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25 February 2015

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **LICENSING COMMITTEE** will be held in the Council Chamber at these Offices on Wednesday 4 March 2015 at 5.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Jemma Duffield on (01304) 872305 or by e-mail at jemma.duffield@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to be "Jemma Duffield", written over a white background.

Chief Executive

Licensing Committee Membership:

Councillor P S Le Chevalier (Chairman)	Councillor M J Ovenden
Councillor R J Thompson (Vice-Chairman)	Councillor A S Pollitt
Councillor P M Beresford	Councillor M A Russell
Councillor B W Butcher	Councillor A R Smith
Councillor B Gardner	Councillor C J Smith
Councillor S M Le Chevalier	Councillor J M Smith
Councillor S C Manion	Councillor J F Tranter
Councillor S R Nicholas	

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **DECLARATIONS OF INTEREST** (Page 3)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

3 **MINUTES** (Pages 4 - 5)

To confirm the attached Minutes of the meeting of the Committee held on 26 November 2014.

4 **MINUTES OF SUB-COMMITTEE MEETINGS** (Pages 6 - 11)

To receive the attached Minutes of the meetings of the Licensing Sub-Committee meetings held on 24 November 2014 and 16 January 2015.

5 **STANDARD CONDITIONS ON PREMISES LICENCES**

Following consultation with the Vice-Chairman in the absence of the Chairman, this item has been withdrawn from consideration in the agenda.

6 **PROCEDURE FOR MINUTE APPROVAL**

Following consultation with the Vice-Chairman in the absence of the Chairman, this item has been withdrawn from consideration in the agenda.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Jemma Duffield, Democratic Support Officer, telephone: (01304) 872305 or email: jemma.duffield@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

Minutes of the meeting of the **LICENSING COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 26 November 2014 at 5.00 pm.

Present:

Chairman: Councillor P S Le Chevalier

Councillors: R J Thompson
P M Beresford
B Gardner
S M Le Chevalier
S R Nicholas
M J Ovenden
M A Russell
A R Smith
J M Smith
J F Tranter

Officers: Licensing Team Leader
Democratic Support Officer

365 APOLOGIES

An apology for absence was received from Councillor B W Butcher.

366 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

367 MINUTES

The Minutes of the Committee held on 27 May 2014 were approved as a correct record and signed by the Chairman.

368 MINUTES OF SUB-COMMITTEE MEETINGS

The Minutes of the meeting of the Licensing Sub-Committees held on 6 June 2014, 1 August 2014, 28 August 2014 and 22 September 2014 were received and noted.

369 FEES AND CHARGES 2015/16

The Committee received the report of the Director of Governance on fees and charges for 2015/16. The Licensing Team Leader advised the Committee that the fees and charges for all licences remained unchanged from 2014/15.

It was moved by Councillor R J Thompson, duly seconded, and

- RESOLVED:
- (a) That the Fees and Charges for 2015/16 as set out in Appendix 4 be approved.
 - (b) That Members approve the general principle that fees are set at an appropriate inclusive level, irrespective of VAT status, and that the VAT element within the overall fee level is then determined.

- (c) That Members approve the general principle that, unless the fee is set by statute, licensing fees will be set on a cost recovery basis.
- (d) That the Head of Regulatory Services is authorised to adopt fees at, or close to government directed levels without the need for further reporting, in cases where the Council is awaiting Government guidance and it has not been possible to set a fee level at that stage.
- (e) That the Head of Regulatory Services be authorised in consultation with the Director of Governance and the Director of Finance, Housing and Community to make minor adjustments to the fees and charges as necessary.

The meeting ended at 5.07 pm.

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Monday, 24 November 2014 at 2.00 pm.

Present:

Sub-Committee:

Chairman: Councillor B W Butcher

Councillors: M A Russell
R J Thompson

Officers:

Legal Adviser: Senior Solicitor
Licensing Officer: Licensing Team Leader
Administrator: Democratic Support Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2014/005A).

49 APOLOGIES FOR ABSENCE

There were no apologies for absence received from Members.

50 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

51 DECLARATIONS OF INTEREST

There were no declarations of interest received from Members.

52 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF: THE LANES, 15 WORTHINGTON STREET, DOVER

The Sub-Committee considered an application from Mrs D Lane and Mr K Lane in respect of 15 Worthington Street, Dover CT17 9AQ. The application was for the grant of a premises licence for a micro pub:

Supply of Alcohol (for consumption on and off the premises)

Every day	10:00 to 23:00 hrs
Seasonal Variations Christmas Eve	10:00 to 01:00 hrs the day following
New Year's Eve	10:00 to 02:00 hrs the day following

Late Night Refreshment (for the supply of Mulled Wine the following days only)

Seasonal Variations Christmas Eve	23:00 to 01:00 hrs the day following
New Year's Eve	23:00 to 02:00 hrs the day following

Live Music

Every day	12:00 to 23:00 hrs
Seasonal Variations Christmas Eve	12:00 to 01:00 hrs the day following
New Year's Eve	12:00 to 02:00 hrs the day following

Recorded Music

Every day	10:00 to 23:00 hrs
Seasonal Variations Christmas Eve	10:00 to 01:00 hrs the day following
New Year's Eve	10:00 to 02:00 hrs the day following

On the basis of the representations of the applicants, the responsible authorities and other persons, the Sub-Committee found the following facts to be established:

- (i) There had been no representations made by any of the Responsible Authorities, including the Police.
- (ii) The premises would operate a Challenge 21 Policy.

