

A Licensing Meeting of the Parish Council was held at The Upper Room, St Mary's Church, The Street, Frittenden on Friday 28<sup>th</sup> April 2023 at 6.30pm.

Present were: Cllr A Staples (Chairman)  
 Cllr J Tuke  
 Cllr R Vernon  
 Cllr L Gosbee  
 Cllr R Riley

In attendance: Mrs E Nightingale (Clerk) and 10 members of the public.

### **PUBLIC FORUM:**

Four residents spoke in relation to the licensing application at agenda item 3.

Resident 1 noted that The Knoxbridge was not well supported by the Frittenden community. It had alternated between being open and closed on a regular basis and had no history of being able to safely manage events such as late night boxing or wrestling. The application document that had been submitted contained a number of anomalies and inconsistencies which did not speak of a well thought out approach.

Resident 2 stated that they were delighted that The Knoxbridge had reopened, but that they had concerns around the proposed hours of opening. The proposal that certain activities be permitted until 01:30 on every Friday and Saturday was excessive for a country pub which could only be accessed by car. The Knoxbridge was situated on a stretch of road (A229) that was known to be dangerous with a history of road traffic accidents, to include a fatality. The resident feared that if The Knoxbridge was regularly operated as a late night venue, this would serve to encourage drink driving and therefore constitute a danger to the public. The resident noted that The Knoxbridge had hosted late night events, such as a music festival, in the past which, whilst disruptive to its neighbours, could be tolerated as occasional occurrences. The proposed activities, to include boxing or wrestling matches, music and the sale of alcohol or refreshments, after 23:00 every weekend of the year would constitute a significant nuisance to the residents of Knoxbridge.

Resident 3 stated that they had spoken to a number of others who lived in the Knoxbridge area and it was agreed that there was value in having The Knoxbridge operating successfully as a family run country pub. However, the proposal that a number of activities be permitted late into the night was a matter of considerable concern for the following reasons:

- Crime & Disorder – It was felt that boxing and/or wrestling in the relatively limited confines of the premises combined with the consumption of alcohol could bring issues of crime and disorder to the fore.
- Public safety – Residents had witnessed very drunk people leave The Knoxbridge and get into cars. The service of alcohol and refreshments late into the night could encourage such behaviour in circumstances where there were no other means to travel to/from The Knoxbridge. There was no pavement on the A229. Concern was also expressed that activities such as boxing and wrestling matches might lead to more cars than the premises' car park could accommodate and mean that patrons vehicles were parked on the A229 causing a significant hazard to other road users.
- Public nuisance – Music until the early hours on a regular basis would be very problematic. Sound travels across the open, flat ground around the premises and would prevent local residents from having their windows open in summer months. Noise nuisance would be particularly difficult for residents with young children and those who had moved to the country to enjoy the peace and quiet expected of a rural setting.

Resident 4 agreed that when live music events had been staged by The Knoxbridge in the past, the music had travelled to such an extent and such a volume that it had been audible inside neighbouring properties. They had also encountered problems with lights that have been erected to illuminate such events shining into their property and causing a disturbance. The resident agreed with other comments that boxing and wrestling was not appropriate for a country pub setting.

The resident had raised their concerns about this application with TWBC and had received some feedback. TWBC had confirmed that any licence granted would relate to the public house building, beer garden and car park only. It would not encompass the field behind The Knoxbridge. If events were to be held in that field, a temporary events licence would be required. This provided some comfort, as events held in the field had been the source of nuisance to residents in the past. However, the resident had not yet got any clarity on what constituted “outdoors” in relation to the licences sought for live music, recorded music and the provision of late night refreshments outdoors. Likewise, it was not clear what would constitute “indoors” with regard to the proposed boxing or wrestling entertainment. Did this mean the public house building itself or some other structure that might be erected in the beer garden or car parking areas?

It had been suggested that all live and recorded music played outdoors would be turned off at 16:00 on Sundays and 20:00 on all other days. However, this would not prevent music played indoors late into the night from causing a nuisance to neighbours whenever doors/windows were opened. TWBC had confirmed that noise levels would be routinely monitored by its Environmental Protection Team and wouldn't be permitted at levels that would cause a nuisance to neighbours.

The applicant had also provided a response. It was suggested that: any complaints would be promptly investigated by the Manager; the Manager had spoken to all neighbours; and requests to turn down music had been abided by. Those residents present noted that no such communication had taken place with them. It was also suggested that boxing/wrestling events would be professionally staged as children's entertainment only. However, if that activity was to relate to children's entertainment only, it was difficult to understand why a licence for that activity was sought until as late as 23:59. The resident noted that boxing was combative in nature and created a risk of harm, particularly where alcohol would be consumed by spectators. In those circumstances, boxing was not always contained within the ring and you could end up with two warring factions in the pub and/or spilling out into the surrounding area and residential properties.

### **1. APOLOGIES FOR ABSENCE**

Cllr S Murray, Cllr H Cullingworth

### **2. DECLARATIONS OF INTEREST (in accordance with the Members Code of Conduct Part 2)**

None

### **3. LICENSING**

23/01249/LAPRE	The Knoxbridge, Cranbrook Road, Frittenden Application for Premises Licence
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Cllr Staples noted that any representations made to the Licensing Authority must relate to the following licensing objectives:

- the prevention of crime and disorder
- public safety

- the prevention of public nuisance
- the protection of children from harm

Cllr Staples referred to those aspects of the application which gave him cause for concern and then invited comments from members of the Council.

