

# Public Document Pack



Democratic Services  
White Cliffs Business Park  
Dover  
Kent CT16 3PJ

Telephone: (01304) 821199  
Fax: (01304) 872452  
DX: 6312  
Minicom: (01304) 820115  
Website: [www.dover.gov.uk](http://www.dover.gov.uk)  
e-mail: [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk)

18 February 2013

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **LICENSING COMMITTEE** will be held in the at these Offices on Tuesday 26 February 2013 at 9.30 am when the following business will be transacted.

Members of the public who require further information are asked to contact Rebecca Brough on (01304) 872304 or by e-mail at [rebeccabrough@dover.gov.uk](mailto:rebeccabrough@dover.gov.uk).

Yours sincerely

A handwritten signature in black ink, appearing to read "Nicky", written over a white background.

Chief Executive

## Licensing Committee Membership:

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

## AGENDA

- 1 **APOLOGIES**
- 2 **APPOINTMENT OF SUBSTITUTE MEMBERS**  
To note appointments of Substitute Members.
- 3 **DECLARATIONS OF INTEREST**

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

Where a Member has a new or registered Disclosable Pecuniary Interest (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.

Where a Member is declaring an Other Significant Interest (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.

4 **MINUTES** (Pages 4 - 6)

To confirm the attached Minutes of the meeting of the Committee held on 20 November 2012.

5 **MINUTES OF SUB-COMMITTEE MEETING** (Pages 7 - 10)

To receive the attached Minutes of the meeting of Licensing Sub-Committee held on 13 December 2012.

**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](http://www.dover.gov.uk). Minutes are normally published within five working days of each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting. Basic translations of specific reports and the Minutes are available on request in 12 different languages.

- 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 Rebecca Brough, Team Leader - Democratic Support, telephone: (01304) 872304 or email: [rebeccabrough@dover.gov.uk](mailto:rebeccabrough@dover.gov.uk) for details.

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

Minutes of the meeting of the **LICENSING COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 20 November 2012 at 9.30 am

Present:

Chairman: Councillor B W Butcher

Councillors: P M Beresford  
J A Cronk  
B Gardner  
P S Le Chevalier  
S M Le Chevalier  
S C Manion  
M J Ovenden  
M A Russell  
A R Smith  
J M Smith  
R J Thompson

Officers: Senior Solicitor  
Licensing Team Leader  
Team Leader - Democratic Support  
Democratic Services Officer

288 APOLOGIES

Apologies for absence were received from Councillors S R Nicholas and D G Smallwood.

289 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

290 MINUTES

The Minutes of the meeting of the Committee held on 12 June 2012 were approved as a correct record and signed by the Chairman.

291 MINUTES OF SUB-COMMITTEE MEETINGS

The Minutes of the meetings of the Licensing Sub-Committee held on 26 June 2012, 4 July 2012, 6 July 2012 and 25 July 2012 were received and approved as a correct record.

292 REGULATION OF INVESTIGATORY POWERS ACT 2000 - JUDICIAL APPROVAL

The Senior Solicitor in presenting the report, advised Members that the report title should correctly read as 'Judicial Approval' and not 'Judicial Review' as listed in the agenda.

The report had been produced as a result of changes contained within the Protection of Freedoms Act 2012 to Local Authority Authorisations made under the Regulation of Investigatory Powers Act 2000 (RIPA). These changes which came into effect from 1 November 2012 required approval by a Justice of the Peace

before the Council could use one of the three permitted means of covert surveillance available to it for preventing or detecting crime.

Although the use of RIPA was an executive function, it was necessary for the Council and the Licensing Committee to approve the authorisation in order to ensure that the necessary delegations were in force where the offences to be investigated were not the responsibility of the executive.

RESOLVED: That the arrangements for the discharge of council functions set out in Section 6 of Part 3 of the Council's Constitution be amended by the insertion of the following delegation to the Solicitor to the Council and the Community Safety, CCTV and Parking Manager:

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions/ Limitations/Notes
Regulation of Investigatory Powers Act 2000	To make any necessary application to a Justice of the Peace for an Order approving the grant of an authorisation under the Regulation of Investigatory Powers Act 2000	

293 FEES AND CHARGES 2013/14

The Licensing Team Leader presented the report on Fees and Charges 2013/14. The complete list of fees, even where there were no changes, were listed for transparency and to ensure all fees and charges were properly set.

The Committee was advised that the fees were separated into four categories:

- Licensing Act fees;
- Gambling Act fees;
- Hackney Carriage and Private Hire fees; and
- Miscellaneous fees

The Licensing Act fees were set by Central Government and not by the Council and there had been no changes to the level of these fees since 2005. However, the fees under the Gambling Act were set within guidelines and it was recommended that minor changes be made to some fees as set out in the report.

RESOLVED: (a) That the Fees and Charges for 2013/14 as set out in Annexes 2 and 3 be approved.

(b) That, as a general principal, it be agreed that the fees were set at an appropriate inclusive level, irrespective of VAT status, and that the VAT element within the overall fee level then be determined.

- (c) That the fees be adopted at, or close to government directed levels without the need for further reporting, in cases where the Council was awaiting for Government guidance and it had not been possible to set a fee level at this stage.
- (d) That authority to make minor adjustments to the fees and charges be delegated to the Director of Environment and Corporate Assets in consultation with the Director of Finance, Housing and Community.

The meeting ended at 9.44 am.

Minutes of the meeting of the **LICENSING** Sub-Committee held at the Council Offices, Whitfield on Thursday 13 December 2012 at 9.35 am.

