

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 16 July 2019 at 11.35 am.

Present:

Sub-Committee:

Chairman: Councillor J P Haste

Councillors: K Mills
C D Zosseder

Officers:

Legal Adviser: Contentious and Regulatory Lawyer
Licensing Officer: Licensing Team Leader
Administrator: Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/19/0006A).

9 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor D Hannent.

10 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, that Councillor J P Haste had been appointed as substitute for Councillor D Hannent.

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 IN RESPECT OF THE CAPTAIN'S GARDEN AND CAFE, VICTORIA ROAD, DEAL

The sub-committee considered an application from Elinor Crockford in respect of Captain's Garden and Café, Victoria Road, Deal for a premises licence as follows:

Supply of Alcohol (for consumption on the premises

Monday – Saturday	11:00 to 23:00 hrs
Sunday	11:00 to 22:00 hrs

Films

Monday – Saturday	08:00 to 23:00 hrs
Sunday	09:00 to 22:00 hrs

Live Music

Monday – Saturday	08:00 to 23:00 hrs
Sunday	09:00 to 22:00 hrs

Recorded Music

Monday – Saturday	08:00 to 23:00 hrs
Sunday	09:00 to 22:00 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 were no representations made by any of the Responsible Authorities, including the Police.
- (ii) One representation, made by Mr McKenna, was received during the consultation period objecting to the application. Mr McKenna was not in attendance and submitted a statement that was read out at the hearing. He objected to the use of the external garden for 50 people for live events which would be feet away from residential properties. The application was for a café and the proposals were unreasonable in a residential area.
- (iii) Two letters supporting the application were received after the consultation period and prior to the hearing, including one from English Heritage. English Heritage was in support of the application to bring the buildings back into use. The premises would be leased to the applicant from English Heritage.
- (iv) The applicant was seeking permission for the premises licence from the early morning until late at night to allow flexibility and did not intend to remain open for that length of time nor make use of all licensable activities listed in the application. The applicant would be funding the business on her own and the number of staff would be minimal. The wide application was intended to prevent re-applying in the future which would be an additional cost.
- (v) The large grassed area to the front of the building was for the use of the café customers and would seat up to 50 people. The large rear garden (1.2 acres) was for the use of a volunteer gardening group and Deal Hop Farm. It contained vegetable plots and hop plants for the production of local beer. The rear garden would not be used for events or the customers of the café.
- (vi) There would be seating for 20 inside the building.
- (vii) The applicant was intending to sell local produce and alcohol would be purchased from local producers. It would be a café for the local community.
- (viii) The applicant would not be encouraging excessive alcohol consumption and all members of staff would be fully trained. The applicant was a former police officer and worked in community roles in the youth offending team and as a school mentor.

- (ix) It was the applicant's intention to project films and/or a logo onto the side of the property adjacent to the grounds of the premises. Permission for this had not yet been sought from the property owner.
- (x) Members were concerned that films projected onto the high side wall of the property might be distracting to the passing traffic and that if the license were granted that the applicant consider lowering the height of the projection onto the wall.
- (xi) There was no parking on site. Customers would have to park on the street or use the Deal Castle car park.
- (xii) The sub-committee noted that some activities that had been requested would be de-regulated between the hours of 11am and 11pm when alcohol was being sold.
- (xiii) Plays and performance of dance were not licensable activities for the times being sought.

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) Article 6 of the Human Rights Act.

RESOLVED: (a) GRANT the application for a premises licence in respect of The Captain's Garden and Café, Victoria Road, Deal for

Supply of Alcohol (for consumption on the premises)

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Sunday	11:00 to 22:00 hrs

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The meeting ended at 12.29 pm.