

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Friday, 18 May 2018 at 10.01 am.

Present:

Sub-Committee:

Chairman: Councillor B W Butcher

Councillors: A M Napier (as substitute for Councillor M Rose)  
M J Ovenden

Officers:

Legal Adviser: Contentious and Regulatory Lawyer  
Licensing Officer: Licensing Team Leader  
Administrator: Licensing Enforcement Officer  
Technical Support Officer (Licensing)  
Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2018/0002A) (Minute No.20) and (NOD/2018/0003A) Minute No.21).

1 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor M Rose.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

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

3 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

4 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE

The sub-committee considered an application from the Head of Assets and Building Control, Dover District Council, in respect of Kearsney Abbey and Russell Gardens, including Kearsney Abbey Tea Rooms, Kearsney Abbey, Alkham Road, Temple Ewell, Kent CT16 3DZ. The application was for the grant of a premises licence for Kearsney Abbey and Russell Gardens. The parks were open to the public 24 hours a day, 365 days a year.

The application was for:

Plays  
Films  
Live Music  
Recorded Music  
Performance of Dance

Every Day	08:00 to 23:00 hrs
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On the basis of the representations of the applicant, applicant's 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) That having attended a Kearsney Parks Forum meeting, Mr Brady and Mrs Girgin-Brady withdrew their representation.
- (iii) The parks were open to the public 24 hours a day, 365 days a year.
- (iv) At the Hearing, Mrs S Nicholas stated that if the sub-committee was minded to grant the licence, that she would request the sub-committee to consider limiting the events to six per year.
- (v) The applicant's representative stated that if the sub-committee were minded to grant the application twelve events per year would be suitable.
- (vi) No events would take place between the hours 23:00 and 08:00 on any day.
- (vii) Organisers would be expected to monitor noise levels along the appropriate park boundaries to ensure that amplified sound was not transmitted outside the park area.
- (viii) Signage would be placed at the appropriate park boundaries asking audience members to respect neighbours and to leave the park quietly.
- (ix) All large-scale events would go through the Events team at Dover District Council and circulated to the Events Safety Advisory Group (ESAG) for comments and amendment as necessary.
- (x) Organisers of large-scale events would be expected to produce a Traffic Management Plan as part of the application process and if necessary, will be expected to organise Park and Ride to minimise impact on the surrounding area.
- (xi) All events would be published via social media and signage placed at the park boundaries to help notify local residents of upcoming events. Notification would also be given to the parish council.

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 Kearsney Abbey and Russell Gardens, including Kearsney Abbey Tea Rooms, Kearsney Abbey, Alkham Road, Temple Ewell, Kent CT16 3DZ be GRANTED as follows:

Plays  
 Films  
 Live Music  
 Recorded Music  
 Performance of Dance

Every Day	08:00 to 23:00 hrs
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(i) There will be a maximum of twelve events in any one calendar year starting on the date of the first event.

5 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE

The sub-committee considered an application from Deal Town Football Club (2001) Ltd in respect of Deal Town Football Club, The Charles Ground, St Leonard's Road, Deal CT14 9AU. The application was for the grant of a premises licence for:

Films

Monday – Thursday	10:00 to 23:00 hrs
Friday - Saturday	10:00 to 23:30 hrs
Sunday	10:00 to 23:00 hrs

Supply of Alcohol (for consumption on the premises)

Monday – Thursday	10:00 to 00:00 hrs
Friday – Saturday	10:00 to 02:00 hrs
Sunday	10:00 to 23:00 hrs
Seasonal Variations	
Sundays immediately before Bank Holiday Mondays	Terminal hour to be extended by 1 hour
New Year's Eve	From start of permitted hours on New Year's Eve to the terminal hour of New Year's Day

During the consultation process, 23 relevant representations were received from local residents. The applicant was contacted and the nature of the representations was discussed. The applicant then amended their application as followed:

Films

To be removed from the application.

Supply of Alcohol (form consumption on the premises)

Monday – Saturday	10:00 to 23:00 hrs
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Sunday	10:00 to 23:00 hrs
NO NON-STANDARD TIMINGS OR SEASONAL VARIATIONS	

All parties were given the opportunity to withdraw/amend their objection based on the amendments. Following consultation, of the 23 relevant representations to the original application, 11 withdrew them and 12 remained.

On the basis of the representations of the applicant and the 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) That having considered the 23 relevant representations objecting to the application the applicant amended the application to try to address the issues raised in the objections.
- (iii) Having discussed the application with PC Noddings during the consultation period, CCTV had been installed both inside and outside the premises and if the application were granted a condition would be included as followed:  
  
‘CCTV is to be in operation at the premises, recorded for a minimum period of 28 days and provided to Police or Authorised Officers on request.’
- (iv) The football club currently had a Club Premises Certificate which authorised the carrying out of licensable activities as followed:

On the premises

Alcohol Sales

Sunday 12:00 to 23:30 hrs

Monday 11:00 to 23:00 hrs

Tuesday 11:00 to 23:00 hrs

Wednesday 11:00 to 23:00 hrs

Thursday 11:00 to 23:00 hrs

Friday 11:00 to 23:00 hrs

Saturday 11:00 to 23:00 hrs

Non Standard Timings

Good Friday: noon to 22:30 hrs

New Year’s Eve: 11:00 to 23:00 hrs; when on a Sunday: noon to 22:30 hrs

- (v) Residential properties were within close proximity of the football club, with properties being on all four side of the ground. At the hearing the objectors stated that there were issues with: light pollution from the lights at the ground; loud music, in particular the bass, from within the clubhouse; talking and shouting from patrons outside the clubhouse; noise from bottles being emptied into bins at the end of the night and; smokers congregating outside the fire doors of the premises.
- (vi) The Licensing Team Leader advised that no complaints regarding the football club and clubhouse had been made to the Licensing Team or Environmental Health.
- (vii) Ms S Dunning stated that the floodlights at the ground were used during evening matches and security lights were used for patrons leaving the

premises and were turned off by the last members of staff leaving the clubhouse.

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 Deal Town Football Club, The Charles Ground, St Leonard's Road, Deal CT14 9AU be GRANTED as follows:

Supply of Alcohol (for consumption on the premises)

Sunday	12:00 to 22:30 hrs
Monday – Saturday	11:00 to 23:00 hrs
NO NON-STANDARD TIMINGS OR SEASONAL VARIATIONS	

- (i) On all days there will be a drinking up time of 15 minutes after the terminal hour.
- (ii) The fire doors are to remain closed from 20:00 hrs.
- (iii) The bottles bins are to be used no later than 21:30 hrs.

The meeting ended at 11.46 am.