

## KENT COUNTY COUNCIL

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### REGULATION COMMITTEE MEMBER PANEL

MINUTES of a meeting of the Regulation Committee Member Panel held in the Swale 1, Sessions House, County Hall, Maidstone on Friday, 15 June 2012.

PRESENT: Mr M J Harrison (Chairman), Mr A H T Bowles, Mr I S Chittenden, Mr H J Craske and Mr R J Lees

IN ATTENDANCE: Ms C Anley (Head of Libraries, Registration and Archives), Mr A Thomas (Marketing and Licensing Manager), Mr R White (Development Planning Manager), Mr M Rayner (Development Control Engineer) and Mr A Tait (Democratic Services Officer)

### UNRESTRICTED ITEMS

#### **7. The Lost Village of Dode** *(Item 3)*

(1) The Members of the Panel had visited the site prior to the meeting in order to familiarise themselves with its location. This visit was attended by the applicant, Mr D Chapman.

(2) The Chairman notified the meeting that late correspondence had been received from neighbouring residents, Mr and Mrs Mather. The Chairman ruled that as this correspondence was both very late and not pertinent to the matter in hand, it would not be considered by the Panel. He offered Mr Chapman (as a courtesy) the opportunity to comment on this correspondence. The latter strongly questioned the accuracy of the statements contained within it – particularly stressing that Mr and Mrs Mather could not have been disturbed at 11pm on a Sunday evening as the premises was never in use at that time. He also confirmed that the premises was not for sale.

(3) Mr H J Craske informed the Panel that he had in the past conducted marriage ceremonies at the Lost Village of Dode in his former professional capacity. This did not constitute either a personal or prejudicial interest, and he was able to approach the determination of the application with a completely open mind.

(4) The Chairman informed the meeting that the Local Member, Mrs S V Hohler had sent her apologies. He asked the Panel to note the content of her letter set out in the Appendix to the report.

(5) The Marketing and Licensing Manager introduced the report and asked the Panel to note that the date given in paragraph 7.3 of the report as “30 September” should read “31 October.”

(6) The Marketing and Licensing Manager then said that the applicant had asked for the removal of two conditions attached to the current licence. He was therefore requesting an unlimited number of days on which a ceremony could be held (currently 42) with no restriction on the days of the week (currently Thursdays, Fridays and Saturdays).

(7) The Marketing and Licensing Manager explained that the recommendation in the report had been made in the light of advice from Kent Highways. This differed from advice previously given in that it stated that there were no grounds in terms of highway safety for refusing the relaxation of conditions. Following advice received from the Director of Law and Governance, the recommendation was to agree to the relaxation of both the conditions sought by the applicant.

(8) The Marketing and Licensing Manager said that further representations from Mr Chapman, Luddesdown PC and Mr and Mrs Mileson had been received and appended to the agenda papers after the report had been written and the recommendations made. In the light of this correspondence, he had sought advice from the Tonbridge and Malling Borough Environmental Health Officer. He had advised that in order to determine whether a noise constituted a “nuisance”, he had to take into account a number of factors such as regularity, volume and length of time in the context of whether it interfered in some way. An example of this would be if people could not hear their television above the noise. Noise did not become a nuisance simply because it could be heard. He had not received any documented complaints about noise which had led to action being taken in respect of The Lost Village of Dode. The Marketing and Licensing Manager had also received the same response in respect of noise nuisance complaints from the Gravesham Borough Environmental Health Officer.

(9) The Marketing and Licensing Manager concluded his presentation by saying that in the light of the specialist advice received both from Kent Highways Services and from the Borough Environmental Health Officers, he did not believe there were any valid reasons to reject Mr Chapman’s request to remove the two conditions.

(10) In response to a question from the Chairman, the Head of Libraries, Archives and Registration confirmed that the Registration Authority’s responsibilities were restricted to ensuring that the marriage ceremonies themselves did not constitute an unacceptable nuisance. Any other events that took place at this venue (including for example, a reception) were outside of its remit.

(11) The Development Planning Manager said that the reason for Kent Highways Services’ recommendation was that as it was acceptable in highways safety terms for marriage ceremonies to be held on three days of the week, there were no grounds to conclude that it would be unacceptable on the other four. He also confirmed that “nuisance” was not a highways matter and that his advice therefore did not cover this question.

(12) Mr C Mileson, a local resident spoke in objection to the proposed removal of conditions. He prefaced his remarks by saying that his complaints about noise nuisance had formed part of an overall complaint to the Borough Planning Officers and had therefore not been sent to the Environmental Health Officer.

(13) Mr Mileson then said that his family’s quality of life was being adversely affected by nuisance from traffic and noise arising from weddings taking place at The Lost Village of Dode.

