

# Public Document Pack



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16 May 2014

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **LICENSING COMMITTEE** will be held in the Council Chamber at these Offices on Tuesday 27 May 2014 at 5.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Jemma Duffield on (01304) 872305 or by e-mail at [jemma.duffield@dover.gov.uk](mailto:jemma.duffield@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 P M Beresford  
Councillor B W Butcher  
Councillor B Gardner  
Councillor P S Le Chevalier  
Councillor S M Le Chevalier  
Councillor S C Manion  
Councillor S R Nicholas  
Councillor M J Ovenden

Councillor A S Pollitt  
Councillor M A Russell  
Councillor A R Smith  
Councillor C J Smith  
Councillor J M Smith  
Councillor R J Thompson  
Councillor J F Tranter

## AGENDA

### 1 **ELECTION OF A CHAIRMAN**

To elect a Chairman of the Committee for the ensuing Council year.

### 2 **APPOINTMENT OF A VICE-CHAIRMAN**

To appoint a Vice-Chairman of the Committee for the ensuing Council year.

### 3 **APOLOGIES**

To receive any apologies for absence.

4 **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.

Where a Member does not have either a Disclosable Pecuniary Interest (DPI) or Other Significant Interest (OSI) but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a Voluntary Announcement of Other Interests (VAOI). A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

5 **MINUTES** (Pages 4 - 5)

To confirm the attached Minutes of the meeting of the Committee held on 27 November 2013.

6 **MINUTES OF SUB-COMMITTEE MEETINGS** (Pages 6 - 26)

To receive the attached Minutes of the meetings of the Licensing Sub-Committees

on 13 August 2013, 23 September 2013, 7 November 2013, 21 November 2013, 27 November 2013, 11 December 2013, 11 December 2013. The Minutes of the meeting held on 6 May 2014 (to follow).

7 **LICENSING ACT 2003 AND GAMBLING ACT 2005 - APPOINTMENT OF LICENSING SUB-COMMITTEES AND CHAIRMEN OF SUB-COMMITTEES**  
(Pages 27 - 28)

To consider the attached report of the Director of Governance.

**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 Jemma Duffield, Democratic Support Officer, telephone: (01304) 872305 or email: [jemma.duffield@dover.gov.uk](mailto:jemma.duffield@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 Wednesday, 27 November 2013 at 4.30 pm.

Present:

Chairman: Councillor B W Butcher

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

Officers: Senior Solicitor  
Team Leader – Democratic Support

354 APOLOGIES

Apologies for absence were received from Councillors S M Le Chevalier and S R Nicholas.

355 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

356 MINUTES

The Minutes of the meeting of the Committee held on 13 June 2013 were approved as a correct record and signed by the Chairman.

357 FEES AND CHARGES 2014/15

Members received 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.

RESOLVED: (a) That the Fees and Charges for 2014/15 as set out in Annex 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 as a general principle, unless the fee is set by statute, licensing fees be set on a cost recovery basis.
- (d) That the Head of Regulatory Services be authorised to adopt fees at, or close to government directed levels without the need for further reporting, in cases where the Council is awaiting for Government guidance and it has not been possible to set a fee level at this stage.
- (e) That authority to make minor adjustments to the fees and charges be delegated to the Director of Governance in consultation with the Director of Finance, Housing and Community.

The meeting ended at 4.33 pm.

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 13 August 2013 at 9.37 am.

Present:

Sub-Committee:

Chairman: Councillor B W Butcher

Councillors: S R Nicholas  
J M Smith

Officers:

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

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2013/003).

1 APOLOGIES FOR ABSENCE

There were no apologies for absence received from members.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members.

3 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

4 LICENSING ACT 2003 - APPLICATION FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF WALMER CASTLE PUBLIC HOUSE, 4 SOUTH STREET, DEAL CT14 7AW

The Sub-Committee considered an application for a variation of an existing premises licence from the applicant, Mr B Carrick, in respect of an existing premises licence for the Walmer Castle Public House, 4 South Street, Deal, Kent CT14 7AW.

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

- (a) EXTEND the terminal hour for the use of the garden from 22:00 hours (Sunday to Wednesday) and 23:00 hours (Thursday to Saturday) to 'midnight' 00:00 hours (Monday to Sunday).
- (b) EXTEND the hours of licensable activities in respect of the supply of alcohol (for consumption on and off the premises) from 07:30 to 01:00 hours (Thursdays) to 07:30 to 02:00 hours (Thursdays).
- (c) EXTEND the hours the premises is open to the public from 07:30 to 01:30 hours (Thursdays) to 07:30 to 02:30 hours (Thursdays).

