



Democratic Services
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19 November 2013

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **LICENSING SUB-COMMITTEE** will be held in the Council Chamber at these Offices on Wednesday 27 November 2013 at 10.00 am when the following business will be transacted.

Members of the public who require further information are asked to contact Rebecca Brough on (01304) 872305 or by e-mail at rebecca.brough@dover.gov.uk.

Yours sincerely

Chief Executive

Licensing Sub-Committee Membership:

Councillor P M Beresford (Chairman)
Councillor M J Ovenden
Councillor J M Smith

This Licensing Authority will only allow licensing decisions to be taken by a minimum of three Councillors. In the event of one Member being unable to attend, their place will be substituted by another Member taken from the membership of the Licensing Committee. Any such substitution will be declared at the beginning of the hearing.

AGENDA

1 **APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointment 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 **LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF BLIND ILLUSIONS, 160-162 HIGH STREET, DEAL CT14 6BG** (Pages 6 - 69)

The Sub-Committee is requested to determine the application.

Applicant: Jeffrey M Lenham and Gary C Lahr

The following papers are attached.

- (i) Application
- (ii) Map of area
- (iii) Representation made by Mr Kneale
- (iv) Correspondence from applicants
- (v) Statement of Policy and Principles

The procedure to be followed by the Sub-Committee is attached to this 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 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) 872305 or email: rebecca.brough@dover.gov.uk for details.

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

DOVER DISTRICT COUNCIL
LICENSING ACT 2003

PROCEDURE FOR HEARINGS BEFORE LICENSING SUB-COMMITTEE

Regulation 23 requires that a hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that it is required.

Introductions and Preliminaries

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|----|---|--|
| 1. | Sub-Committee Members, officers and all parties present introduced. | Chairman |
| 2. | Sub-Committee Members and officers to declare any interests. | Chairman |
| 3. | Appointment of substitute Members to be declared. | Clerk |
| 4. | Explanation of conduct of hearing – procedure to be read out if necessary – hearing to be in public unless Sub-Committee excludes press and public for all or part of the hearing where it considers that the public interest in so doing outweighs the public interest in the hearing or part of it, taking place in public. The Sub-Committee has the right to exclude any parties disrupting the hearing at the Chairman’s discretion. | Chairman |
| 5. | All parties asked if they consider the hearing still to be necessary. | Chairman |
| 6. | All parties asked if they wish any witnesses to be present and speak. | Chairman |
| 6A | Sub-Committee considers requests for witness or other persons to appear at the hearing. | Members |
| 7. | Licensing Team Leader to confirm following documents have been sent to all parties : Notice of Hearing (Reg 6)
Information to accompany notice of hearing (Reg 7)
Report of Licensing Team Leader
Copies of all relevant representations
Copy of this procedure
All parties asked to confirm receipt of above documents. | Licensing
Team Leader

Chairman |
| 8. | All parties given opportunity to withdraw representations. | Chairman |
| 9. | All parties asked if they wish to introduce new documentary or other evidence. All parties must agree to any new evidence being considered. | Chairman |

Hearing

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|-----|---|--------------------------|
| 10. | Licensing Team Leader’s report presented and read out if necessary. | Licensing
Team Leader |
| 11. | Members to ask relevant questions of the Licensing Team Leader. | Members |
| 12. | Any party, including the Legal Adviser, may ask the Chairman to put questions to the Licensing Team Leader on their behalf. | Chairman and
All |

- | | | |
|----------------------|--|---|
| 13. | Responsible Authorities make relevant representations, introduce evidence (if any) and call witnesses (if any are present). If not present at the hearing, the written representation introduced by the Chairman. | Responsible Authorities

Chairman |
| 14. | Members to ask relevant questions of Responsible Authorities and any of their witnesses.
Any party, including the Legal Adviser and Licensing Team Leader, may ask the Chairman to put questions to the Responsible Authorities on their behalf. | Members

All |
| 15. | Other Parties make relevant representations. <i>If not present at the hearing, representations introduced by Chairman.</i> | Other Parties |
| 16. | Members to ask relevant questions of Interested Parties and any of their witnesses or representatives.
Any party, including the Legal Adviser and Licensing Team Leader, may ask the Chairman to put questions to the Interested Parties, their witnesses or representatives on their behalf. | Members

All |
| 17. | The Applicant/Applicant's representative to be asked if they understand the nature of the representations made against them and to make their case as to how they believe their application satisfies the Licensing Objectives. | Chairman |
| 18. | Applicant/Applicant's representative makes their case and asks any of their witnesses who have been given permission to speak. <i>If not present at the hearing, representations introduced by Chairman.</i> | Applicant |
| 19. | Members to ask relevant questions of the Applicant and any of their witnesses or representatives.
Any party, including the Legal Adviser and Licensing Team Leader, may ask the Chairman to put questions to the Applicant, their witnesses or representatives on their behalf. | Members

All |
| 20. | Applicant invited to make closing statement. | Chairman |
| 21. | Closing statement. | Applicant |
| Determination | | |
| 22. | Sub Committee may withdraw to make its determination and may be accompanied by the Legal Adviser and Clerk if it so requests. | Members |
| 23. | At the conclusion of its deliberations the Sub-Committee returns to the meeting and the Legal Adviser summarises the advice which he/she has given to the Sub-Committee. Parties may comment on the advice given which will then be confirmed or amended as appropriate. | Legal Adviser |
| 24. | Sub-Committee's determination and any conditions to be attached to licence are announced. Parties advised of appeal process and review process and invited to contact the Licensing Team Leader for further information. Hearing concludes. | Chairman |