

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Monday, 4 April 2016 at 2.03 pm.

Present:

Sub-Committee:

Chairman: Councillor B Gardner

Councillors: P S Le Chevalier
M Rose

Officers:

Legal Adviser: Contentious and Regulatory Lawyer
Licensing Officer: Licensing Team Leader
Technical Support Officer - Licensing
Administrator: Democratic Support Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2016/002A).

27 APOLOGIES FOR ABSENCE

There were no apologies for absence received from Members.

28 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

29 DECLARATIONS OF INTEREST

Councillor B Gardner declared for the purpose of transparency that in respect of Minute No. 30, although Ms R Collins (who was in attendance at the meeting and had made representation) was an officer of the council, he did not know her and had never had any dealings with her.

30 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE

The Sub-Committee considered an application from Mr C Maiello and Mr S Fairfax in respect of 60 King Street, Sandwich CT13 9BL. The application was for the grant of a premises licence for:

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

Monday – Saturday	11:30 to 23:00 hrs
Sunday	12:00 to 23:00 hrs

Recorded Music

Every day	10:00 to 23:00 hrs
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On the basis of the representations of the applicant, persons in support and other persons, the Sub-Committee found the following facts to be established:

- (i) The premises (under the previous owners) currently had a licence to sell alcohol from 09:00 to 17:30 hrs off premises only. The current annual fee had not been paid.
- (ii) There had been no representations made by any of the Responsible Authorities, including the Police.
- (iii) That the premises would be a small venue, providing Italian delicatessen foods, coffee, fine wines and other Italian produce for consumption on and off the premises. It was anticipated that it would attract a high end clientele, accommodating up to approximately 30 persons.
- (iv) That local residents had concerns regarding noise and parking.
- (v) The Applicant had arranged to have use of a neighbouring forecourt when making deliveries to the premises.

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

- (i) Dover District Council's Licensing Policy.
- (ii) The Licensing Act 2003 and the guidance given under Section 182 of the Act.
- (iii) Section 18 of the Licensing Act 2003 which deal with applications for premises licence and determination of such applications.
- (iv) The judgment in the case of Daniel Thwaites PLC V Wirral Borough Magistrates Court [2008] EWHC 38 (Admin) in which it was held that speculative representations should be disregarded unless supported by previous facts as evidence.

RESOLVED: That the application for a premises licence in respect of 60 King Street, Sandwich CT13 9BL be determined as follows:

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

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

Monday – Saturday	11:30 to 22:00 hrs
Sunday	12:00 to 22:00 hrs

And in addition impose the following conditions:

- (a) That the licence is to be effective once one of the applicant's has passed the Personal Licence course and has become the Designated Premises Supervisor.
- (b) To install a CCTV system, with recordings to be stored for a minimum of 30 days and will be available on inspection.

- (c) The premises will operate a Challenge 25 Policy.
- (d) Signage is to be displayed at all exits requesting that patrons leave the premises in a quiet and orderly manner and consider residents.
- (e) A refusal register is to be completed and retained, and be made available on inspection.

The meeting ended at 4.02 pm.