Present:

Sub-Committee

Chairman: Councillor P S Le Chevalier

Councillors: B Gardner  
M A Russell

Officers

Legal Advisor: Senior Solicitor  
Licensing Officer: Licensing Team Leader  
Administrator: Team Leader – Democratic Support  
Democratic Support Officer

Persons attending in connection with the Hearing - PRINCE ALBERT, 83 Biggin Street, Dover, Kent CT16 1BB

As shown on the Notice of Determination (NOD/2012/008).

9 APOLOGIES

There were no apologies for absence.

10 DECLARATIONS OF INTEREST

There were no declarations of interest.

11 LICENSING ACT 2003 – APPLICATION FOR REVIEW OF A PREMISES LICENCE IN RESPECT OF PRINCE ALBERT, 83 BIGGIN STREET, DOVER, KENT CT16 1BB

The Sub-Committee considered an application for the review of a premises licence under Section 51 of the Licensing Act 2003 as requested by Dover District Council - Environmental Health and Public Protection Team as a Responsible Authority. The grounds for review were that the following licensing objective was not being promoted:

- (a) Prevention of Public Nuisance

On the basis of the representations of the applicant for review, the Licence Holder and his representative and other persons, the Sub-Committee found the following facts to be established:

- (i) That following the introduction of the Live Music Act 2012 on 1 October 2012, the conditions in relation to regulated entertainment attached to the Premises Licence, in so far as they relate to live amplified music had been suspended between the hours of 8am and 11pm.
- (ii) That there had been four calls to Dover District Council's out of hours service in respect of noise in the period September and October 2012 following the

service of a Notice requiring the Abatement of a Noise Nuisance on 11 September 2012.

- (iii) That Mr L Lees had been the Designated Premises Supervisor since 8 September 2012 at the Prince Albert Public House.
- (iv) That since the intervention by Dover District Council - Environmental Health and Public Protection Team the situation had improved in respect of noise disturbance from the Prince Albert Public House.
- (v) That the Licence Holder, Dover District Council - Environmental Health and Public Protection Team and the Licensing Team Leader had reached agreement in respect of the installation of a noise limiting device.
- (vi) That the Prince Albert Public House had stopped holding live music until the noise limiting device had been installed and the levels set but still continued to allow recorded music in the form of Karaoke.
- (vii) That the Prince Albert Public House sold alcohol 08:00 hours until 00:00 hours Sunday to Thursday and 08:00 hours to 01:00 hours the following day on Friday and Saturday. This was for a shorter period than its premises licence which permitted the sale of alcohol between 08:00 hours to 02:00 hours the following day Sunday through Saturday and the licence holder was agreeable to a reduction in the opening hours for the permitted sale of alcohol to the hours the premises currently sold alcohol.

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

- (a) The Council's statement of licensing policy.
- (b) The Licensing Act 2003, Sections 51 and 52 relating to Review Hearings and the powers available to the Sub-Committee.
- (c) The Licensing Act 2003, Section 177(A) in respect of the effect of the Live Music Act 2012 on the Licensing Act.

RESOLVED: That in accordance with the Notice of Determination (NOD/2012/008) the following conditions will be ADDED to the premises licence:

- (a) Regulated entertainment in the form of music and dancing shall only take place inside the premises.
- (b) During regulated entertainment the doors and windows of the premises will be kept closed, except for ingress and egress to prevent noise breakout and protect the amenity of the neighbourhood.
- (c) A noise limiting device will be installed and set at a level approved by the Council. The noise limiter shall be set by an Acoustic Consultant, registered with either the Institute of Acoustics or the Association of Noise Consultants, in accordance with the DDC document, 'Technical advice for consultants on sound insulation and Noise Control for Entertainment Licensed



Premises'. The controls for the device shall be located in a secure, lockable cupboard or similar location. The system is to be independent of control by persons other than the licensee. Access to the system is to be restricted to the Licensee or a designated manager.

- (d) That conditions 1 to 3 above will apply equally in respect of all live music and recorded music (including Karaoke) as they do to other regulated entertainment.
- (e) That there shall be no live music or Karaoke until such time as condition 3 has been complied with and the Environmental Protection Officer is satisfied with the levels set.
- (f) That a diary be kept showing when the Designated Premises Supervisor is off the premises and it shall be produced to the Licensing Team Leader on request
- (g) That the hours for on and off the premises alcohol sales shall be as follows:

Sunday	08:00	to	00:00
Monday	08:00	to	00:00
Tuesday	08:00	to	00:00
Wednesday	08:00	to	00:00
Thursday	08:00	to	00:00
Friday	08:00	to	01:00 (the following day)
Saturday	08:00	to	01:00 (the following day)

Non-Standard Timings

N/A

- (h) That the opening hours of the premises shall be as follows:

Sunday	08:00	to	00:30 (the following day)
Monday	08:00	to	00:30 (the following day)
Tuesday	08:00	to	00:30 (the following day)
Wednesday	08:00	to	00:30 (the following day)
Thursday	08:00	to	00:30 (the following day)
Friday	08:00	to	01:30 (the following day)
Saturday	08:00	to	01:30 (the following day)

- (i) That the hours for all forms of regulated entertainment (including recorded and live music) shall be as follows:

Sunday	12:00	to	23:00
Monday	12:00	to	23:00
Tuesday	12:00	to	23:00
Wednesday	12:00	to	23:00
Thursday	12:00	to	23:00

Friday	12:00	to	23:30
Saturday	12:00	to	23:30

The meeting ended at 11.10 am.