

**CANTERBURY CITY COUNCIL**

**LICENSING SUB COMMITTEE**

**Minutes of a meeting held on Friday, 6th November, 2009  
at 10.15 am in Marion Attwood Room, Council Offices**

**Present:** Councillor Harrison (Chairman)

Councillor Sonnex  
Councillor Wratten

**In attendance** -

**Officers:** Pauline Goldsack - Senior Solicitor  
Jemma Richards - Democratic Services Officer  
Dave Stevenson - Senior Licensing and Enforcement Officer

**1 DECLARATION OF ANY INTERESTS BY MEMBERS OR OFFICERS**

There were no declarations at the meeting.

**2 MINUTES**

The minutes of the meetings held on 8 and 12 October 2009 were agreed as a true record.

**3 LICENSING ACT 2003 - PREMISES REVIEW FOR THE CHERRY TREE, 10 WHITEHORSE LANE**

**Application type:**

The review of Premises Licence under the licensing objectives of prevention of crime and disorder, public safety and prevention of public nuisance.

**Premises:**

Cherry Tree Public House  
10 Whitehorse Lane  
CANTERBURY  
CT1

**Name and address of holder of Premises Licence:**

Cherry Tree Public House  
10 Whitehorse Lane  
CANTERBURY  
CT1

**Written submissions:**

The Sub-Committee had before them an application for review and two letters of representation from interested parties. No representations had been received from the Police or relevant authorities.

**Consideration of the application:**

The hearing was adjourned for a short period to allow additional time for the attendance of a Member of the panel.

In the absence of Councillor Calvert-Mindell, the Reserve Member, Councillor Sonnex took her place on the panel.

The hearing was reconvened at 10.30am.

A site map was shown on the overhead projector during the meeting.

The Chairman introduced those present and invited the Senior Licensing and Enforcement Officer to outline the application. The Senior Licensing and Enforcement Officer explained that the application was for the review of a Premises License.

The Sub-Committee then invited Mr Kelly, the General Manager of the Abode, to make representations.

Mr Kelly outlined his application for the review of the Premises Licence. He explained he had been the General Manager since October 2008. There had been noise issues with the hotel rooms which overlooked White Horse Lane. He made various points including the following:

- The main problem was the volume of people outside the premises, particularly during the summer months.
- Staff from the hotel had to be escorted to their cars.
- There had been incidences of patrons climbing into the premises, as well as urinating on cars.
- Thursday nights appeared to be the most problematic night.
- Access for emergency vehicles was a concern, due to the number of people in the street.
- The night manager of the Abode had been into the pub to discuss the problems, but was told nothing more could be done.
- On 5 June, there were 140 patrons outside of the Cherry Tree. Music had been playing, and there had been a barbeque. The noise had continued until 12.45, and Police had been called.
- There had been an impact on business at the Abode, and guests had been asking for a quiet room.
- A diary had been kept since February by staff who regularly reviewed noise levels. There had been 29 instances of noise.

A video was then shown to the sub-committee to demonstrate the noise levels, and volume of patrons outside of the premises. One of the recordings played had been made on the night of 23 October, and another was taken on 29 October at around 10.30pm. The recordings included a clip which had been recorded from within one of the bedrooms of the Abode.

The Sub-Committee then responded to the questions of the Sub-Committee, and made the following points:

- When the Police were called, they had informed the Abode that they would contact their Licensing Officer. There had been no further feedback on the matter.
- The noise problems seemed to occur mainly between 10.30 and 12.30, but there had been a couple of occasions during the summer where noise had continued to around 1.30pm.
- The number of people outside of the premises seemed to be less when the weather was poor.
- There had been no reports of incidents of violence regarding the Cherry Tree.

Mr Webster, the spokesperson for the premises licence holders, was then invited to ask questions of Mr Kelly, but declined.

Major Sands of the Salvation Army was then invited to make representations to the Sub-Committee. He made points including the following:

- There had been ongoing problems with the Cherry Tree for four years.
- The main problem was the way in which the patrons outside were policed.
- Customers regularly used the doorway of the Salvation Army building as a toilet.
- His car had been damaged by patrons, and was often used as a table to stand drinks on.
- Staff could not be responsible for the bar and what was happening outside of the premises.
- There had been an incident where a teenage girl, of around 15 years of age had been drunk, as a result of a customer of the Cherry Tree buying her alcohol. She had been upset and Major Sands had to take her home.

Major Sands then responded to questions from the Sub-Committee and made the following points:

- It was difficult to say whether the reason for the amount of patrons outside the premises were due to the pub being full up, but the Cherry Tree did often appear to be 'overflowing'.
- The crowd outside would often fill up the road, so it was difficult to pass the premises.
- Mondays were busy nights at the Cherry Tree.
- There did not appear to be door supervisors outside the Cherry Tree.

Major Sands then responded to questions from Mr Webster, the spokesperson for the premises licence holders, and made the following points:

- Several complaints had been made prior to the review being called.
- Although it could not be proven that all of the problems were caused by customers of the Cherry Tree, he had seen people go back inside the premises after urinating in the doorway of the Salvation Army building.
- There had been a good relationship with the previous landlord and lady.

