

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Thursday, 11 August 2016 at 10.02 am.

Present:

Sub-Committee:

Chairman: Councillor B W Butcher

Councillors: D Hannent
M J Ovenden

Officers:

Legal Adviser: Contentious and Regulatory Lawyer
Licensing Officer: Licensing Enforcement Officer
Administrator: Democratic Support Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2016/005A).

5 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor L A Keen.

6 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor D Hannent had been appointed as a substitute for Councillor L A Keen.

7 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

8 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF ONE STOP, 208 COOMBE VALLEY ROAD, DOVER CT17 0HG

The sub-committee considered an application from Mr L S Cheema and Mrs J Cheema in respect of One Stop, 208 Coombe Valley Road, Dover CT17 0HG. The application was for the grant of a premises licence for:

Supply of Alcohol (for consumption off the premises)

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| Monday to Sunday | 07.00 to 23.00 hrs |
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On the basis of the representations of the applicants, their representatives and other persons, the sub-committee found the following facts to be established:

- (i) The premises would operate a Challenge 25 policy.
- (ii) The only types of ID that would be accepted as proof of age would be passports, driving licences and PASS cards.

- (iii) Posters would be on display advising customers of the Challenge 25 policy.
- (iv) The applicants ran an existing licensed premise in the Dover area, with potentially similar issues to the premise, and have done so for some considerable time without a licensing problem.
- (v) There had been no representations made by any of the Responsible Authorities, including the Police.
- (vi) The sub-committee acknowledged the crime statistics provided, and also that often it was the case that alcohol can be a contributory factor to anti-social behaviour. However the sub-committee did not believe that there was sufficient evidence provided to conclude that licensing the premises would undermine the Licensing Objectives, particularly given the conditions proposed.
- (vii) There was no cumulative impact policy relevant and that in any event the sub-committee did not consider that this further licensed premise in the area undermined the Licensing Objectives.
- (viii) In terms of restricting the licensing hours, there had been no evidence to conclude that it would be appropriate or proportionate to restrict this premises selling alcohol before 9am as suggested by Dover Town Council, particularly given there were other premises within the vicinity that already sold before 9am.

In reaching its finding 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 which deal with applications for premise 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 One Stop, 208 Coombe Valley Road, Dover CT17 0HG be determined as follows:

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

Supply of Alcohol (for consumption off the premises)

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| Monday to Sunday | 07.00 to 23.00 hrs |
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Subject to the following conditions:

- (a) A CCTV system will be in operation both inside and outside the premises and recorded images shall be retained for a period of 28 days. The data will be made

available to the Police and authorised officers of the council upon request, in line with the Data Protection Act.

- (b) A refusals and incidents register will be maintained at the premise (bound or electronic). The register will be made available for inspection by the Police and authorised officers of the council upon request.
- (c) The premise will operate a Challenge 25 policy.
- (d) Posters will be on display advising customers of the Challenge 25 policy.
- (e) The only types of ID that will be accepted as proof of age will be passports, driving licences and PASS cards.
- (f) Staff will be trained before making sale of alcohol in their responsibilities under the Licensing Act 2003. This includes the prevention of underage sales, the Challenge 25 policy, proxy sales, acceptable ID and intoxicated customers. Training will be documented and made available to the Police and authorised officers of the council upon request.

The meeting ended at 11.55 am.