

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 19 January 2016 at 2.00 pm.

Present:

Sub-Committee:

Chairman: Councillor B W Butcher

Councillors: L A Keen
M J Ovenden

Officers:

Legal Adviser: Head of Legal Services
Licensing Officer: Contentious and Regulatory Lawyer
Administrator: Licensing Team Leader
Democratic Support Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2016/001R).

23 APOLOGIES FOR ABSENCE

There were no apologies for absence received from Members.

24 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

25 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

26 LICENSING ACT 2003 - APPLICATION FOR A REVIEW OF A PREMISES LICENCE IN RESPECT OF BEST KEBAB AND PIZZA HOUSE, 1 SOUTH STREET, DEAL, KENT CT14 7AW

The Sub-Committee considered an application for the review of a premises licence in respect of Best Kebab and Pizza House, 1 South Street, Deal, Kent CT14 7AW. The review was made under Section 51 of the licensing Act 2003 as requested by PC S Alexander on behalf of Kent Police as a Responsible Authority on the grounds that the licensing objective of Prevention of Crime and Disorder was not being promoted.

Prior to the hearing of the evidence, Kent Police made an application to exclude the public whilst the CCTV footage was played. This was made under the Licensing Act (Hearing Regulations) 2005, regulation 14 on the basis that there was an ongoing prosecution resulting from the incident and there was potential for this matter to be prejudiced if CCTV were to be disclosed to the public at this present time. Kent Police confirmed to the sub-committee that they did not object to the remainder of the hearing being held in public.

The sub-committee withdrew to consider the application and decided:

- (i) That on taking legal advice, the public should be excluded for the entire duration of the proceedings, on the basis that matter contained within the CCTV footage could be expanded on and discussed in detail and may also therefore cause prejudice to the criminal case.
- (ii) That it was therefore the case that the public interest in excluding the public outweighed the public interest in the hearing taking place in public – there was a wider public interest in seeing potential offenders brought to justice.

The Sub-Committee had regard to representations from: the applicant and his representative on behalf of the Responsible Authority – Kent Police; the licence holder and his representative and; Councillor B Gardner (in his capacity as Ward Councillor for North Deal), as an Other Party.

On the basis of the representations of the applicant for review, the licence holder, his representative, and other persons, the Sub-Committee found facts to be established (as shown on NoD/2016/001R) and in reaching its findings took into account the following:

- (i) The Licensing Act 2003, Section 52 and the guidance issued under s. 182 relating to review hearings.
- (ii) The Licensing Act 2003 (Hearings) Regulations 2005, Regulation 14.
- (iii) The Dover District Council Licensing Policy.

RESOLVED: That having taken into account the facts, the Sub-Committee decided to REVOKE the premises licence for the reasons as shown on NoD/2016/001R.

The meeting ended at 4.22 pm.