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16 May 2016

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **LICENSING COMMITTEE** will be held in the Council Chamber at these Offices on Wednesday 25 May 2016 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 read "Jemma Duffield", written over a white background.

Chief Executive

Licensing Committee Membership:

To be determined at the Annual Meeting of the Council to be held on 18 May 2016.

AGENDA

1 **ELECTION OF A CHAIRMAN**

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

2 **APPOINTMENT OF A 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 3)

To receive any declarations of interest from Members in respect of business to be

transacted on the agenda.

5 **MINUTES** (Page 4)

To confirm the attached Minutes of the meeting of the Committee held on 2 March 2016.

6 **MINUTES OF SUB-COMMITTEE MEETINGS** (Pages 5 - 7)

To receive the attached Minutes of the meetings of the Licensing Sub-Committee held on 4 April 2016.

7 **LICENSING ACT 2003 AND GAMBLING ACT 2005 - APPOINTMENT OF LICENSING SUB-COMMITTEES AND CHAIRMAN OF SUB-COMMITTEES**

To appoint five Sub-Committees of three members each and to appoint a Chairman for each Sub-Committee in accordance with the report of the Head of Democratic Services (report to follow after the Annual Meeting of the Council).

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 will be published on our website as soon as practicably possible after 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, 2 March 2016 at 5.00 pm.

Present:

Chairman: Councillor P S Le Chevalier

Councillors: P M Brivio
D G Cronk
B Gardner
B J Glayzer
D Hannent
L A Keen
S M Le Chevalier
D P Murphy
M J Ovenden

Officers: Head of Legal Services
Democratic Support Officer

13 APOLOGIES

There were no apologies for absence received from Members.

14 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

15 MINUTES

The Minutes of the meeting of the Committee held on 25 November 2015 were approved as a correct record and signed by the Chairman.

16 MINUTES OF THE SUB-COMMITTEE MEETINGS

In respect of Minute No 26, Councillor B Gardner requested an amendment to reflect the fact he had made representation in his capacity as Ward Councillor for North Deal as the Licensing Act 2003 (Hearings) Regulations 2005 made no provision for Ward Councillors to make representations in their own right.

Subject to the above amendment, the Minutes of the meeting held on 19 January 2016 were approved as a correct record and signed by the Chairman.

The meeting ended at 5.02 pm.

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.