



FULKING PARISH COUNCIL

**Notes from a Public Meeting convened by Fulking Parish Council
to discuss Shepherd & Dog new licensing application
held in the Village Hall, Fulking
On Thursday 19th March 2015 at 7.00pm**

Present: Kate Watson (Chairman), Michael Trist (Vice Chair), Councillor Pam Rowland, Councillor Linda Dyos, Clerk to the Council Derek Blackhall.

28 members of the public were present

Meeting opened at 7.00 pm

The chairman opened proceedings by introducing the new Parish Clerk-then summarised the matter as follows:

We're here to discuss the new licensing application for the Shepherd and Dog and to get the views of the community and it seems this has caused quite a bit of interest.

What I'd like to do is to give a quick summary of the application so that everyone is clear on it, David, co-owner, will then say a few words, then there will be an opportunity to ask questions and for everyone to give their comments.

*The new application is to sell alcohol by retail for consumption on & off the premises –
Everyday 10:00hrs to 00:30hrs
Garden Bar facility from 1 May to 30 September –
11:00hrs to 22:00hrs.*

For info, the garden wasn't included in the original licence application so alcohol cannot currently be served from this area. The new function room also isn't included in the current licence, but the new application will cover this too.

The part of the application for the showing of films and the playing of both live and pre-recorded music has subsequently been withdrawn. So, the revised licence will cover the sale of alcohol and late night refreshment inside and off premises only (not in the garden) 2300 – 0030.

However, under the Live Music Act of 2012, live music is not licensable - i.e. a licence is not required for live music between the hours of 0800 – 2300 in front of an audience of less than 200 people (soon to be increased to 500) on a premises that is licensed to sell alcohol (either indoors or outdoors), and recorded music falls under this as well – in a nutshell, the pub can host live and recorded music events under its licence to sell alcohol, but it wouldn't be able to play music outside if the new licence is not granted.

The new application states that the garden bar will close at 2200 and the garden area will close at 2300

At present, if the pub wants to have, for example, live music outdoors, it has to apply for a 'temporary event notice' which covers a specific event. Maximum of 12 TENs per year, covering a maximum of 21 days per year as a TEN can last for 2-3 days. 1 event covered by a TEN can last a maximum of 168 hours (i.e. 7 days)

Temporary events notices were granted last year to the Shepherd and Dog to cover various events such as the jazz weekend, the cider festival and a private wedding (and these notices also cover the sale of alcohol from the garden area). A request has been made for a temporary event notice later this year in August and this request is for a time extension until 0200 (outside the normal times hence the notice).

So, to the nitty gritty - when considering a licensing application, the licensing department takes into account the following four objectives: -

*The prevention of crime and disorder
Public safety
The prevention of public nuisance
The protection of children from harm.*

It is the responsibility of the licensee to ensure that these objectives are met if the licence is granted.

David, as owner, was then invited to address the audience, and proceeded to explain he had been guided by Mr. Thornton of MSDC, that flexibility was paramount in the application, and the garden bar is required in order to be a control point.

The following points were then discussed:

- Noise is an issue for residents
- Tranquility is being destroyed
- Amplified music was far too loud-unamplified may work
- Alcohol in the garden is acceptable-but music isn't
- The licensing authority will take comments received back to the applicant-only the applicant can put restrictions in
- Car parking is an issue to some in the audience
- David agreed to consider, with his managers, temporary events notices instead for outdoor music
- David will also clarify wedding booking requirements
- David would much prefer this did not go to arbitration
- Any comments submitted must be on the current application and it would be helpful if sending a balanced letter making suggestions

A vote was then taken:

- no votes in favour of the application
- the overall majority objected to the application on the grounds of public nuisance, specifically noise.

Most attendees felt that a compromise of a licence for alcohol to be sold in the garden area, but with a condition on the licence stating no music allowed outside unless under temporary events notices would be acceptable. The Parish Council supports the views of those present at the meeting'.