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22 May 2015

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 2 June 2015 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.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a white background.

Chief Executive

Licensing Committee Membership:

P M Brivio
B W Butcher
D G Cronk
M R Eddy
B Gardner
B Glayzer
D Hannent
L A Keen
P S Le Chevalier
S M Le Chevalier
S C Manion
D P Murphy
M J Ovenden
M Rose
D A Sargent

AGENDA

1 ELECTION OF CHAIRMAN

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

2 **APPOINTMENT OF 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** (Page 4)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

5 **MINUTES** (Page 5)

To confirm the attached Minutes of the meeting of the Committee held on 4 March 2015.

6 **MINUTES OF THE SUB-COMMITTEE MEETINGS** (Pages 6 - 13)

To receive the attached Minutes of the meetings of Licensing Sub-Committees held on 11 March 2015, 16 March 2015 and 24 March 2015.

7 **LICENSING ACT 2003 AND GAMBLING ACT 2005 - APPOINTMENT OF LICENSING SUB-COMMITTEES AND CHAIRMAN OF SUB-COMMITTEES**
(Pages 14 - 15)

To appoint five Sub-Committees of three members each and to appoint a Chairman for each Sub-Committee in accordance with the attached report of the Head of Democratic Services.

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. 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.
- 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 for details.

Large print copies of this agenda can be supplied on request.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered 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.

Other Significant Interest (OSI)

Where a Member is declaring an 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.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or 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 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.

Minutes of the meeting of the **LICENSING COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 4 March 2015 at 5.00 pm.

Present:

Chairman: Councillor P S Le Chevalier

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

Officers: Solicitor to the Council
Team Leader – Democratic Support
Democratic Support Officer

370 APOLOGIES

An apology for absence was received from Councillor S R Nicholas.

371 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

372 MINUTES

The Minutes of the meeting of the Committee held on 26 November 2014 were approved as a correct record and signed by the Chairman.

373 MINUTES OF SUB-COMMITTEE MEETINGS

The Minutes of the meetings of the Licensing Sub-Committees held on 24 November 2014 and 16 January 2015 were received and noted.

The meeting ended at 5.01 pm.

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 11 March 2015 at 2.01 pm.

Present:

Sub-Committee:

Chairman: Councillor A R Smith

Councillors: P M Beresford
R J Thompson

Officers:

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

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2015/002V).

57 APOLOGIES FOR ABSENCE

There were no apologies for absence received from Members.

58 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

59 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

60 LICENSING ACT 2003 - APPLICATION FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF: MARLEY BROOKS WEDDINGS, MARLEY BROOKS, STOURMOUTH ROAD, PRESTON

The Sub-Committee considered an application from Mr K Saxby and Mrs J Saxby in respect of Marley Brooks Weddings, Marley Brooks, Stourmouth Road, Preston, CT3 1HP. The application was for the variation of the existing premises licence to remove a condition which read:

'Events will be limited to 28 per year.'

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

- (i) That following negotiation, agreement had been reached with both other parties and the applicant to limit the number of events to 40 per year.

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

- (i) The Dover District Council Licensing Policy.

(ii) The Licensing Act 2003 and the guidance given under Section 182 of the Act.

RESOLVED: That the application for a variation to the existing premises licence for Marley Brooks Weddings, Marley Brooks, Stourmouth Road, Preston, CT3 1HP be determined as follows:

(i) To amend the current condition so as to read 'Events shall be limited to 40 per calendar year'.

The meeting ended at 2.04 pm.

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Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Monday, 16 March 2015 at 10.03 am.

Present:

Sub-Committee:

Chairman: Councillor B W Butcher

Councillors: S R Nicholas
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/2015/003A).

61 APOLOGIES FOR ABSENCE

There were no apologies for absence received from Members.

62 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no apologies for absence received from Members.

63 DECLARATIONS OF INTEREST

There were no declarations of interest received from Members.

64 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF DER BAR, 152 HIGH STREET, DEAL CT14 6BG

The Sub-Committee considered an application from Mr J Hill-Turner and Mr S Withers in respect of Der Bar, 152 High Street, Deal CT14 6BG. The application was for the grant of a premises licence for:

Supply of Alcohol (for consumption on the premises)

Monday to Thursday	11:00 to 21:30 hrs
Friday to Saturday	11:00 to 22:30 hrs
Sunday	11:00 to 21:30 hrs

Live Music

Monday to Thursday	18:00 to 21:30 hrs
Friday	18:00 to 22:30 hrs
Saturday	12:00 to 22:30 hrs
Sunday	12:00 to 21:30 hrs

Recorded Music

Monday to Thursday	11:00 to 21:30 hrs
Friday to Saturday	11:00 to 22:30 hrs
Sunday	11:00 to 21:30 hrs

On the basis of the representations of the applicant and his representatives and other persons, the Sub-Committee finds the following facts to be established:

- (i) There had been no representations made by any of the Responsible Authorities.
- (ii) That the garden was not included within the application and that the applicant had included a suitable condition to this effect in his operating schedule.

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

- (i) Guidance issued under s.182 Licensing Act 2003.
- (ii) Dover District Council Licensing Policy.
- (iii) Paragraph 12(A) of Schedule 1 to the Licensing Act 2003.

