

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Monday, 27 November 2017 at 2.00 pm.

Present:

Sub-Committee:

Chairman: Councillor S F Bannister

Councillors: B Gardner (as substitute for Councillor S M Le Chevalier)
M J Ovenden (as substitute for Councillor D P Murphy)

Officers:

Legal Adviser: Contentious and Regulatory Lawyer

Licensing Officer: Public Protection Manager
Licensing Team Leader

Administrator: Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2017/0007A).

9 APOLOGIES FOR ABSENCE

There were apologies for absence received from Councillors S M Le Chevalier and D P Murphy.

10 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, under Council Procedure Rule 4, Councillors B Gardner and M J Ovenden were appointed as substitutes for Councillors S M Le Chevalier and D P Murphy respectively.

11 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

12 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT 36 PENCESTER ROAD, DOVER

The sub-committee considered an application from Mr N Navarajah in respect of Newsin, 36 Pencester Road, Dover CT16 1BW. The application was for the grant of a premises licence for:

Supply of Alcohol (for consumption OFF the premises)

Every Day	06:00 – 23:00 hrs
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On the basis of the representations of the applicant, his representative 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) There was no cumulative assessment of problems caused by licensed premises in the areas. As a result there was no special policy in respect of the location.
- (iii) Kent Police contacted the applicant during the consultation period and raised concerns that the area of Pencester Road was where vulnerable members of the street drinking community were congregating. Kent Police asked the applicant to revise the hours to fall in line with other outlets selling alcohol within the immediate area. The applicant agreed to amend the start time for alcohol sales to 08:00 hrs every day.
- (iv) Kent Police did not ask for a condition to be placed on the licence if granted to restrict the strength of alcohol and single can sales as this was not consistent with other outlets within the town centre area.
- (v) That, children consuming alcohol was a serious and concerning issue however there was no evidence for the sub-committee to conclude that the objective of protecting children from harm was undermined. It was noted that there had been no representation from those responsible for protecting children.
- (vi) Dover Town Council's (DTC's) evidence showed no causal link between crime statistics and alcohol.
- (vii) No complaints had been made to Dover District Council's licensing team regarding sales of alcohol to children in that area by DTC or local residents.

In reaching its findings the sub-committee took into account the following:

- (i) Dover District Council's Licensing Policy.
- (ii) The Licensing Act 2003 and the guidance given under Section 182 of the Act.
- (iii) Section 17 of the Crime and Disorder Act 1998.
- (iv) The judgment in the case of Daniel Thwaites PLC V Wirral Borough Magistrates Court [2008] EWHC 38 (Admin).

RESOLVED: That the application for a premises licence for Newsin, 36 Pencester Road, Dover CT16 1BW be GRANTED as follows:

Supply of Alcohol (for consumption OFF the premises)

Every day	08:00 hrs – 23:00 hrs
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The meeting ended at 3.11 pm.