- (d) REPLACE condition (ii) of the conditions imposed following a Review of the premises licence on 20 January 2011 which currently states:

"From 20:00 hours until close of trading on Thursday, Friday and Saturday evenings or whenever there is live entertainment, there shall be at least one door supervisor on duty at the front entrance to the premises to control ingress and egress of patrons to and from the premises. The door supervisor shall be a person other than the licence holder, and shall be a professionally qualified and experienced SIA registered door supervisor capable of ensuring the promotion of the four licensing objectives, in particular the prevention of crime and disorder objective."

With the following new condition:

"From 22:00 hours until close of trading on Thursday, Friday and Saturday evenings, there shall be at least one door supervisor on duty at the front entrance to the premises to control ingress and egress of patrons to and from the premises".

- (e) REPLACE condition (iii) of the conditions imposed with following a Review of the premises licence on 20 January 2011 which currently states:

"A member of staff shall be positioned in the garden area to control the noise of patrons in the garden between 22:00 hours and 23:00 hours and shall direct customers who continue to create noise nuisance into the building as soon as practicable".

With the following new condition:

"A member of staff shall be positioned in the garden area to control the noise of patrons in the garden between 22.00 hours and close of the garden and shall direct customers who continue to create noise nuisance into the building as soon as practicable".

- (f) REPLACE condition (iv) of the conditions imposed following a Review of the premises licence on 20 January 2011 which currently states:

"From 20.00 hours until close of trading on Thursday, Friday and Saturday evenings or whenever there is live entertainment all drinks, including drinks from bottles will be served in Polycarbonate or similar "glassware".

With the following new condition:

"From 22.00 hours until the close of trading on Thursday, Friday and Saturday if there is live entertainment all drinks, including drinks from bottles will be served in Polycarbonate or similar "glassware".

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

- (i) That the Sub-Committee was only able to consider the application to vary the premises licence and could not amend the existing premises licence except in the context of the variation.

- (ii) That the conditions applied by the Licensing Sub-Committee at its meeting held on 20 November 2011 (NOD/004/2011) had proven to be effective given the lack of objections from Environmental Health or Kent Police.
- (iii) That the surrounding area of Blenheim Road and Wellington Road was predominantly residential.
- (iv) That the Walmer Castle Public House was primarily a late night venue.
- (v) That on nights when the Walmer Castle Public House had live entertainment present, customers were more lively and therefore at a greater risk in respect of glassware than on nights where there was no live entertainment present.

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

- (i) The Council's statement of licensing policy.
- (ii) The case of Daniel Thwaites PLC -v- Wirral BC.

RESOLVED: That the application for a variation in the premises licence of Walmer Castle Public House, 4 South Street, Deal, Kent CT14 7AW be determined as follows:

- (a) REFUSE to extend the terminal hour for the supply of alcohol (for consumption on and off the premises) by one hour on Thursdays from 01:00 to 02:00 and to REFUSE to extend the terminal hour the premises was open to the public for one hour on Thursdays from 01:30 to 02:30 on the grounds that on balance the Committee did not feel that it was an appropriate measure consistent with the licensing objectives of preventing crime and disorder and preventing nuisance given that for many of the residents in the surrounding area Friday was still a working/school day.
- (b) REFUSE to extend the terminal hours for use of the garden to midnight (00:00 hours) on the same grounds as (a) above.
- (c) GRANT a variation to condition (ii) of the conditions imposed following a Review of the premises licence on 20 January 2011, subject to a condition being imposed in respect of the retention of an SIA registered door supervisor in pursuit of the promotion of all four licensing objectives as follows:

"From 22:00 hours until close of trading on Thursday, Friday and Saturday evenings, there shall be at least one door supervisor on duty at the front entrance to the premises to control ingress and egress of patrons to and from the premises. The door supervisor shall be a person other than the licence holder, and shall be a professionally qualified and experienced SIA



registered door supervisor capable of ensuring the promotion of the four licensing objectives, in particular the prevention of crime and disorder objective."

- (d) REFUSE to vary condition (iii) of the conditions imposed following a Review of the premises licence on 20 January 2011 as it becomes irrelevant given the decision to refuse to change the terminal hours for the use of the garden.
- (e) GRANT the variation to condition (iv) of the conditions imposed following a Review of the premises licence on 20 January 2011. subject to a condition in respect of live entertainment in pursuit of the public safety licensing objective as follows:

"From 22:00 hours until the close of trading on Thursday, Friday and Saturday or any other day where live entertainment is present all drinks, including drinks from bottles will be served in Polycarbonate or similar "glassware".