Mr Webster was then given an opportunity to make representations to the Sub-Committee. He made points including the following:

- The road on which the Cherry Tree was situated was a non-residential street. The street was also licensed, by Kent County Council.

- Alcohol was served until 1am, but the premises closed at 12.30.
- There were two other licensed premises in the immediate area.
- Mr Knight had worked as a licensee for 16 years.
- The premises operated a 'hand stamping' procedure, whereby all customers whose ID had been checked were given a stamp on the back of their hand.
- There had been no representations from responsible authorities.
- The customers who stood outside of the premises always acted responsibly.
- The sound on the DVD which had been shown did not seem to vary from the recording from outside the premises, and the recording taken within the bedroom of the Abode.
- It had been difficult finding evidence of the 'adverse comments' on the internet, as the majority of the reviews complimented the Abode, in particular, its close proximity to city pubs.

Mr Webster then explained he had three further letters from local people in support of the premises. He asked if these could be shown as evidence. The Senior Solicitor confirmed that Mr Kelly, as the person who had requested the review, would need to agree to any late evidence being shown.

Mr Kelly agreed to a letter of support from Professor Wightman-Reid being used as evidence, but declined the other letters. Mr Webster distributed copies of the letter, which he then read out to the Sub-Committee.

A DVD which included footage taken in the vicinity of the premises during September was then shown to the Sub-Committee.

Mr Webster then responded to questions from the Sub-Committee and made the following points:

- Customers were given plastic disposable cups to put their drinks in after 7pm. Polycarbonate glasses were used in the daytime. The reason different cups were used was that polycarbonate glasses were often taken away from the premises.
- The Senior Bar Attendant was also a licensed door supervisor.
- A Door Supervisor was always present during the evenings, and there were two door supervisors on busier nights.
- The men's toilets comprised 3 urinals and one cubicle.
- There was a maximum of 70 people permitted in the premises. This was rarely reached.
- With regard to people ordering drinks at the bar for friends, the staff always asked to see ID for their friends, and each person would have their hand stamped to show that their ID had been checked.
- Bottles were stored outside overnight and disposed of the following morning.
- CCTV was in operation.
- Customers leaving the premises were encouraged to leave in the opposite direction of the Salvation Army building.
- It would be difficult to limit the number of customers who went outside to smoke.
- The premises was not part of the Pub Watch Radio scheme due to the fact that the signal reception in the area was poor.
- Doors were always kept closed when there was live music. There was a self-closure mechanism on the doors. One of the doors was kept locked.
- The licence holders were happy to give a mediation phone number.
- Ashtrays were emptied regularly

- Tables were packed away after last orders.
- The Challenge 25 scheme was not operated, but the licence holders were happy to accept the implementation of the scheme as a condition.

Mr Webster, and the licence holders, Mr and Mrs Knight, responded to questions from the interested parties. They made the following points:

- Customers were always asked to leave quietly
- It was difficult to ensure that customers did not take their glass with them when they left the premises.
- Mr Knight worked on Tuesdays, Thursdays and either Friday or Saturday nights, as well as the occasional Monday night.

The Senior Licensing and Enforcement Officer confirmed that the premises was located in an alcohol control zone. He clarified that this meant that in the event that the police felt the drinking might cause disorder, they could remove drinks from people.

The Sub-Committee then adjourned to make a decision on the application. The Senior Solicitor accompanied them to help frame their decision. In making their decision they had due regard to the Licensing Act 2003, government guidance and the licensing objectives.

On the basis of the evidence before them, and the representations made by the Applicants, the interested parties for the Applicant and the Licence Holder, his representatives, and the parties on his behalf, the Sub-Committee accepted that there was a nuisance outside of the premises by noise and behaviour amounting to disorder causing problems for nearby residents.

The Licensing was amended as follows:

**Opening hours, late night refreshments, Exhibition of Film (inside)**  
10.00 to 01.00 hours, Monday to Sunday.

**Sale/supply of alcohol inside of the premises**  
Permitted until 00.30 hours,

**In the licensed area outside of the premises:**  
**Sale/supply of alcohol, late night refreshment, Exhibition of film, Indoor Sporting events, Entertainment similar to music or dance, Performance of live music, playing of recorded music, Entertainment facilities for making music, Entertainment facilities for dancing**  
Permitted until 23.00 hours, at which point the tables should be removed.

**Conditions:**

- That the premises license holder work with the Licensing Department of the city council to decide if door staff required, and implement the appropriate numbers on suitable days.
- That the number of customers smoking outside be limited after 23.00 hours to five people.
- That the Challenge 25 Scheme be implemented.
- That the Abode and the Salvation Army be given contact a contact number.

The Senior Solicitor then stated that the Sub-Committee had warned that the relationship between the Cherry Tree and the Abode needed to be resolved, and that if problems persisted, the Sub-Committee would take a dim view.

There being no other business the meeting closed at 1.35 pm