

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 6 May 2014 at 10.05 am.

Present:

Sub-Committee:

Chairman: Councillor B W Butcher

Councillors: S R Nicholas  
R J Thompson

Officers:

Legal Adviser: Senior Solicitor  
Licensing Officer: Licensing Enforcement Officer  
Administrator: Democratic Support Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/14-010).

29 APOLOGIES FOR ABSENCE

There were no apologies for absence.

30 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

31 DECLARATIONS OF INTEREST

There were no declarations of interest from Members.

32 LICENSING ACT 2003 - APPLICATION FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF: HOLE IN THE ROOF, 42 - 44 QUEEN STREET, DEAL

The Sub-Committee considered an application for a variation of an existing premises licence from the applicant, Punch Taverns Plc, for the Hole in the Roof, 42-44 Queen Street, Deal.

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

- (a) EXTEND the hours of licensable activities in respect of the supply of alcohol (for consumption on and off the premises) from 10:00 to 00:00 (Friday) and from 10:00 to 01:00 (Saturday) to 10:00 to 02:00 the day following (Friday) and 10:00 to 02:30 the day following (Saturday).
- (b) EXTEND the hours for Live Music and Recorded Music from 10:00 to 01:00 the day following (Friday) and 10:00 to 01:00 the day following (Saturday) to 10:00 to 02:00 the day following (Friday) and 10:00 to 02:30 the day following (Saturday).

- (c) EXTEND the hours the premises are open to the public from 07:00 to 00:30 the day following (Friday) and 07:00 to 01:30 the day following (Saturday) TO 07:00 to 02:30 the day following (Friday) to 07:00 to 03:00 the day following (Saturday).

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

- (i) There had been no representations made by any of the Responsible Authorities, including the Police.
- (ii) The Sub-Committee did not accept the view put forward by Mrs N Rushworth that the Police had wanted to make representations but had not been consulted by the Licensing Authority. They accepted that the Police had been consulted in the normal manner.
- (iii) There was no evidence to establish exactly where the noise and anti-social behaviour experienced by the other persons was coming from and therefore any such behaviour could not be linked directly with the operation of the premises.
- (iv) There had been nine TENs given in the period between 28 January 2014 and 20 April 2014. No objection notices were served by the Police or Environmental Health and there had been no complaints received by the Licensing Team during the events.

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

- (i) Sections 34 & 35 Licensing Act 2003, which deal with applications for variation and determination of such applications.
- (ii) The guidance issued under s.182 Licensing Act 2003, and in particular paragraphs 2.24 and 2.40.
- (iii) The judgement in the case of R. (on the application of Daniel Thwaites PLC) v Wirral Borough Magistrates Court in which it was held that speculative representations should be disregarded unless supported by previous facts as evidence.
- (iv) The Dover District Council Licensing Policy.

**RESOLVED:** That the application for a variation in the premises licence of the Hole in the Roof, 42-44 Queen Street, Deal be determined as follows:

- (a) GRANT the variation to extend the hours of licensable activities in respect of the supply of alcohol (for consumption on and off the premises) to 10:00 to 02:00 the day following (Friday) and 10:00 to 02:30 the day following (Saturday).
- (b) GRANT the variation to extend the hours for Live Music and Recorded Music to 10:00 to 02:00 the day following (Friday) and 10:00 to 02:30 the day following (Saturday).

- (c) GRANT the variation to extend the hours the premises are open to the public to 07:00 to 02:30 the day following (Friday) and 07:00 to 03:00 the day following (Saturday), subject to the following conditions being imposed:
- (i) There will be no new entry or re-entry to the premises after 01:00 on Friday and Saturday night;
  - (ii) From 01:00 until the premises closes, customers will not be permitted to leave from the exit onto Queen Street and will only be allowed to exit from the premises onto West Street on Friday and Saturday nights;
  - (iii) Two door staff must be at the exit onto West Street from 01:00 until the premises closes on Friday and Saturday nights.

The meeting ended at 12.52 pm.