(14) Mr Mileson went on to say that the report in front of the Panel only referred to the traffic situation in Wrangling Lane, whereas it was also important to consider the

impact on the single track lanes leading up to Wrangling Lane, such as Buckland Road and Cutter Ridge Road. The concerns were that there were no passing places available in the first 200 metres of Wrangling Lane and none for a quarter of a mile along Cutter Ridge Road; two cars had been written off during the last year from collisions along the blind bend on Buckland Road; there had been damage to an electrician's vehicle and a dent to a plumber's vehicle along Buckland Road; and the great care that needed to be shown by drivers when they passed other vehicles at some places along Buckland Road due to the steep bank between the road and the fields.

(15) Mr Mileson then said that no work had been done to improve the roads since Kent Highways had advised in 2006 that increased traffic movements and frequency of road use would cause a nuisance to road frontages and neighbours to the detriment of road safety. He asked what had changed since that time to lead Kent Highways Services to change its advice.

(16) Mr Mileson continued by saying that the current position was that residents knew that weddings were only taking place on Thursdays, Fridays and Saturdays. This enabled them to plan ahead so that they could avoid meeting wedding party vehicles when they knew ceremonies were going to take place.

(17) Mr Mileson referred to Regulation 6 (1) (b) of the 2005 Regulations concerning the responsibility of the licensing authority to attach special conditions to ensure that weddings did not give rise to a nuisance of any kind. Although there were some weddings which were fairly quiet affairs (where only the ceremony was performed), there were occasions when there was festive loud music, laughing, drinking and shouting.

(18) Mr Mileson said that he disagreed with the Officer report's view that imposing local conditions could be regarded as a restriction on the venue owner's trade. This was because the Regulations did not require this issue to be taken into account. He nevertheless felt that 42 weddings a year would generate a good income and that permitting weddings on Thursdays, Fridays and Saturdays already gave couples 100 days to choose from.

(19) Mr Mileson concluded his remarks by saying that so far from there being no valid reason for imposing conditions, they were in place for a good reason and that there were very good grounds for maintaining them. The fact that the conditions had successfully reduced nuisance did not mean that they should now be removed. The conditions as they stood enabled couples to get married in a beautiful place whilst avoiding an adverse impact on local residents. He therefore asked the Panel not to amend the licence conditions.

(20) In response to a question from the Chairman, the Development Control Engineer confirmed that the Highways Authority had not installed any formal surfaced passing bays in the area. The passing points had been created locally by eating into the verges.

(21) Mrs A Jones (Chairman of Luddesdown PC) said that it was important to recognise that Mr Chapman had rescued the building and to thank him for doing so.

(22) Mrs Jones said that during the first three years that the venue had been used (2000-2003) there had been no restrictions on days of use or on the number of ceremonies. This had led to many complaints which had gradually reduced in number after restrictions were imposed. She noted that both the local MP, Adam Holloway and the local County Councillor, Mr Snelling supported the continuation of restrictions (*although the Panel had no written confirmation of this statement during the meeting, Mr Craske was able to confirm that Mr Snelling had indicated this to him. Mr Holloway's correspondence was not received until after the meeting was over*).

(23) Mrs Jones said that local residents had three areas of concern. These were firstly that the restrictions were working and that their removal would lead to greater nuisance and disturbance; secondly, the venue had recently been put up for sale – although it had now been withdrawn from the market there were lingering fears as to what might happen if another owner made use of the property; and thirdly that the directions to the venue sent vehicles along 3.2 miles of single lane track with few opportunities for passing. There had been occasions when local drivers had been confronted by a minibus. They had found the experience intimidating.

(24) Mrs Jones concluded her remarks by saying that the problems often occurred with events associated with the wedding ceremonies rather than with the actual ceremonies themselves. She believed that the conditions were working in the best interests of the neighbourhood and that it would be wrong to relax them.

(25) The Chairman re-affirmed that the Panel's remit was limited to consideration of the conditions attached to the licence for marriage ceremonies (including renewal of vows or welcoming ceremonies). Anything else that took place (whether in relation to the ceremonies or not) was a matter that would need to be raised with the Borough authorities.

(26) Mr D Chapman (applicant) said that the property had been a drug den when he had purchased it some 20 years earlier. He and his wife had spent seven years restoring it to good condition. This had not been done with an eye to conducting marriage ceremonies. The Law had only been changed to permit him to do so after the restoration had been completed.

(27) Mr Chapman then said that The Lost Village of Dode was probably the only venue in the County dedicated to weddings. It was, however, rated as a Hall – and had been used in that capacity to host receptions and other events.

