

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Thursday, 28 August 2014 at 11.26 am.

Present:

Sub-Committee:

Chairman: Councillor B W Butcher

Councillors: S C Manion
M A Russell

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/14/003V).

41 APOLOGIES FOR ABSENCE

There were no apologies for absence received from Members.

42 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

43 DECLARATIONS OF INTEREST

There were no declarations of interest received from Members.

44 LICENSING ACT 2003 - APPLICATION FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF DARVELL'S, 1-2 KING STREET, DOVER

The Sub-Committee considered an application from Mr L Ashman in respect of Darvell's, 1-2 King Street, Dover, CT16 1NW. The application was for the variation of the existing premises licence to vary the hours to:

Supply of Alcohol (for consumption on the premises)

Monday	11:00 to 01:00
Tuesday	11:00 to 01:00
Wednesday	11:00 to 01:00
Thursday	11:00 to 01:00
Friday	11:00 to 02:30
Saturday	11:00 to 02:30
Sunday	11:00 to 01:00
Non-standard Timings Christmas and New Year's Eve	11:00 to 02:30

Supply of Alcohol (for consumption off the premises)

Monday	11:00 to 23:00
Tuesday	11:00 to 23:00
Wednesday	11:00 to 23:00
Thursday	11:00 to 23:00
Friday	11:00 to 23:00
Saturday	11:00 to 23:00
Sunday	11:00 to 23:00

Live Music and Recorded Music

Monday	11:00 to 01:00
Tuesday	11:00 to 01:00
Wednesday	11:00 to 01:00
Thursday	11:00 to 01:00
Friday	11:00 to 02:30
Saturday	11:00 to 02:30
Sunday	11:00 to 01:00
Non-standard Timings Christmas and New Year's Eve	11:00 to 02:30

Late Night Refreshment

Monday	23:00 to 01:00
Tuesday	23:00 to 01:00
Wednesday	23:00 to 01:00
Thursday	23:00 to 01:00
Friday	23:00 to 02:30
Saturday	23:00 to 02:30
Sunday	23:00 to 01:00
Non-standard Timings Christmas and New Year's Eve	23:00 to 02:30

Opening Hours

Monday	11:00 to 01:30
Tuesday	11:00 to 01:30
Wednesday	11:00 to 01:30
Thursday	11:00 to 01:30
Friday	11:00 to 03:00
Saturday	11:00 to 03:00
Sunday	11:00 to 01:30
Non-standard Timings Christmas and New Year's Eve	11:00 to 03:00

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) On 3 July 2014 Peter Davison and PC Steve Alexander visited Darvell's and spoke to the applicant, Mr Ashman.
- (ii) The premises had a single glazed façade and did not have the benefit of a lobbied entrance. Mr Davison advised Mr Ashman he would have to manage noise levels in order to prevent any nuisance being caused.
- (iii) Noise officers were called out on the evenings of Friday 18 and Saturday 19 July 2014, on both occasions witnessing music levels from Darvell's which caused a statutory nuisance.
- (iv) On 7 August 2014, the Environmental Protection Team served an abatement notice under s.80 of the Environmental Protection Act 1990 on Mr Ashman and the Designated Premises Supervisor.
- (v) On 13 August 2014 a late Temporary Event Notice (TEN) was submitted for Sunday 24 August 2014 for the sale of alcohol and regulated entertainment from 00:00 – 02:30.
- (vi) On 14 August 2014 an objection was received and a Counter Notice was served.
- (vii) On 27 August 2014, 2 complaints were received regarding noise at an event on Sunday 24 August 2014.
- (viii) Mr Ashman stated that he could not and would not cancel the event on 24 August 2014 because he had already spent money promoting it.

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

- (i) Sections 34 and 35 of the Licensing Act 2003 which deal with applications for variation and determination of such applications.
- (ii) The guidance issued under s.182 Licensing Act 2003.
- (iii) The Dover District Council Statement of Licensing Policy.

RESOLVED: That the application for a variation to the existing premises licence for Darvell's, 1-2 King Street, Dover CT16 1NW be REFUSED.

REASON: The Sub-Committee did not consider that the suggested conditions would be sufficient or appropriate to promote the licensing objectives, particularly in relation to the prevention of nuisance. They were also very concerned that the applicant had demonstrated a disregard for the conditions of his current licence by running an event on 24 August 2014 despite having been served with a Counter Notice to his TEN.

The meeting ended at 12.50 pm.