Following consideration of the views expressed by each of the members present, and taking into account the comments made by residents in the public forum, it was proposed by Cllr Vernon, seconded by Cllr Tuke, and **RESOLVED** by all members present that the Council submit representations to the Licensing Authority stating that it:

1. wished to support the operation of The Knoxbridge as a country public house and therefore did not object to the sale of alcohol on the premises, and both live music and recorded music (indoors only) played at a reasonable volume, during the hours of 11:00 to 23:00 on Monday to Saturday and 11:00 to 22:00 on Sunday to accord with the proposed opening hours set out at Box O of the application (being 11:00 to 23:30 on Monday to Saturday and 10:00 to 22:30 on Sunday);
2. objected to live and recorded music being permitted outdoors at any time on the following grounds:

The prevention of public nuisance

- The area between The Knoxbridge and its near neighbours largely consists of flat open ground over which sound travelled freely and, therefore, any live or recorded music outdoors would cause a significant loss of amenity to local residents.
- The applicant's suggestion that live or recorded music outdoors would be switched off at 16:00 on Sundays and 20:00 on all other days was welcomed but, if that was indeed their intention, there was no need for these activities to be licenced beyond those hours as sought in the application.
- Even if music outdoors was limited to the above hours, this would mean that neighbouring residents could still suffer significant disturbance until 20:00 on 6 days of every week and this would be utterly unacceptable to those with young children.
- If an event was planned which might involve live or recorded music outdoors, it was open to the applicant to apply for a temporary licence specific to that event.

The protection of children from harm

- The representations made above are repeated. The welfare of young children residing in neighbouring properties would be adversely affected if their sleeping patterns were disturbed on 6 out of every 7 days.

3. objected to boxing or wrestling being permitted at the premises on the following grounds:

The prevention of crime and disorder

- Boxing or wrestling entertainment was not a suitable use for the premises. There was no history of such entertainments in the locality, which was a small rural community.
- The applicant had suggested that no large groups would be permitted on the premises, but, by their very nature, these entertainments encouraged large groups. The combative nature of the entertainments could promote combative behaviours between such groups and, coupled with the consumption of alcohol over long periods associated with late night events, this would present a real risk of disorder which could spill from the premises and on to the surrounding residential properties.

Public safety

- The premises was not of a sufficient size to support the staging of such entertainment within the public house itself. If boxing or wrestling matches were staged “indoors” in any structure erected in the car park, this would significantly restrict the number of vehicles that could use the car park and so cause cars to be parked on the A229 at what is known to be a dangerous stretch of road.

The prevention of public nuisance

- The representations made above are repeated.
- A licence is sought for these activities to take place all day, on every day of the week. This is excessive.

The prevention of harm to children

- If it was correct that these entertainments were intended to be for children, the premises was not a suitable venue for children’s entertainment on a regular basis. Its location on a dangerous stretch of road with no pavements placed children at significant risk of harm if not properly supervised.

4. objected to the sale of alcohol, the provision of late night refreshment (whether indoors or outdoors) and both live and recorded music (whether indoors or outdoors) after 11pm Monday to Saturday and after 10:00pm on Sunday on the following grounds:

The prevention of crime and disorder

- The location of the premises made it unsuitable for these activities. The area was not served by public transport at night, there were limited taxi services which had to be booked well in advance and the lack of pavements meant that the premises could not be accessed safely on foot. Patrons would travel to/from the premises by car and any late night activities would simply encourage criminality by way of drink driving.
- Knoxbridge and the surrounding area was a rural community with no night time economy. The risk of crime and disorder would be increased should the above licenced activities be permitted into the early hours of the morning every weekend of the year.

Public safety

- The representations made above are repeated.
- The applicant states that any person deemed to be intoxicated will not be served any further alcohol, but the presence of the intoxicated outside of the premises will present a risk to public safety should they attempt to drive or walk along the A229 on a stretch of road that had a history of road traffic accidents.

The prevention of public nuisance

- The representations made above are repeated
- Any music on a regular basis after 23:00 (22:00 on a Sunday) would result in a significant loss of amenity to local residents. If the applicant wished to stage a music event outside of its proposed opening hours of 11:00 to 23:30 on Monday to Saturday or 10:00 to 22:30 on Sunday, this could be addressed by way of an application for a temporary event licence.

The prevention of harm to children

- The applicant suggests that ID will be requested from any persons who look under 18, whereas it is more usual for such precaution to be taken in respect of any persons who look under 21 or 25 years of age.

**ANY OTHER BUSINESS**

Concerns were raised about whether static caravans situated on the field behind The Knoxbridge and/or groundworks that appeared to have been carried out on that land were in breach of planning. It was agreed that the Council would consider this when it next met on 16<sup>th</sup> May 2023.

There being no further business, the meeting closed at 7:20 pm.

Chairman's Signature: \_\_\_\_\_

Date: \_\_\_\_\_