

Members of the Sub-Committee retired to discuss the application accompanied by the Council's legal representative and the Democratic Services Officer.

RESOLVED – That the variation be granted subject to the additional conditions and advisory's as set out in the decision notice as appended to these minutes.

NOTES – For full details of the matters raised during the public hearing, an audio recording is available on the relevant page of the Tunbridge Wells Borough Council website.

DECISION NOTICE

LICENSING SUB-COMMITTEE HEARING – 7 September 2020

LICENSING SUB-COMMITTEE DECISION NOTICE (Decision made by the Sub-Committee in respect of application no. 19/04133/LAPRE on 7 September 2020)

NAME AND ADDRESS OF PREMISES: Colebrook Park, Colebrooke Lakes (Land east of Kingstanding Way), Royal Tunbridge Wells, Kent TN2 3UP.

NAME OF PREMISES LICENCE HOLDER: Mr Iain N Love

REASON FOR HEARING: On 5 November 2019 an online application, made under the provisions of section 34 of the Licensing Act 2003, was received for variation of the premises licence at Colebrook Park, Colebrook Lakes (Land east of Kingstanding Way), Royal Tunbridge Wells, Kent TN2 3UP. The application was amended on 26th August 2020

During the 28 day public consultation period responsible authorities and other persons made representations about the likely effect of the grant of the application on the promotion of one or more of the licensing objectives, which are:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

At a previous Hearing, held on 20 December 2019, the Sub-Committee considered that it was in the public interest for Environmental Health to obtain further evidence which would be available for all parties to hear in order to fairly determine the application for a variation. For this reason, the application was adjourned for a period of 6 months to 19 June 2020

The Covid-19 Pandemic has resulted in a further adjournment to 07 September 2020

On 28 July 2020 a further representation objecting to the application was received from Joanne Funnell based on the Licensing Objectives, in response to amendments to the application submitted by the applicant. The representation included a link to a petition against the application.

In accordance with the provisions of Section 35 (3) of the Licensing Act 2003 the licensing authority must hold a hearing to determine an application to vary a premises licence if relevant representations are made.

DELIBERATION The relevant licensing objectives were considered by the Sub-Committee:

LICENSING OBJECTIVES:

1. Prevention of Public Nuisance

The Sub-Committee had regard to the representations made in advance of the hearing and the further points that were articulated during the hearing. In particular, it was noted that the Environmental Health Team did not object to the application as currently applied for, an improved noise management plan was proposed, a new access and egress point to the site was being created and there is not a history of noise problems associated with camping at the site. Having carefully considered all the evidence, the Sub-Committee were satisfied that the proposed noise management plan was capable of promoting the licensing objective of preventing public nuisance The Sub-Committee was therefore satisfied that the variation applied for is sufficient to meet this licensing objective.

2. Prevention of Crime and Disorder

The Sub-Committee noted that the representation from Kent Police regarding this licensing objective did not oppose the application and were therefore satisfied that the proposed variations meet this licensing objective.

3. Public Safety

The Sub-Committee had regard to the representations made in advance of the hearing and the further points that were articulated during the hearing. The Sub-Committee were satisfied that the proposed variation meets this licensing objective.

4. Protection of Children from Harm

The Sub-Committee noted that there were no representations under this licensing objective.

Other Matters

The Sub-Committee considered the application to adjourn the remainder of the Hearing until the data from the two proposed events had been analysed. In the light of the findings above the Sub-Committee was satisfied that adjourning to the hearing to a later date was necessary to hear the evidence. The date of the hearing is: 5 October 2021.

DECISION MADE: That the application 19/04133/LAPRE be granted as applied for subject to the amendments proposed on 26th August 2020.

ADVISORY: The Sub-Committee recommended that contact numbers that are made available to the public should be manned and issues responded to promptly.

Additional notes:

- This licence, like any other licence, is subject to review at the instigation of any Responsible Authority or Other Persons should there be any concerns regarding the operation of, and/or, breaches of the licence.
- Other Persons and Responsible Authorities are reminded that they may apply for a review of this licence “after a reasonable interval” pursuant to Section 51 of the Licensing Act 2003.
- Entitlements to appeal for parties aggrieved by the decisions of the Licensing Authority are set out in Schedule 5 to the 2003 Act.
- In the case of a Premises Licence, an appeal has to be commenced by the giving of a notice of appeal by the appellant to the justices’ chief executive for the magistrates’ court within a period of 21 days beginning on the day on which the appellant was notified by the licensing authority of the decision to be appealed against.

Signed:

Date of Notice: 10 September 2020

Councillor backhouse
Chairman of the Licensing Sub-Committee

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