The meeting ended at 11.07 am.

# Public Document Pack

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Monday, 23 September 2013 at 9.31 am.

Present:

Sub-Committee:

Chairman: Councillor B W Butcher

Councillors: J A Cronk  
M J Ovenden

Officers:

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

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2013/004).

5 APOLOGIES FOR ABSENCE

There were no apologies for absence received from Members.

6 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members.

7 DECLARATIONS OF INTEREST

Councillor M J Ovenden declared that a third party who was speaking on behalf of an Other Party was known to her and that following advice from the Senior Solicitor she withdrew from the meeting.

The Chairman, in the absence of contrary representations from any parties present, announced the intention of the Sub-Committee to continue with the meeting.

8 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCES IN RESPECT OF MARLEY BROOKS WEDDINGS AND EVENTS, MARLEY BROOKS, STOURMOUTH ROAD, PRESTON CT3 1HP

The Sub-Committee considered an application for a new premises licence under Section 17 of the Licensing Act from the applicants Mr Kris Saxby and Mrs Janie Saxby, in respect of Marley Brooks Weddings and Events, Marley Brooks, Stourmouth Road, Preston, CT3 1HP.

The application was for:

(a) Supply of Alcohol (for consumption on and off the premises)

Monday to Sunday	11.00 to 23.30
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(b) Live Music (indoors, with or without amplification)

Monday to Sunday	12.00 to 23.30
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(c) Recorded Music (indoors and outside)

Monday to Sunday	12.00 to 23.30
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(d) Late Night Refreshment

Monday to Sunday	23.00 to 23.30
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(e) Opening Hours for guests

Monday to Sunday	The premises will be open to guests of any wedding or event organised at the premises between 11.00 and 24.00 hours
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On the basis of the representations of the applicant, the responsible authorities and other persons, the Sub-Committee found the following facts to be established:

- (i) That the roads in the vicinity of Stourmouth Road were unlit and not suitable for pedestrians;
- (ii) That the marquee was acoustically transparent;
- (iii) That the applicant and the Environmental Health Officer were in agreement that should the application be granted a further 8 conditions be applied.

In reaching its findings, 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 vs Wirral BC which emphasised that speculative representations may be disregarded unless supported by relevant material in support of such representations.

RESOLVED: That in accordance with the Notice of Determination (NOD/2013/004) the application for the a new premises licence in respect of Marley Brooks Weddings and Events, Marley Brooks, Stourmouth Road, Preston, CT3 1HP be approved as follows:

- (i) GRANT the premises licence for the SUPPLY OF ALCOHOL (for consumption on and off the premises) Monday to Sunday 11.00 hours to 23.30 hours.
- (ii) GRANT the premises licence for LIVE MUSIC and for RECORDED MUSIC (indoors, with or without amplification) Monday to Sunday 12.00 hours to 23.30 hours.
- (iii) GRANT the premises licence for LIVE MUSIC and for RECORDED MUSIC (outside, with or without amplification) Monday to Sunday 12.00 to 18.00 hours.
- (iv) GRANT the premises licence for LATE NIGHT REFRESHMENT Monday to Sunday 23.00 hours to 23.30 hours.
- (v) GRANT the premises licence for the OPENING HOURS FOR GUESTS – the premises will be open to guests of any wedding or event organised at the premises, Monday to Sunday 11.00 hours and 24.00 hours.
- (vi) The premises licence holder will manage events in accordance with the Event Management and Dispersal Policy dated 19 August 2013. The licence holder shall update the local Licensing Authority in writing (if changes are made) on a yearly basis.
- (vii) Notices shall be displayed in prominent positions at main exits to remind customers to respect any residential neighbours and keep noise to a minimum. The notices shall be maintained to ensure they are visible both night and day at all times.
- (viii) During licensed regulated entertainment all speakers playing internal live and recorded music shall be pointed into the middle of the activity area within the planned marquee and positioned away from openings.
- (ix) There shall be no externally sited (in the open air) amplified music (live or recorded) at the site after 18.00 hours.
- (x) During licensed regulated entertainment there shall be one opening to the marquee. This opening shall be used for entrance and exit. A porch area, to limit the escape of noise, shall enclose the opening.
- (xi) During licensed regulated entertainment the premises supervisor shall control the breakout of noise so that during licensed regulated entertainment in the form of live/recorded/karaoke music events,

noise from music is not audible at the façade of the nearest residential property.

