

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Thursday, 30 July 2015 at 2.00 pm.

Present:

Sub-Committee:

Chairman: Councillor B Gardner

Councillors: M R Eddy
P S Le Chevalier

Officers:

Legal Adviser: Head of Legal Services
Licensing Officer: Licensing Team Leader
Administrator: Democratic Support Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2015/009R).

10 APOLOGIES FOR ABSENCE

There were no apologies for absence received from Members.

11 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

12 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

13 LICENSING ACT 2003 - APPLICATION FOR A REVIEW OF A PREMISES LICENCE IN RESPECT OF KINGS HALL, 287 LONDON ROAD, DOVER

The Sub-Committee considered an application for the review of a premises licence in respect of Kings Hall, 287 London Road, Dover, CT17 0SY. The review was made under Section 51 of the Licensing Act 2003 as requested by Dover District Council Environmental Health as a Responsible Authority on the grounds that the licensing objective of Prevention of Public Nuisance was not being promoted.

On the basis of the representations of the applicant for the review, the responsible authorities and other persons, the Sub-committee found the following facts to be established.

(i) The hours for licensable activities were as follows:

Live and Recorded Music

Sunday	N/A
Monday – Saturday	18:00 to 23:30 hrs

Alcohol Sales

Sunday – Thursday	11:00 to 23:30 hrs
Friday – Saturday	11:00 to 01:00 hrs

Late Night Refreshment

Sunday – Thursday	N/A
Friday – Saturday	23:00 to 01:00 hrs

- (ii) On 4 April 2015, Dover District Council's Out of Hours (OOH) noise service received calls at 00:17hrs and at 02:30hrs regarding loud music from Kings Hall. The callers were not on the referral list so no visit was made although access to the service was given in case of future events.
- (iii) On 8 April 2015 P Davison (Senior Environmental Protection Officer) spoke to the Premises Licence Holder, Mr B Ward, and was advised he was also the Designated Premises Supervisor (DPS) although this was in the process of being transferred to Mr J Mirga. Mr Mirga was the DPS with effect from 20 April 2015.
- (iv) On 17 April 2015 local residents rang the police regarding a disturbance from Kings Hall. The OOH noise service was also called and visited the area at 01:15hrs on 18 April 2015. Mr Mirga was advised a nuisance had been witnessed and a noise abatement notice would be served under Section 80 of the Environmental Protection Act 1990.
- (v) On 24 April 2015 a noise abatement was served on Mr Mirga and a copy of the notice was sent to Mr Ward. No appeal against the notice was made.
- (vi) On 26 April 2015 a call was made at 01:29hrs to the OOH service. The music stopped at 01:30hrs before the officers could attend.
- (vii) On 3 May 2015 noise officers were called and visited the area at 00:40hrs and witnessed a breach of the notice. Mr Mirga was advised he was breaching the notice.
- (viii) On 6 May 2015 Mr Mirga was written to and invited for a PACE interview on 14 May 2015.
- (ix) On 9 May 2015 noise officers were called out in the early hours but no breach was witnessed.
- (x) On 10 May 2015 noise officers were called out and a breach of the notice was witnessed at 01:10hrs. The music had stopped at 01:25hrs.
- (xi) On 11 May 2015 Mr Davison telephoned Mr Ward and advised him of the ongoing problems.
- (xii) On 14 May 2015 Mr Mirga was interviewed under caution. He acknowledged receipt of the abatement notice and stated that he had recently attended a Designated Premises Supervisor Course.
- (xiii) On 29 May 2015 the Council's Licensing Enforcement Officer visited the area at 23:18hrs and music from the premises was audible in the street.

- (xiv) On 5 June 2015 noise officers were called at 23:30hrs and visited the area between 00:10 – 00:20hrs and loud music from Kings Hall was audible in the street.
- (xv) In the early hours of 6 June 2015 noise officers were called at 02:10hrs but the caller only reported the noise and did not want a visit.
- (xvi) On 8 June 2015 the council contacted Mr Ward to discuss the issues and was advised that officers were considering calling for a review of the licence and initiating prosecution procedures. Mr Ward stated he would close the hall.
- (xvii) On 12 June 2015 Mr Davison spoke with Mr Mirga and again made him aware of his responsibilities not to cause disturbance to the surrounding area.
- (xviii) On the evening of 13 June 2015 noise officers attended following a call out and at 23:40hrs they witnessed music in a nearby residential property at a level likely to prevent sleep. They visited Kings Hall at 00:12hrs and advised the notice had been breached. On the same night, 4 police cars attended at 00:17hrs following a further complaint, noise officers attended again and at 01:18hrs, they witnessed music at a level likely to prevent sleep in a nearby property. At 01:28hrs, officers visited Kings Hall and spoke with Mr Mirga. Officers left the site at 01:28hrs and the music had stopped.
- (xix) Members accepted that the quality of life of those residents making representation had been severely affected during the period from April until June 2015.
- (xx) Members accepted evidence from the other parties that there were regularly people under the age of 18 outside the premises displaying drunk and disorderly behaviour.

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

- (i) The Dover District Council Licensing Policy.
- (ii) The Licensing Act 2003, Sections 52 and the guidance issued under s.182 of the Act relating to review hearings.
- (iii) The Live Music Act 2012.

RESOLVED: Taking into account the above facts, the Sub-Committee decided to:

(a) Revoke the premises licence for the following reasons:

- (i) The extensive and detailed evidence presented by the Environmental Protection Officer, Kent Police and the other parties (local residents) demonstrated the total failure by the licence holder to promote all four licensing objectives and despite warnings from the Environmental Protection Officer and numerous visits from the Out of Hours Service, the situation continued for a significant period of time.

- (ii) In coming to their decision, the Sub-Committee first considered the behaviour of Mr Mirga and was of the view that he should be removed as the Designated Premises Supervisor. However, when they went on to consider the evidence as a whole, they considered that the evidence was such so as to merit the revocation of the premises licence.

The meeting ended at 4.00 pm.