(28) Mr Chapman continued by saying that people had raised issues in respect of the venue with Tonbridge and Malling BC for 20 years. This was despite the fact that ceremonies were heavily conditioned, and that these conditions had never been breached. Furthermore, neither Gravesham nor Tonbridge and Malling BC had ever upheld any of the complaints made about the venue. He said that he did not accept that there was excessive noise or that there were any highways safety issues arising from wedding ceremonies.

(29) The Development Control Engineer confirmed that there had been no personal injury accidents reported in Wrangling Lane or Buckland Lane or within half a mile of the venue. Over the previous ten years there had been 2 or 3 slight accidents and 1

severe accident in the area but these could not be linked to events at The Lost Village of Dode.

(30) Mr Chapman said that the fee for conducting a ceremony at Dode was £2,000. This would currently bring in a maximum gross income of £80,000 to be offset by rates and expenses. In recent years, couples had indicated that they could not pay the full fee. He therefore considered that if he could conduct more weddings and fit the date to suit the couples, he could reduce the fee and still break even.

(31) Mr Chapman then said that if he could not make the weddings pay for themselves, he would need to use Dode as a Hall for other events.

(32) Mr Chapman went on to say that Dode was a small and beautiful building. The walls were 3 ft thick, the windows 9 inches wide. The nearest neighbouring property was 400 yards away. The conditions were meticulously applied and there had been no complaints from either Borough Council. The only time that local residents complained about nuisance was when the licence came up for renewal or review. The smallness and remoteness of the venue meant that the couples who got married at Dode were not the sort of people who would make a lot of noise.

(33) Mr Chapman concluded by saying that in order for the venue to be cost effective, he needed the freedom to hold them on more than three days of the week. People often asked to hold the ceremony on a particular date or day of the week. He said that he would not have a problem in advising the Parish Council of the dates that the events were taking place if this was considered helpful. The reality was that weddings would not be held every day (indeed, he would not wish to do so). In practice, he would expect a maximum of 4 to 5 in any one week if he was allowed to use whichever date people asked for.

(34) The Chairman asked whether Mr Chapman would be content if he were limited to four days a week but with the ability to choose which ones to use. Mr Chapman replied that an arrangement of this nature might work.

(35) The Marketing and Licensing Manager replied to a question from Mr Craske by saying that the Registration Service had to attend weddings every day of the week. The busiest days for the Service were Fridays, Saturdays and Sundays.

(36) The Chairman asked whether any of the speakers wished to make a final contribution. Mrs Jones asked Mr Chapman how many days he felt he needed in order for his business to be cost effective. Mr Chapman replied that he estimated that he would need to double the number allowed to 84. Mr Miles said that the current licence, including its conditions was an acceptable compromise and that local residents should not be asked to endure any more.

(37) The Marketing and Licensing Manager confirmed that he had not assessed "nuisance" by any subjective criteria. His recommendation had been based on the professional views of Kent Highways Services, the Director of Law and Governance and the Borough Environmental Health Officers.

(38) In response to a question from Mr Bowles, Mr Chapman confirmed that the number of ceremonies had reduced in recent years as a result of the economic downturn. However, three years earlier the venue had been fully booked.

(39) Mr Chittenden said that if the Panel were to refuse Mr Chapman's request, he would like to propose that the number of weddings should continue to be limited to 42 but that use of the venue for marriage ceremonies should be permitted from Tuesday to Saturdays.

(40) The Chairman asked Mr Chapman how the number of people and vehicles at the venue was controlled. He also asked whether Mr Chapman would be happy to accept the suggestion made by Mr Chittenden.

(41) Mr Chapman replied that the number of people present was limited to 40 guests (including photographers), the couple, two registrars (who would need to report if any breach of condition had occurred) and himself. The limit specified in the Fire Certificate was also 45. He had no interest in amending or breaching that particular condition and had always scrupulously complied with all the conditions set. In response to the Chairman's second question, Mr Chapman said that the suggestion made by Mr Chittenden would not be acceptable to him.

(42) On being put to the vote, the recommendation set out in paragraph 7.2 of the report was lost by 3 votes to 2.

(43) RESOLVED that:-

- (a) the removal of the two licence restrictions requested by Mr Chapman (that a maximum of 42 ceremonies per year be allowed; and that ceremonies be restricted to Thursdays, Fridays and Saturdays) be not agreed; and
- (b) the remaining licence restrictions be retained, namely;
  - (i) that ceremonies be restricted to no more than one per day;
  - (ii) that ceremonies be restricted to the period 1 April to 31 October and 1 December to 23 December each year; and
  - (iii) all other existing local restrictions for example on the number of people attending ceremonies and car parking.