- (xii) Deliveries and collections of materials in relation to licensed events shall only occur at the site between the hours of 08.00 hours to 18.00 hours Monday to Saturday, 09.00 hours to 13.00 hours Sunday and Bank Holidays. Deliveries shall only be made by Light Goods Vehicles (in reference to the Department for Transport guidance on vehicle type).
- (xiii) External lighting at the site in relation to licensed activity shall be positioned to avoid over-lighting of other property. All lighting shall be set to light below the horizon level.
- (xiv) A traffic marshal shall be located at the junction with the public highway to assist the safe control of vehicles entering and leaving the licensed premises during the licensed events.
- (xv) During the playing of live or recorded music, a noise limiter with cut-out device shall be fitted and in-use to ensure compliance with Condition (xi) above, in accordance with Environmental Health guidelines.
- (xvi) The maximum number of attendees at any single event shall not exceed 200 persons.

The meeting ended at 10.58 am.

# Public Document Pack

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Thursday, 7 November 2013 at 10.21 am.

Present:

Sub-Committee:

Chairman: Councillor B W Butcher

Councillors: S R Nicholas  
J M Smith

Officers:

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

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2013/005).

9 APOLOGIES FOR ABSENCE

There were no apologies for absence.

10 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members.

11 DECLARATIONS OF INTEREST

There were no declarations of interest from members.

12 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCES IN RESPECT OF: THE LIGHTHOUSE, 50 THE STRAND, WALMER CT14 7DX

The Sub-Committee considered an application from Mrs N Hatton, in respect of the Lighthouse, 50 The Strand, Walmer, Kent CT14 7DX 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.

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:

- (a) That the issue of planning permission was a matter for the planning authority and not the Licensing Committee.
- (b) That any noise complaints relating to the previous use of the premises before its closure were not relevant to the current application in keeping with the principles of Daniel Thwaites PLC v Wirral Borough Magistrates Court 2008.

- (c) That conditions offered by the applicants following discussions with Environmental Health were sufficient to mitigate any noise issues.

The Sub-Committee by reason of the objection of the applicant refused to accept additional documentary evidence submitted at the meeting by Mrs S Upton in relation to planning permission for the premises in accordance with Section 18 of the Licensing Act 2003 (Hearing) Regulations 2005.

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

- (a) The comments of Environmental Health in respect of noise.
- (b) The Licensing Act 2003 and in particular the guidance given under Section 182 of the Act.
- (c) The Dover District Council Licensing Policy.
- (d) Article 6 of the Human Rights Act (Right to a fair trial).
- (e) Section 17 of the Crime and Disorder Act 1998 (Duty to consider crime and disorder implications).
- (f) 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 Lighthouse, 50 The Strand, Walmer, Kent CT14 be granted as follows:

- (a) GRANT the premises licence for the Supply of Alcohol for Consumption On and Off the Premises from:

11:00 to 23:00	Sunday to Wednesday
11:00 to 00:00 (midnight)	Thursday
11:00 to 01:00	Friday to Saturday
11:00 to 02:00	New Years Eve, Bank Holidays and Public Holidays, Christmas Eve, Sundays immediately preceding Bank Holiday Mondays and Easter Monday, Maundy Thursday

- (b) GRANT the premises licence for the Performance of Plays (indoors) from:

08:00 to 23:00	Sunday to Wednesday
08:00 to 00:00 (midnight)	Thursday to Saturday
08:00 to 02:00	New Year's Eve
08:00 to 00:00 (midnight)	Bank Holidays and Public Holidays, Christmas Eve, Sundays immediately preceding Bank Holiday Mondays and Easter Monday, Maundy Thursday

- (c) GRANT the premises licence for the Exhibition of Films (indoors) from:

12:00 to 23:00	Sunday to Wednesday
12:00 to 00:00 (midnight)	Thursday to Saturday
12:00 to 02:00	New Years Eve, Bank Holidays and Public Holidays, Christmas Eve, Sundays immediately preceding Bank Holiday Mondays and Easter Monday, Maundy Thursday

- (d) GRANT the premises licence for Live Music (indoors) from:

10:00 to 00:00 (midnight)	Monday to Sunday
10:00 to 02:00	New Year's Eve

- (e) GRANT the premises licence for Recorded Music (indoors) from:

