

# Public Document Pack



Democratic Services  
White Cliffs Business Park  
Dover  
Kent CT16 3PJ

Telephone: (01304) 821199  
Fax: (01304) 872452  
DX: 6312  
Minicom: (01304) 820115  
Website: [www.dover.gov.uk](http://www.dover.gov.uk)  
e-mail: [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk)

27 February 2018

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 7 March 2018 at 5.30 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](mailto:jemma.duffield@dover.gov.uk).

Yours sincerely

A handwritten signature in black ink, appearing to be "Jemma Duffield", written over a white background.

Chief Executive

## Licensing Committee Membership:

S F Bannister	P D Jull
P M Brivio	P S Le Chevalier (Chairman)
B W Butcher	S M Le Chevalier
D G Cronk	D P Murphy
M R Eddy	A M Napier
B Gardner (Vice-Chairman)	M J Ovenden
B J Glayzer	M Rose
D Hannent	

## AGENDA

### 1 **APOLOGIES**

To receive any apologies for absence.

### 2 **DECLARATIONS OF INTEREST** (Page 4)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

### 3 **MINUTES** (Pages 5 - 6)

To confirm the attached Minutes of the meeting of the Committee held on 21 November 2018.

4 **MINUTES OF SUB-COMMITTEE MEETINGS** (Pages 7 - 13)

To receive the attached Minutes of the meetings of the Licensing Sub-Committees held on 27 November and 3 January 2017.

5 **CHANGE OF SUB-COMMITTEE MEMBERSHIP**

At Council on 31 January 2018 a change was made to the Licensing Committee membership replacing Councillors M J Holloway and N A G Richards with Councillors P D Jull and M R Eddy respectively.

As a result the Licensing Committee is asked to amend the sub-committees to reflect the new membership and the following amendments are suggested as follows:

**Amend Sub-Committee E:**

P M Brivio (Chairman), ~~M J Holloway~~ P D Jull, ~~N A G Richards~~ M R Eddy

Other sub-committees:

Sub-Committee A:

B W Butcher (Chairman), M Rose, M J Ovenden

Sub-Committee B:

B Gardner (Chairman), P S Le Chevalier, D G Cronk

Sub-Committee C:

S F Bannister (Chairman), D P Murphy, S M Le Chevalier

Sub-Committee D:

D Hannent (Chairman), A M Napier, B J Glayzer

**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](http://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 Services Officer, telephone: (01304) 872305 or email: [jemma.duffield@dover.gov.uk](mailto: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 Tuesday, 21 November 2017 at 9.31 am.

Present:

Chairman: Councillor P S Le Chevalier

Councillors: S F Bannister  
P M Brivio  
B W Butcher  
B Gardner  
M J Holloway  
D P Murphy  
A M Napier  
M J Ovenden

Officers: Public Protection Manager  
Licensing Team Leader  
Contentious and Regulatory Lawyer  
Democratic Services Officer

7 APOLOGIES

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

8 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

9 MINUTES

The Minutes of the meeting of the Committee held on 17 May 2017 were approved as a correct record and signed by the Chairman.

10 MINUTES OF SUB-COMMITTEE MEETINGS

The Minutes of the meetings of the Licensing Sub-Committees held on 12 May, 4 August and 31 August 2017 were received and noted.

11 FEES AND CHARGES 2018/19

The Committee considered the report of the Head of Regulatory Services which set out the Fees and Charges 2018/19 relevant to the Licensing Authority.

Members were reminded that the Licensing Act fees were set by Central Government and not by the Council and therefore there was little or no scope to

make changes. Councillor M J Holloway requested that for future reports additional information, including the original fee and how much money had been generated, be provided to assist Members in their understanding of the charges.

