

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.