08:00 to 00:00 (midnight)	Sunday to Wednesday
08:00 to 01:00	Thursday
08:00 to 02:00	Friday and Saturday
08:00 to 02:00	New Years Eve, Bank Holidays and Public Holidays, Christmas Eve, Sundays immediately preceding Bank Holiday Mondays and Easter Monday, Maundy Thursday

- (f) GRANT the premises licence for Performance of Dance (indoors) from:

12:00 to 23:00	Sunday to Wednesday
12:00 to 00:00 (midnight)	Thursday to Saturday
12:00 to 02:00	New Year's Eve
12:00 to 00:00 (midnight)	Bank Holidays and Public Holidays, Christmas Eve, Sundays immediately preceding Bank Holiday Mondays and Easter Monday, Maundy Thursday

- (g) GRANT the premises licence for Late Night Refreshment from:

23:00 to 00:00 (midnight)	Sunday to Wednesday
23:00 to 01:00	Thursday
23:00 to 02:00	Friday and Saturday
23:00 to 02:00	New Year's Eve, Bank Holidays and Public Holidays, Christmas Eve, Sundays immediately preceding Bank Holiday Mondays



	and Easter Monday, Maundy Thursday
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(h) GRANT the premises licence for Opening Hours from:

08:00 to 00:00 (midnight)	Sunday to Wednesday
08:00 to 01:00	Thursday
08:00 to 02:00	Friday to Saturday
08:00 to 03:00	New Year's Eve, Bank Holidays and Public Holidays, Christmas Eve
08:00 to 02:00	Sunday's immediately preceding Bank Holiday Mondays and Easter Monday, Maundy Thursday

The meeting ended at 12.04 pm.

# Public Document Pack

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Thursday, 21 November 2013 at 10.00 am.

Present:

Sub-Committee:

Chairman: Councillor B W Butcher

Councillors: B Gardner  
C J Smith

Officers:

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

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2013/006).

13 APOLOGIES FOR ABSENCE

There were no apologies for absence.

14 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

15 DECLARATIONS OF INTEREST

There were no declarations of interest from members.

16 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF WEST STREET PREMIER STORE, 15 WEST STREET, DOVER, KENT CT17 0DU

The Sub-Committee considered an application from Mr Selavanathan Jeyathas and Mrs Prabalini Jeyathas, in respect of West Street Premier Store, 15 West Street, Dover, Kent CT17 0DU for the grant of a new premises licence under section 17 Licensing Act 2003 to supply alcohol for consumption off the premises.

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) That the Dover Designated Dispersal Area (DDDA) had no relevance to an application for a new premises licence as it would be speculative in the absence of any evidential history to conclude that the premises would breach one of the licensing objectives. In any event, it was noted that the DDDA did not extend to the area in which the premises was situated.

- (ii) That the applicant would be happy to accept the four conditions agreed with Kent Police and a further condition relating to CCTV.

The Sub-Committee by reason of the objection of the applicant refused to accept additional documentary evidence that Ms A Burton requested be considered in relation to the Dover Designated Dispersal Area in accordance with Section 18 of the Licensing Act 2003 (Hearing) Regulations 2005.

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 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 premise licence for the West Street Premier Store, 15 West Street, Dover, Kent CT17 0DU be granted as follows:

- (a) GRANT the premises licence for the supply of alcohol for consumption off the premises from 06:00 to 23:00 (Monday to Sunday).
- (b) GRANT the Opening hours from 06:00 to 23:00 (Monday to Sunday).
- (c) That signage would be displayed informing customers that alcohol would not be sold to drunk persons.
- (d) The premise operates a zero tolerance towards disorderly behaviour.
- (e) Spirits would only be displayed behind the service counter.
- (f) Staff would be trained in responsible sale of alcohol and records of this would be maintained.
- (g) CCTV must be installed on the premises and maintained in good working order. Recorded media must be retained for a minimum of 30 days and made available upon request to police and licensing authority officers.

The meeting ended at 11.08 am.

# Public Document Pack

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.

# Public Document Pack

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.



# Public Document Pack

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 11 December 2013 at 2.00 pm.

Present:

Sub-Committee:

Chairman: Councillor A R Smith

Councillors: M J Ovenden  
P Walker

Officers:

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

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2013/009).

25 APOLOGIES FOR ABSENCE

There were no apologies for absence.

26 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

27 DECLARATIONS OF INTEREST

There were no declarations of interest from Members.