- RESOLVED:
- (a) That the Fees and Charges for 2018/19 as set out in Appendix 3 be approved.
  - (b) That Members approve the general principle that fees are set at an appropriate inclusive level, irrespective of VAT status, and that the VAT element within the overall fee level is then determined.
  - (c) That Members approve the general principle that, unless the fee is set by statute, licensing fees will be set on a cost recovery basis.
  - (d) That the Head of Regulatory Services be authorised to adopt fees at, or close to government directed levels without the need for further reporting, in cases where the Council is awaiting Government guidance and it has not been possible to set a fee level at this stage.
  - (e) That the Head of Regulatory Services be authorised in consultation with the Director of Governance and the Director of Finance, Housing and Community to make minor adjustments to the fees and charges as necessary.

The meeting ended at 9.36 am.

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Monday, 27 November 2017 at 2.00 pm.

Present:

Sub-Committee:

Chairman: Councillor S F Bannister

Councillors: B Gardner (as substitute for Councillor S M Le Chevalier)  
M J Ovenden (as substitute for Councillor D P Murphy)

Officers:

Legal Adviser: Contentious and Regulatory Lawyer

Licensing Officer: Public Protection Manager  
Licensing Team Leader

Administrator: Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2017/0007A).

9 APOLOGIES FOR ABSENCE

There were apologies for absence received from Councillors S M Le Chevalier and D P Murphy.

10 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, under Council Procedure Rule 4, Councillors B Gardner and M J Ovenden were appointed as substitutes for Councillors S M Le Chevalier and D P Murphy respectively.

11 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

12 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT 36 PENCESTER ROAD, DOVER

The sub-committee considered an application from Mr N Navarajah in respect of Newsin, 36 Pencester Road, Dover CT16 1BW. The application was for the grant of a premises licence for:

Supply of Alcohol (for consumption OFF the premises)

Every Day	06:00 – 23:00 hrs
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On the basis of the representations of the applicant, his representative 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) There was no cumulative assessment of problems caused by licensed premises in the areas. As a result there was no special policy in respect of the location.
- (iii) Kent Police contacted the applicant during the consultation period and raised concerns that the area of Pencester Road was where vulnerable members of the street drinking community were congregating. Kent Police asked the applicant to revise the hours to fall in line with other outlets selling alcohol within the immediate area. The applicant agreed to amend the start time for alcohol sales to 08:00 hrs every day.
- (iv) Kent Police did not ask for a condition to be placed on the licence if granted to restrict the strength of alcohol and single can sales as this was not consistent with other outlets within the town centre area.
- (v) That, children consuming alcohol was a serious and concerning issue however there was no evidence for the sub-committee to conclude that the objective of protecting children from harm was undermined. It was noted that there had been no representation from those responsible for protecting children.
- (vi) Dover Town Council's (DTC's) evidence showed no causal link between crime statistics and alcohol.
- (vii) No complaints had been made to Dover District Council's licensing team regarding sales of alcohol to children in that area by DTC or local residents.

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 17 of the Crime and Disorder Act 1998.
- (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 for Newsin, 36 Pencester Road, Dover CT16 1BW be GRANTED as follows:

Supply of Alcohol (for consumption OFF the premises)

Every day	08:00 hrs – 23:00 hrs
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The meeting ended at 3.11 pm.

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Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 3 January 2018 at 10.01 am.

Present:

Sub-Committee:

Chairman: Councillor B W Butcher

Councillors: B Gardner (as substitute for Councillor M Rose)  
M J Ovenden

Officers:

Legal Adviser: Contentious and Regulatory Lawyer

Licensing Officer: Licensing Team Leader  
Licensing Enforcement Officer

Administrator: Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2018/0001A).

## 13 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor M Rose.

## 14 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor B Gardner was appointed as substitute for Councillor M Rose.