In reaching its finding, the Sub-Committee took into account the following:

- (i) Sections 17 & 18 of the Licensing Act 2003 which deal with applications for premises licence and determination of such applications.
- (ii) The judgment in the case of R. (on the application of Daniel Thwaites PLC) v Wirral Borough Magistrates Court in which it was held that speculative representations should be disregarded unless supported by previous facts as evidence.
- (iii) Guidance issued under ss. 182 Licensing Act 2003.
- (iv) Dover District Council Licensing Policy.
- (v) Section 17 of the Crime and Disorder Act 1998.

RESOLVED: That the application for a premises licence in respect of 15 Worthington Street, Dover CT17 9AQ be determined as follows:

(a) GRANT the application for a premises licence for a micro pub:

Supply of Alcohol (for consumption on and off the premises)

Every day	10:00 to 23:00 hrs
Seasonal Variations Christmas Eve	10:00 to 01:00 hrs the day following
New Year's Eve	10:00 to 02:00 hrs the day following

Late Night Refreshment (for the supply of Mulled Wine the following days only)

Seasonal Variations Christmas Eve	23:00 to 01:00 hrs the day following
New Year's Eve	23:00 to 02:00 hrs the day following

Live Music

Every day	12:00 to 23:00 hrs
Seasonal Variations Christmas Eve	12:00 to 01:00 hrs the day following
New Year's Eve	12:00 to 02:00 hrs the day following

Recorded Music

Every day	10:00 to 23:00 hrs
Seasonal Variations Christmas Eve	10:00 to 01:00 hrs the day following
New Year's Eve	10:00 to 02:00 hrs the day following

The meeting ended at 2.36 pm.

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Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Friday, 16 January 2015 at 10.01 am.

Present:

Sub-Committee:

Chairman: Councillor B W Butcher

Councillors: B Gardner
M A Russell

Officers:

Legal Adviser: Senior Solicitor
Licensing Officer: Licensing Team Leader
Licensing Enforcement Officer
Administrator: Democratic Support Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2015/001).

53 APOLOGIES FOR ABSENCE

There were no apologies for absence received from Members.

54 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

55 DECLARATIONS OF INTEREST

There were no declarations of interest received from Members.

56 LICENSING ACT 2003 - APPLICATION FOR A REVIEW OF A PREMISES LICENCE IN RESPECT OF LONDIS, 12 MARKET SQUARE, DOVER CT16 1NX

The Sub-Committee considered an application for the review of a premises licence under Section 51 of the Licensing Act 2003 as requested by Kent Police as a Responsible Authority. The grounds for review were that the following licensing objective was not being promoted:

(a) Prevention of Crime and Disorder

On the basis of the representations of the applicant for the review, the other persons and the premises licence holders, the Sub-Committee found the following facts to be established.

- (i) On 12 June 2014, the police issued a penalty notice enforcement ticket to Mr Varatharajan Kanthappu in respect of an offence of serving alcohol to someone whilst already intoxicated. Evidence of this offence was caught on the store CCTV. The member of staff concerned left the employment of the store 2-3 months after the incident.

- (ii) On 5 August 2014, CCTV at the store showed that a member of staff had served alcohol at 05.46, which was outside of the hours licensed for the sale of alcohol. The police licensing officer issued an enforcement letter in respect of this incident.
- (iii) On 17 November 2014, there was a further incident where CCTV showed that a member of staff had served alcohol at 05.51, which was outside of the hours licensed for the sale of alcohol.
- (iv) On 18 November 2014, there was yet another incident where CCTV showed that a member of staff had served alcohol at 05.57, which was outside of the hours licensed for the sale of alcohol.
- (v) On each occasion it was the same member of staff who served alcohol outside the licensable hours.
- (vi) The member of staff concerned was only given a written warning regarding his actions after the third incident.

In reaching its finding the Sub-Committee took into account the following:

- (a) The Dover District Council Licensing Policy
- (b) The Licensing Act 2003, Sections 52 and the guidance issued under s.182 relating to review hearings.

RESOLVED: Taking into account the above facts, the Sub-Committee were very concerned about the irresponsible way that the premises licence holders had been managing the premises and in light of that the Sub-Committee decided that the following measures were appropriate for the promotion of the licensing objectives:

- (a) To suspend the licence for a period of one month.
- (b) That in accordance with the Notice of Determination (NOD/2015/001) the following conditions will be ADDED to the premises licence:
 - (i) The designated Premises Supervisor (DPS) or a personal licence holder always to be on the shop floor when alcohol is to be sold.
 - (ii) CCTV shall be capable of storing 28 days of footage on the hard drive.
 - (iii) CCTV records to be made available to any police or local authority enforcement officer on request.
 - (iv) All staff to be given appropriate training and a training record kept.
 - (v) A refusal register to be completed daily and to include 'no refusals' when appropriate.

- (vi) That the hours for the sale of alcohol be reduced to 09.00 to 22.00 each day.

The meeting ended at 11.46 am.