28 LICENSING ACT 2003 - APPLICATION FOR GRANT OF A PREMISES LICENCE IN RESPECT OF KT CONVENIENCE STORE, 9 HIGH STREET, DEAL, KENT CT14 7AA

The Sub-Committee considered an application from Mr K Amirthalingam in respect of the KT Convenience Store, 9 High Street, Deal, Kent CT14 7AA for the grant of a new premises licence under Section 17 of the Licensing Act 2003, to permit the supply of alcohol for consumption off the premises and the opening hours.

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

- (i) That, following representations, the applicant had worked flexibly with the Licensing Authority and this had resulted in two amendments being made to the terminal opening hour as originally submitted.
- (ii) That the applicant's representative stated that the applicant had co-operated with the Police who were satisfied with the additional measures the applicant had taken in relation to CCTV systems at the premises.

- (iii) That the concerns relating to anti-social behaviour and crime and disorder raised by other persons were not linked directly to the proposed operations of the premises.
- (iv) The Sub-Committee had regard to the fact that the Police had not made representations, and had submitted no evidence relating to potential problems regarding crime and disorder.

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

- (i) The Licensing Act 2003 and in particular Section 18 and the guidance given under Section 182.
- (ii) The Dover District Council Licensing Policy.
- (iii) Article 6 of the Human Rights Act 1998 (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 premises licence for the KT Convenience Store, 9 High Street, Deal, Kent CT14 7AA be granted as follows:

- (a) GRANT the premises licence for the Supply of Alcohol (for consumption off the premises) from:

Every Day including Sundays and Public Holidays	09:00 to 22:00 hours
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- (b) GRANT the hours the premises is open to the public from:

Every Day including Sundays and Public Holidays	09:00 to 22:00 hours
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Subject to conditions consistent with the operating schedule.

The meeting ended at 2.25 pm.

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**Subject:** LICENSING ACT 2003 AND GAMBLING ACT 2005 – APPOINTMENT OF LICENSING SUB-COMMITTEES AND CHAIRMEN OF SUB-COMMITTEES

**Meeting and Date:** Licensing Committee – 27 May 2014

**Report of:** David Randall – Director of Governance

**Classification:** UNRESTRICTED

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**Purpose of the report:** To appoint Licensing Sub-Committees to hear applications for licences, variation of licences and applications for review of licences.

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**Recommendation:** That the Licensing Committee appoints 5 Sub-Committees together with a Chairman for each Sub-Committee for the ensuing municipal year 2014/15.

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**1. Summary**

The Licensing Act 2003 makes provision for the establishment by the Licensing Committee of Sub-Committees consisting of 3 Members to discharge its functions.

**2. Introduction and Background**

2.1 As in previous years and in accordance with the Licensing Act 2003 and the Gambling Act 2005 this Council, as the Licensing Authority, is required to appoint Sub-Committees to hear applications for licences, variation of licences and applications for review of licences. As the Licensing Committee is composed of 15 Members, this requires the establishment of 5 Sub-Committees.

2.2 The Sub-Committees have been set up in such a way as to ensure that licence applications are not considered by Members representing the Ward in question and thereby to avoid any conflict of interests. In addition, married couples will not be appointed to serve on the same Sub-Committee in accordance with advice previously given.

2.3 In the year 2013/14 the 5 Sub-Committees were as follows:

A	B W Butcher (CH)	S C Manion	M A Russell
B	P M Beresford (CH)	S R Nicholas	J M Smith
C	M J Ovenden	A R Smith (CH)	P Walker
D	B Gardner	P S Le Chevalier (CH)	C J Smith
E	J A Cronk	S M Le Chevalier (CH)	R J Thompson

2.4 In forming the Sub-Committees it should be noted that political balance requirements do not apply. It is not recommended that any changes be made to the composition of Sub-Committees for 2014/15.

2.5

A	B W Butcher	S C Manion	M A Russell
B	P M Beresford	S R Nicholas	J M Smith
C	M J Ovenden	A R Smith	J F Tranter
D	B Gardner	P S Le Chevalier	C J Smith
E	A S Pollitt	S M Le Chevalier	R J Thompson

2.6 There have been no suggestions for Sub-Committee Chairmanships made as part of this report and this is a matter for the Licensing Committee to determine. However, the proposed Sub-Committees would still enable the same Sub-Committee Chairmen to be retained if that was the preference of the Licensing Committee.

### 3. **Identification of Options**

3.1 The appointment of Sub-Committees by the Licensing Committee provides for the efficient and effective discharge of its functions. This is the recommended option.

### 4. **Resource Implications**

There are no resource implications arising from this report.

### 5. **Background Papers**

None.

Contact Officer: Jemma Duffield – Democratic Support Officer