## 15 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

## 16 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT V LOUNGE, 7 CANNON STREET, DOVER

The sub-committee considered an application from Mr J Defriend in respect of V-Lounge, 7 Cannon Street, Dover CT16 1BY. The application was for the grant of a premises licence for a café/bar/vape shop, which was a one room premises with a counter bar for the

Supply of Alcohol (for consumption on the premises)

Monday – Wednesday	10:00 hrs to 00:00 hrs
Thursday – Saturday	10:00 hrs to 02:00 hrs

Sunday	10:00 hrs to 23:00 hrs
Seasonal Variations	
Christmas	From start of permitted hours on Christmas Eve to the terminal hour on Christmas Day
New Year	From start of permitted hours on New Year's Eve to the terminal hour on New Year's Day

#### Films

Monday – Wednesday	23:00 hrs to 00:00 hrs
Thursday – Saturday	23:00 hrs to 02:00 hrs

#### Live Music

Monday – Wednesday	23:00 hrs to 00:00 hrs
Thursday – Saturday	23:00 hrs to 02:00 hrs

#### Recorded Music

Monday – Wednesday	23:00 hrs to 00:00 hrs
Thursday – Saturday	23:00 hrs to 02:00 hrs

#### Late Night Refreshment

Monday – Wednesday	23:00 hrs to 00:00 hrs
Thursday – Saturday	23:00 hrs to 02:00 hrs
Seasonal Variations	
Christmas	From start of permitted hours on Christmas Eve to the terminal hour on Christmas Day
New Year	From start of permitted hours on New Year's Eve to the terminal hour on New Year's Day

Following consultation with Dover District Council's Environmental Health officer the applicant removed the request for Live and Recorded Music from the application prior to the Hearing.

At the Hearing the applicant chose to amend the application further and removed the request for activities save the supply of alcohol and late night refreshment.

The applicant sought for the grant of a premises licence for

#### Supply of Alcohol (for consumption ON the premises)

Monday – Thursday	10:00 hrs to 00:00 hrs
Friday – Saturday	10:00 hrs to 01:00 hrs
Sunday	10:00 hrs to 23:00 hrs

### Late Night Refreshment

Monday – Thursday	23:00 hrs to 00:00 hrs
Friday – Saturday	23:00 hrs to 01:00 hrs

On the basis of the representations of the applicant 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) During the consultation period Dover District Council's Environmental Health officer liaised with the applicant and advised that the premises was not suitable for entertainment other than at background levels. As a result the applicant removed the request for live and recorded music from the application.
- (iii) The Police were satisfied with the current CCTV system recording for up to 12 days, rather than the usual 28 days. The system would record in High Definition and could be viewed in real time by the applicant via an app on a mobile device.
- (iv) At the Hearing, the applicant chose to amend the application again to remove the request for all activities save the supply of alcohol and late night refreshment.
- (v) A further amendment to the operating schedule was made at the Hearing by the applicant to amend the promotion of the Licensing Objective – Protection of Children from Harm as follows

'No children under the age of 18 to be allowed in the premises after 20:00 hrs if the premises is open to the public.'

- (vi) Any licensable activities outside of those requested would be dealt with by way of a Temporary Event Notice.

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 17 of the Crime and Disorder Act 1998.
- (iv) The judgment in the case of Daniel Thwaites PLC V Wirral Borough Magistrates Court [2008] EWHC 38 (Admin).

RESOLVED: (a) That the application for a premises licence in respect of V- Lounge, 7 Cannon Street, Dover CT16 1BY be GRANTED as follows:

Supply of Alcohol (for consumption ON the premises)

Monday – Thursday	10:00 hrs to 00:00 hrs
Friday – Saturday	10:00 hrs to 01:00 hrs
Sunday	10:00 hrs to 23:00 hrs

Late Night Refreshment

Monday – Thursday	23:00 hrs to 00:00 hrs
Friday – Saturday	23:00 hrs to 01:00 hrs

- (i) The premise is to close and all patrons to have left the premises 15 minutes after the terminal licensed hour.
- (ii) That CCTV be retained for 12 days given the improved quality.

The meeting ended at 10.55 am.