

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 27 November 2013 at 10.00 am.

Present:

Sub-Committee:

Chairman: Councillor P M Beresford

Councillors: M J Ovenden  
J M Smith

Officers:

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

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2013/007).

17 APOLOGIES FOR ABSENCE

There were no apologies for absence.

18 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

19 DECLARATIONS OF INTEREST

There were no declarations of interest from Members.

20 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF BLIND ILLUSIONS, 160-162 HIGH STREET, DEAL CT14 6BG

The Sub-Committee considered an application from Mr J M Lenham and Mr G C Lahr, in respect of Blind Illusions, 160-162 High St, Deal, Kent CT14 6BG for the grant of a new premises licence under section 17 Licensing Act 2003 to permit the supply of alcohol for consumption on and off the premises and the provision of recorded music (indoors).

On the basis of the representations and agreed suggested conditions submitted by the applicant, the responsible authorities and other persons, the Sub-Committee found the following facts to be established:

- (i) Permission to place tables and chairs on the public highway in accordance with the plans produced by the applicant would require separate licensing and planning permission and was not covered by the grant of this premises licence.

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

- (i) The Licensing Act 2003 and in particular 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 Daniel Thwaites PLC V Wirral 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 premise licence for the Blind Illusions, 160-162 High St, Deal, Kent CT14 6BG be granted as follows:

- (i) GRANT the premises licence for the Supply of Alcohol (for consumption on and off the premises) from:

10:00 to 21:30	Sunday
07:00 to 21:30	Monday to Saturday

- (ii) GRANT the premises licence for Recorded Music (Indoors) from:

10:00 to 22:00	Sunday
07:00 to 22:00	Monday to Saturday

- (iii) GRANT the premises licence for Opening Hours from:

10:00 to 22:00	Sunday
07:00 to 22:00	Monday to Saturday

The meeting ended at 10.25 am.