

## CANTERBURY CITY COUNCIL

### LICENSING SUB COMMITTEE

**Minutes of a meeting held on Wednesday, 18th February, 2009  
at 1.00 pm in Marion Attwood Room, Council Offices**

**Present:** Councillor Harrison (Chairman)

Councillor J Perkins

Councillor A Taylor

**Officers:** Nick Hughes - Democratic Services Officer

Dave Stevenson - Senior Licensing and Enforcement Officer

#### 15 **APOLOGIES FOR ABSENCE**

An apology was received from Councillor R Flaherty.

#### 16 **SUBSTITUTE MEMBERS**

Councillor J Perkins was present as a substitute for Councillor R Flaherty.

#### 17 **DECLARATION OF ANY INTERESTS BY MEMBERS OR OFFICERS**

There were no declarations of interest made.

#### 18 **LICENSING ACT 2003 - PREMISES LICENCE FOR THE ROOMS, 35 ST MARGARET'S, CANTERBURY**

The Chairman welcomed back the applicant, his representative and the interested parties. She explained that the Sub-Committee had deliberated and had reached the following decision.

**RESOLVED** - The members decided to refuse the application on the ground of the prevention of public nuisance for the reasons given below and because they felt that the presumption set out in the cumulative impact policy had not been rebutted.

The Committee recognised that the applicants had offered a number of conditions to be added to the operating schedule during the hearing in order to rebut the presumption that the application would be refusing considering it was in an area covered by the cumulative impact policy. The Committee, however were not satisfied:

- a) that a food led premises would need the opening hours requested – it seemed to them that it was in reality an establishment based on the consumption of alcoholic drinks and other drinks;
- b) that the noise and disturbance caused could be sufficiently controlled within this sensitive area and within the building which was listed and whose construction did not lead to effective insulation; and

- c) as yet the applicant had no planning permission for the extension needed for the premises, nor for the extended hours requested.

The Committee recognised that planning and licensing were separate legal frameworks but in this particular case, again in view of the cumulative impact policy, would wish to see a planning permission and a clarity in the planning use allowed before considering any grant. They did not accept the argument that use of the premises in contravention of the existing planning permission could be dealt with through planning enforcement measures. They considered that this was insufficient reassurance to address their concerns over the possible effects of regulated activities at the premises in the area covered by the special policy.

In taking their decision the Committee accepted the evidence of the interested parties as to the effect of existing premises on them and the effect that the new license might have.

There being no other business the meeting closed at 1.15 pm