

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Friday, 6 June 2014 at 10.00 am.

Present:

Sub-Committee:

Chairman: Councillor B W Butcher

Councillors: S C Manion
J M Smith

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/2014/001).

33 APOLOGIES FOR ABSENCE

There were no apologies for absence.

34 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

35 DECLARATIONS OF INTEREST

There were no declarations of interest from Members.

36 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF: DEAL SERVICE STATION, 47-51 LONDON ROAD, DEAL

The Sub-Committee considered an application from George Hammond PLC in respect of Deal Service Station, 47-51 London Road, Deal CT14 9TF. The application was for the grant of a new premises licence for a petrol forecourt store to sell alcohol (off the premises), every day from 06.00 to 23.00 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) There had been no representations made by any of the Responsible Authorities, including the Police.
- (ii) That the primary use of the premises would be the convenience store and not the sale of fuel.

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

- (i) Sections 17 and 18 of the Licensing Act 2003, which deal with applications for premises licence and determination of such applications.
- (ii) The guidance issued under s.182 Licensing Act 2003, and in particular paragraphs 5.21 – 5.23.
- (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) Dover District Council Licensing Policy Statement.

RESOLVED: That in accordance with the Notice of Determination (NOD/2014/001) the application for a premises licence for Deal Service Station, 47-51 London Road, Deal, CT14 9TF be approved as follows:

- (i) GRANT the application for the supply of alcohol (for consumption off the premises) every day from 06.00 hours to 23.00 hours subject to conditions consistent with the operating schedule and the following condition imposed by the sub-committee:
- (ii) There shall be no single cans of beer, lager or cider from the premises and no single bottles of beer, lager or cider in vessels of less than 500ml.

REASON: The prevention of public nuisance and the prevention of crime and disorder.

The meeting ended at 10.32 am.