



Licensing Sub-Committee

Held at: Council Chamber - Civic Centre Folkestone

Date: Tuesday, 18 July 2017

Present: Councillors Mrs Mary Lawes, Michael Lyons and Dick Pascoe

Apologies for Absence

Officers Present: Arthur Atkins (Environmental Health and Licensing Manager), Kate Clark (Trainee Committee Services Officer), Nicola Everden (Solicitor) and Sue Lewis (Committee Services Officer)

Others Present: Mr Kevin Gibbons and Mrs Epps, applicants
Mrs Sharon Butler, local resident
Councillor Miss Susie Govett, on behalf of applicants

15. **Declarations of interest**

There were no declarations of interest.

16. **Application for a variation to the premise licence at the Cinque Ports Arms, 1 High Street, New Romney, Kent. TN28 8BU**

Report DCL/17/07 sets out the facts for the Licensing Committee to consider in determining a variation to a premise licence. The licensing committee is the Licensing Authority acting in a role formally taken by the Magistrates Court. It is, therefore, not appropriate for officers to make additional comments other than in the capacity as a Responsible Authority under the legislation of the Licensing Act 2003. Therefore there are no comments from Legal, Finance or other officers included in this report.

The Environmental Health and Licensing Manager presented the report to the members.

The applicant's representative, Councillor Miss Susie Govett, spoke in support of the application highlighting the successful team behind the pub and the investment that they have already put into New Romney. This will encourage tourism to the area and the applicants already engage with the community,

young and old and have already met a number of conditions that have been put to them.

Members asked a number of questions relating to Kent Fire and Rescue regulations and conditions, environmental health, including being fair to local residents and the additional building space. The applicant provided the responses below:

- Although there is no legal requirement to have capacity numbers this could be dealt with through Kent Fire and Rescue's own fire risk assessment and they will be visiting the site in September.
- In relation to environmental health a number of conditions have now been put in place; door supervisor, noise dispersing and noise limiter for 11pm.
- In relation to the additional space the building work is complete and the applicants are now waiting on planning and listed buildings consent.

Members heard from a local resident, Sharon Butler, who spoke against the application. She informed members that she had lived in the area for 17 years but the past 5 years had endured beer festivals, live music and general noise nuisance which had now become too much to bear.

She informed that no action is taken by staff in respect of noise from the beer garden and she has never received notice of events in advance.

The Environmental Health and Licensing Manager informed members that an open noise abatement order was in place and that no action had been taken in respect of this.

Before members retired to discuss their decision they were informed that the pub had tripled in size due to the extension that the applicants had erected without seeking planning or listed building consent.

Proposed by Councillor Dick Pascoe
Seconded by Councillor Mrs Mary Lawes and

Resolved:

The Panel reject the application under the prevention of Crime and Disorder in that a criminal offence has been committed in breach of planning, until planning permission and listed building consent have been granted, the extension is unlawful and unauthorised works to a listed building are very serious and do constitute a criminal offence.

(Voting: For 3; Against 0; Abstentions 0)