

# Public Document Pack



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17 May 2019

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **LICENSING COMMITTEE** will be held in the Council Chamber - Dover District Council at these Offices on Tuesday 28 May 2019 at 1.30 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 [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk).

Yours sincerely

A handwritten signature in black ink, appearing to read "N. Smith", written over a white background.

Chief Executive

## Licensing Committee Membership:

T J Bartlett  
D G Beaney  
S H Beer  
T A Bond  
P M Brivio  
N J Collor  
D G Cronk  
D Hannent

J P Haste  
M J Holloway  
K Mills  
D P Murphy  
O C de R Richardson  
R S Walkden  
C D Zosseder

## 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 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

5 **DECLARATIONS OF INTEREST** (Page 3)

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

6 **MINUTES** (Page 4)

To confirm the attached Minutes of the meeting of the Committee held on 6 March 2019.

7 **LICENSING ACT 2003 AND GAMBLING ACT 2005 - APPOINTMENT OF LICENSING SUB-COMMITTEES AND CHAIRMEN OF SUB-COMMITTEES**  
(Pages 5 - 7)

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 Regulatory Services.

**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: [democraticservices@dover.gov.uk](mailto:democraticservices@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, 6 March 2019 at 5.30 pm.

Present:

Chairman: Councillor B W Butcher

Councillors: P M Brivio  
D G Cronk  
A Friend  
B Gardner  
B J Glayzer  
P D Jull  
P S Le Chevalier  
S M Le Chevalier  
D P Murphy  
M J Ovenden  
M Rose

Officers: Head of Governance  
Democratic Services Officer

21 APOLOGIES

Apologies for absence were received from Councillors S F Bannister, A M Napier and P Walker.

22 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

23 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

24 MINUTES

The Minutes of the meeting of the Committee held on 30 January 2019 were approved as a correct record and signed by the Chairman.

25 MINUTES OF SUB-COMMITTEE MEETINGS

The Minutes of the meetings of the Licensing Sub-Committees held on 19 September 2018, 18 January 2019 and 1 February 2019 were received and noted.

The meeting ended at 5.31 pm.

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**Subject:** LICENSING ACT 2003 AND GAMBLING ACT 2005 – APPOINTMENT OF LICENSING SUB-COMMITTEES AND CHAIRMEN OF SUB-COMMITTEES

**Meeting and Date:** Licensing Committee – 28 May 2018

**Report of:** Diane Croucher – Head of Regulatory Services

**Classification:** UNRESTRICTED

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**Purpose of the report:** To appoint Licensing Sub-Committees to hear applications for licences, variation of licences and applications for review of licences.

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**Recommendation:**

- (a) That the Licensing Committee appoints 5 Sub-Committees together with a Chairman for each Sub-Committee for the ensuing municipal year 2019/20.
- (b) That the Licensing Committee appoints a Sub-Committee for a meeting to be held on 28 May 2019 for the purposes of considering an application for the grant of a premises licence.

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**1. Summary**

The Licensing Act 2003 makes provision (under section 9) for the establishment by the Licensing Committee of sub-committees consisting of 3 Members to discharge its functions.

**2. Introduction and Background**

2.1 As in previous years and in accordance with the Licensing Act 2003 and the Gambling Act 2005 this Council, as the Licensing Authority, is required to appoint sub-committees to hear applications for licences, variation of licences and applications for review of licences. As the Licensing Committee is composed of 15 Members, this requires the establishment of 5 Sub-Committees if all members of the Licensing Committee are to be allocated a seat on a sub-committee.

2.2 The sub-committees are set up in such a way as to ensure that licence applications are not considered by Members representing the Ward in question and thereby to avoid any conflict of interests. In addition, married couples will not be appointed to serve on the same sub-committee in accordance with advice previously given by the Solicitor to the Council.

2.3 In the year 2018/19 the 5 sub-committees were as follows:

A	B W Butcher (CH)	M J Ovenden	P Walker
B	B Gardner (CH)	D G Cronk	A Friend
C	P S Le Chevalier (CH)	D P Murphy	M Rose

D	S M Le Chevalier (CH)	B J Glayzer	P D Jull
E	P M Brivio (CH)	A M Napier	S F Bannister

2.4 In forming the sub-committees it should be noted that political balance requirements do not apply.

2.5 The suggested sub-committees for 2019/20 are:

A	T A Bond	D G Cronk	S H Beer
B	D P Murphy	T J Bartlett	M J Holloway
C	D Hannent	K Mills	C D Zosseder
D	N J Collor	D G Beaney	O C de R Richardson
E	P M Brivio	J P Haste	R S Walkden

2.6 There have been no suggestions for sub-committee chairmanships made as part of this report and this is a matter for the Licensing Committee to determine.

### **Substitute Rules**

2.7 The Licensing Committee is responsible for making its own operating arrangements (within the confines of the Licensing Act) and at its meeting held on 25 May 2016 adopted arrangements for the appointment of substitutes. These arrangements reflect the lack of political balance requirements for the Licensing Sub-Committees and have operated effectively.

2.8 The substitute members for the Licensing Sub-Committees must be drawn from the 15 Members of the Licensing Committee as appointed by the full Council.

2.9 The Democratic Services Officer will work with Members where substitutes are required to ensure that a quorum of Members is present at a Licensing Sub-Committee meeting.

### **3. Identification of Options**

3.1 The appointment of sub-committees by the Licensing Committee as specified in the Licensing Act 2003 provides for the efficient and effective discharge of its functions. The size of the Licensing Sub-Committees (3 members) is specified in s.9 of the Act. This is the recommended option.

### **4. Resource Implications**

There are no resource implications arising from this report.

### **5. Appendices**

None.

6. **Background Papers**

None.

Contact Officer: Jemma Duffield – Democratic Services Officer