

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 11 December 2013 at 10.00 am.

Present:

Sub-Committee:

Chairman: Councillor S M Le Chevalier

Councillors: J A Cronk  
R J Thompson

Officers:

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

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2013/008).

21 APOLOGIES FOR ABSENCE

There were no apologies for absence.

22 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

23 DECLARATIONS OF INTEREST

There were no declarations of interest from Members.

24 LICENSING ACT 2003 - APPLICATION FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF DOVER CONVENIENCE STORE, 24 MARKET SQUARE, DOVER, KENT CT16 1NG

The Sub-Committee considered an application for a variation of an existing premises licence from Mrs M T J Sathish in respect of Dover Convenience Store, 24 Market Square, Dover, Kent CT16 1NG. The applicant was represented by Mr T Bartlett of AB Licensing Solutions.

The application was for a variation of the existing premises licence to:

- (i) EXTEND the hours of licensable activities in respect of the supply of alcohol (for consumption on and off the premises) from:

10:00 to 22:00	Sundays
08:00 to 22:00	Monday to Saturday
08:00 to 23:00	Christmas Eve, New Year's Eve, Good Friday and Saturday before Easter Sunday

To:

06:00 to 00:00 (midnight)	All days
06:00 to 01:00	Non Standard Timings

- (ii) EXTEND the Opening Hours from 07:00 to 22:00 (Every day) to 06:00 to 00:00 (midnight) to 06:00 to 00:00 (midnight) (All days) with an extra hour on the terminal hour for non-standard timings.
- (iii) GRANT the hours of licensable activity in respect of Late Night Refreshment (Indoors) from 23:00 to 00:00 (midnight) (Every day) with an extra hour on the terminal hour for non-standard timings.

On the basis of the representations of the applicant and her representative and other persons, the Sub-Committee found the following facts to be established:

- (i) That despite the concerns raised by the applicant's representative about whether Dover Town Council was able to act as an Other Person for the purposes of the Licensing Act 2003, the Sub-Committee considered that the representation from Dover Town Council had been accepted by the Licensing Authority and therefore it had no power to disregard it.
- (ii) That there was no evidence to link alcohol related crime and disorder in Dover town directly to the premises.

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

- (i) The Licensing Act 2003 and in particular section 35 and the Guidance given under section 182 of the Act.
- (ii) The Dover District Council Licensing Policy.
- (iii) Article 6 of the Human Rights Act (Right to a Fair Trial).
- (iv) Section 17 of the Crime and Disorder Act 1998 (Duty to consider crime and disorder implications).
- (v) The judgement in the case of R. (on the application of Daniel Thwaites PLC) v Wirral Borough Magistrates Court [2008] in which it was held that speculative representations should be disregarded unless supported by previous facts as evidence.

RESOLVED: That the application for a variation in the premises licence of Dover Convenience Store, 24 Market Square, Dover, Kent CT16 1NG:

- (i) GRANT a variation to extend the hours of licensable activities in respect of the supply of alcohol (for consumption on and off the premises) from:

06:00 to 00:00 (midnight)	All Days
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- (ii) REFUSE to extend by an extra hour the terminal hour for non-standard timings in respect of the supply of alcohol (for consumption on and off the premises).

(iii) GRANT the premises licence for the hours of licensable activity in respect of Late Night Refreshment (Indoors) from:

23:00 to 00:00 (midnight)	All Days
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(iv) REFUSE to extend by an extra hour the terminal hour for non-standard timings in respect of Late Night Refreshment (Indoors).

(v) GRANT a variation to the Opening Hours from:

06:00 to 00:00 (midnight)	All Days
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Subject to the conditions already in existence on the premises licence

The meeting ended at 10.45 am.