

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 3 January 2017 at 11.00 am.

Present:

Sub-Committee:

Chairman: Councillor B Gardner

Councillors: P S Le Chevalier  
D P Murphy

Officers:

Legal Adviser: Head of Legal Services  
Licensing Officer: Licensing Enforcement Officer  
Administrator: Democratic Support Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2017/001A).

21 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor S M Le Chevalier.

22 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor P S Le Chevalier was appointed as substitute for Councillor S M Le Chevalier.

23 DECLARATIONS OF INTEREST

There were no declarations made by Members.

24 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT BREAKWATER BREWERY AND TAP ROOM, ST MARTINS YARD, LORNE ROAD, DOVER.

The sub-committee considered an application from Breakwater Brewery Ltd in respect of Breakwater Brewery and Tap Room, St Martin's Yard, Lorne Road, Dover CT16 2AA. The application was for the grant of a Premises Licence for:

Supply of Alcohol (for consumption ON and OFF the premises)

Every Day	10:00 to 22:30 hrs
Non Standard timings	

as follows:	
19 May to celebrate the anniversary of the business	10:00 to 00:30 hrs the day following
8 September and 11 November to celebrate the birthdays of the owners	10:00 to 00:30 hrs the day following
St Andrew's Day	10:00 to 00:30 hrs the day following
St George's Day	10:00 to 00:30 hrs the day following
St Patrick's Day	10:00 to 00:30 hrs the day following
St David's Day	10:00 to 00:30 hrs the day following
Dover Carnival Procession Day	10:00 to 00:30 hrs the day following
Friday, Saturday and Sunday of the following weekends:	
Easter	10:00 to 00:30 hrs the day following
May Bank Holidays	10:00 to 23:00 hrs the day following
August Bank Holiday	10:00 to 00:30 hrs the day following
New Year's Eve	10:00 to 02:30 hrs the day following

On the basis of the representations of the applicant, his representatives, and other persons, the sub-committee found the following facts to be established.

- (i) There had been no representations made by any of the Responsible Authorities including the Police.
- (ii) Kent Police viewed the application during the consultation process and requested that a condition be applied to the licence which related to the CCTV. This was added to the operating schedule by the applicant so subsequently Kent Police chose not to make formal representation.
- (iii) There was information contained within the representation that was not relevant to the Licensing Objectives and therefore could not be considered by the sub-committee.
- (iv) Mr P Lowry, the designated premises supervisor, was an experienced licensee, having been involved in the licensing trade for most of his life. He

has a degree in Hospitality and has worked in many bars and nightclubs across the world.

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 which deal with applications for premises licence and determination of such application.
- (iv) The judgment in the case of Daniel Thwaites PLC V Wirral Borough Magistrates Court [2008] EWHC 38 (Admin).

RESOLVED: That the application for a premises licence in respect of Breakwater Brewery and Tap Room, St Martin's Yard, Lorne Road, Dover CT16 2AA be determined as follows:

Supply of Alcohol (for consumption ON and OFF the premises)

Every Day  Non Standard timings as follows:	10:00 to 22:30 hrs
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Subject to conditions consistent with the operating schedule which (for the avoidance of doubt) includes the CCTV condition suggested by Kent Police.

The meeting ended at 11.23 am.