

Minutes

Alcohol, Entertainment & Late
Night Refreshment Licensing
Committee
Friday, 15 July 2022



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee Members present

Councillor Mrs Pam Bosworth (Chairman)
Councillor Dean Ward (Vice-Chairman)
Councillor Harrish Bisnauthsing
Councillor George Chivers
Councillor Helen Crawford
Councillor Breda-Rae Griffin
Councillor Philip Knowles

Officers

Licensing Officers, Chris Clarke, Elizabeth Reeve
Legal Advisor, Mandy Braithwaite
Democratic Officer, Lucy Bonshor

1. Apologies for absence

Apologies for absence were received from Councillors Broughton, Fellows, Kingman and Manterfield.

2. Disclosures of interests

None disclosed.

3. Minutes of the meeting held on 8 March 2022

The minutes of the meeting held on 8 March 2022 were proposed, seconded and **AGREED** subject to the addition of Councillor Chivers apologies.

4. Licensing Act 2003: Application for a Premises Licence - The Iron Horse Ranch, 2 High Street, Market Deeping, PE6 8EB

Decision

That the application for the premises licence for the Iron Horse Ranch, 2 High Street Market Deeping be granted subject to the conditions consistent

with the operating schedule accompanying the application save that any condition in the public safety section which duplicate other legislation will be removed and where necessary, any conditions, also in the public safety section will be reworded to enforceable conditions and also subject to an additional condition worded to the effect that no amplified or unamplified music in external areas after 10pm.

The Legal Advisor introduced those present and confirmed who would be speaking in respect of the application before the Committee, Verity Swinscoe, applicant who was represented by Duncan Craig, Barrister and Simon Fisher, interested party.

The Licensing Officer presented the report which dealt with an application for a premises licence for the Iron Horse Ranch, 2 High Street, Market Deeping. The application was for:

- Supply of alcohol 08:00 – 00:30, Monday until Sunday.
- Provision of Films 08:00 – 00:30, Monday until Sunday.
- Provision of Live Music 08:00 – 00:30, Monday until Sunday.
- Provision of Recorded music 08:00 – 01:00, Monday until Sunday.
- Performances of Dance 08:00 – 01:00, Monday until Sunday.
- Late night Refreshment 23:00 – 00:30, Monday until Sunday.

No representations had been received from any of the responsible authorities, but one representative had been received from an interested party in relation to noise from the premise. Reference was made to Section 9 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 which stated:

9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

No questions were asked of the Licensing Officer however, the applicant's representative confirmed with the Licensing Officer that the Iron Horse had held a premises licence previously, between 2012 – 2019 and during that time it had not been subject to any reviews, unfortunately the premises licence had lapsed and currently licensable activities were being undertaken through Temporary Events Notices (TENs) 23 events had been undertaken to date under these licenses.

Before making their representation, the applicant's representative proposed some amendments to the conditions on the premises licence. That no external amplified music would be played after 10pm and the external area would be cleared of patrons by 10pm. Also, some of the conditions which had been transferred from the previous licence had been duplicated and he proposed that these were amended accordingly within the operating schedule and that the conditions would be made enforceable.

The applicant's representative then made their representation. Reference was made to the fact that none of the responsible authorities, the Police, Environmental Health had made any representation in respect of the application before the committee. He reminded Members of the guidance issued under Section 182 of the Licensing Act 2003 in respect of advice given by responsible authorities in their respective fields. Only one representation had been received, from an interested party, in respect of the premises and this related to noise from the premise.

The applicant's representative then referred to the supporting documentation which had been circulated in support of the application from businesses and residents situated near the premises on the High Street and the role of the premises within the local community. He read out extracts from numerous letters of support and the help that the premises gave to the community and the role that it played within the community. A letter of support had also been signed by the three District Councillors for the area. There had been no reports of anti-social behaviour in the area attributed to the premise. It was for the committee to balance the number of responses received against the promotion of the licensing objectives.

In respect of the noise, the applicant had put in place a noise management plan and Members were referred to page 45 of the bundle of papers circulated which listed the actions put in place to reduce noise. The applicant's representative then spoke about the other premises that were in the vicinity of the Iron Horse and their premises licence hours, none of the premises had been reviewed in relation to their premises licences.

A meeting had tried to be arranged with the interested party to discuss the noise issue but the offer had been declined. Due to the premises location (within South Kesteven District Council) and the location of the interested party's dwelling (Peterborough City Council) there were ongoing discussions with Peterborough City Council in respect of noise. It was noted that no representation had been submitted by Peterborough City Council in respect of the application.

A Member of the Committee asked about the amplified music to which the applicant's representative confirmed that no live or recorded music would be played outside after 10pm. Further questions were asked about the DBA readers and their accuracy, the reason for the lapsing of the licence, and the marque on site, access to the river to which the applicant's agent replied. It was noted that the live Music Act 2015 did allow for live and recorded music to be played to less than 500 people up to 23:00 therefore the conditions proposed would allow for the playing of music after 10pm to be enforced.

The interested party then made his representation which concerned the sound of the excessive amplified music that was played. The noise was excessive and it was having a detrimental effect on this family including his young children who found it hard to sleep even with the windows closed. He felt the noise was unreasonable and even directing the speakers away from the property did not diminish the noise made as the sound bounced back off the buildings and toward his property. It was felt that more consideration should be given to householders when amplified music was played and this should be at a reasonable level.

Questions were then asked of both the interested party and the applicant in respect of the distance between the two premises and the sound monitoring equipment.

The Licensing Officer gave his closing statement and highlighted the options and steps available to the Committee as outlined within the report.

The applicant's representative gave his closing statement referring to the guidance issued Section 182 and stated that if there was a statutory noise nuisance locally, then surely more representations against the licence would have been made. He referred to the further conditions that they had proposed and asked the Committee to grant the licence.

The interested party gave a brief closing statement reiterating the difficulty his children had in sleeping due to the noise from the premises.

(11:02 the Licensing Officers and all other parties left the meeting)

Members discussed the application before them having regard to the report and appendices, both sets of supporting information, all the representations made, together with the Licensing Act 2003, Revised Statutory Guidance issued under S182 and the Council's Statement of Licensing Policy. Members sympathised with the representation made by the interested party in relation to noise, but had to balance it against the number of letters supporting the premises and that no responsible authority had made any representation in relation to noise nuisance. The applicant had put in place a noise action plan and an acoustic noise consultant had been appointed to carry out work in relation to noise from the premises. Members also acknowledged that there were other premises in close proximity to the premises that also played live music. It was proposed to grant the licence subject to the additional conditions offered by the applicant. The proposal was seconded and on being put to the vote unanimously agreed.

(11:24 the Licensing Officer and all other parties returned to the meeting)

The Legal Advisor read out the Committee's decision. Having carefully considered the committee papers, additional papers, representations made today, Licensing Act 2003, Revised Statutory Guidance issued under S182, the Councils statement of licensing policy – the application for the premises licence for the Iron Horse Ranch, 2 High Street Market Deeping be granted subject to the conditions consistent with the operating schedule accompanying the application save that any condition in the public safety section which duplicate other legislation will be removed and where necessary, any conditions, also in the public safety section will be reworded to enforceable conditions and also subject to an additional condition worded to the effect that no amplified or unamplified music in external areas after 10pm.

5. Any other business which the Chairman, by reason of special circumstances, decides is urgent.

The date of the next meeting in August was discussed and Members agreed to move the date to Friday 19 August 2022.

Decision

That the meeting scheduled for Friday 12 August 2022 be moved to Friday 19 August 2022.

6. Close of meeting

The meeting closed at 11:35am.