RESOLVED: That the application for a premises licence in respect of Der Bar, 152 High Street, Deal CT14 6BG be determined as follows:

- (i) GRANT the application for a premises licence:

Supply of Alcohol (for consumption on the premises)

Monday to Thursday	11:00 to 21:30 hrs
Friday to Saturday	11:00 to 22:30 hrs
Sunday	11:00 to 21:30 hrs

Live Music

Monday to Thursday	18:00 to 21:30 hrs
Friday	18:00 to 22:30 hrs
Saturday	12:00 to 22:30 hrs
Sunday	12:00 to 21:30 hrs

Recorded Music

Monday to Thursday	11:00 to 21:30 hrs
Friday to Saturday	11:00 to 22:30 hrs
Sunday	11:00 to 21:30 hrs

- (ii) That a suitable receptacle is installed at the entrance of the property to extinguish cigarettes.

The meeting ended at 11.38 am.

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Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 24 March 2015 at 10.00 am.

Present:

Sub-Committee:

Chairman: Councillor P M Beresford

Councillors: B Gardner
M J Ovenden

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/2015/004V).

65 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor S R Nicholas.

66 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor B Gardner was appointed substitute for Councillor S R Nicholas.

67 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

68 LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE FOR MOLLAND HOUSE, MOLLAND LANE, ASH.

The Sub-Committee considered an application from Ms T Marchant in respect of Molland House, Molland Lane, Ash CT3 2JB. The application was for the variation of the existing premises licence to include a new Orangery within the house, and to incorporate an extra area of land in order to provide wedding events in a marquee.

The following hours were proposed:

For the Orangery
Supply of Alcohol (for consumption on the premises)

Every Day	10:00 to 02:00 hrs
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Live Music

Every Day	18:00 to 02:00 hrs
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For the Outdoor area

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

Every Day	12:00 to 00:00 hrs
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Live Music and Recorded Music

Every Day	12:00 to 00:00 hrs
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On the basis of the representations of the applicant and other persons, the Sub-Committee found the following facts to be established:

- (i) There had been complaints made about one event in August 2013 when the entire property had been let out privately for a wedding party. The applicant accepted that there had been problems with loud music on this occasion.
- (ii) The marquee for events would be put up and removed as required and the size would depend on the number of people in the party.
- (iii) Fireworks would not be used for events.

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

- (i) The Licensing Act 2003 and the guidance given under Section 182 of the Act.
- (ii) The Dover District Council Licensing Policy.
- (iii) Section 35 of the Licensing Act which deals with applications for variation to a premises licence.
- (iv) Paragraph 12(A) of Schedule 1 to the Licensing Act 2003.

RESOLVED: That the application for a variation to the existing premise licence for Molland House, Molland Lane, Ash CT3 2JB be determined as follows:

- (i) Grant the variation application for the Orangery/Indoor areas as applied for.
- (ii) Grant the variation application in respect of the outdoor area as follows:

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

Every Day	12:00 to 23:00 hrs
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Live Music and Recorded Music

Every Day	12:00 to 23:00 hrs
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And in addition applied the following:

- (a) Removal of the condition which stated that regulated entertainment will take place indoors only.

Imposition of the following conditions:

- (b) There shall be no use of the outdoor area after 23:30 (to allow for the dispersal of marquee event patrons).
- (c) Parking will be provided behind the house in order that cars can leave directly onto the A257 and there shall be signage directing people to leave this way together with a member of staff available to direct traffic.
- (d) There shall be no use of fireworks at any time.
- (e) There shall be a maximum of 28 outdoor events per year.

69 LICENSING ACT 2003 - CONSIDERATION OF AN OBJECTION NOTICE IN RESPECT OF A TEMPORARY EVENT NOTICE FOR THE WALMER CASTLE, 4 SOUTH STREET, DEAL, KENT

This item was withdrawn from the agenda prior to the meeting.

The meeting ended at 11.32 am.

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

Meeting and Date: Licensing Committee – 2 June 2015

Report of: David Randall – Director of Governance

Classification: UNRESTRICTED

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

Recommendation:

- (a) That the Licensing Committee appoints 5 Sub-Committees together with a Chairman for each Sub-Committee for the ensuing municipal year 2015/16.
- (b) That the Democratic Support Officer be given authority to vary the composition and Chairmanship of Licensing Sub-Committees when circumstances dictate.

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 2014/15 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)	J F Tranter
D	B Gardner	P S Le Chevalier (CH)	C J Smith
E	A S Pollitt	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.

2.5 The suggested Sub-Committees for 2015/16 are:

A	B W Butcher	L A Keen	M J Ovenden
B	P S Le Chevalier	M R Eddy	B Gardner
C	S M Le Chevalier	D G Cronk	D P Murphy
D	D Hannent	D A Sargent	S C Manion
E	P M Brivio	M Rose	B Glayzer

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.

2.7 Democratic Support Officers are also asking for the flexibility to change members of the Sub-Committees, and possibly Chairmen, when circumstances dictate. This has worked well in the past and has allowed newly appointed Members to gain experience by attending hearings as well as providing resilience at times when a number of hearings are required over a short period.

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