

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Friday, 19 July 2019 at 10.00 am.

Present:

Sub-Committee:

Chairman: Councillor T A Bond

Councillors: S H Beer
D G Cronk

Officers:

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

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/19/0007A and NOD/19/0008A).

13 APOLOGIES FOR ABSENCE

There were no apologies for absence received from Members.

14 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

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 IN RESPECT OF THE ADMIRAL HARVEY, 13 BRIDGE STREET, DOVER

The sub-committee considered an application from Gary Elston and Karen Ethrington in respect of The Admiral Harvey Public House, 13 Bridge Street, Dover CT16 2LB for a premises licence as follows:

Supply of Alcohol (for consumption on and off the premises)

Every day	11:00 – 23:00 hrs
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Late Night Refreshment

Friday – Saturday	23:00 – 01:30 hrs
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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) Ms Seiler's concerns related to the late night refreshment provision from 23:00 to 01:30 hrs on Fridays and Saturdays. Although the sale of alcohol was precluded beyond 23:00 hrs Ms Seiler had concerns as to how this would be adhered to and monitored. Members also echoed this concern.
- (iii) The applicants explained that they had made an error when applying for the licence. They had intended to apply for an alcohol licence until 01:30 hrs in addition to the late night refreshment licence on Fridays and Saturdays. They would submit a variation application for the sale of alcohol from 23:00 to 01:30 hrs. If the late night refreshment element of the licence were granted they would not make use of the late night opening hours until the alcohol licence had been granted.
- (iv) Ms Seiler was also concerned about the noise created by smokers outside the premises in a residential area and that smokers would be on the pavement creating noise until 01:30 hrs. Ms Seiler stated in her representation that 23:00 hrs would be more acceptable.
- (v) The applicants addressed the concerns of the objector. In their statement read out at the hearing by the Licensing Team Leader, they stated that:
 - a. All windows and external doors would be kept closed between 22:00 and 08:00 hrs and during any regulated entertainment, except for ingress and egress to the premises, to prevent a noise disturbance to the neighbouring properties.
 - b. A direct telephone number for the manager of the premises would be made publicly available at all times the premises are open and made available to residents in the vicinity of the premises.
 - c. There will be a documented dispersal policy implemented.
 - d. Notices will be displayed in any areas used for smoking and at all exits, requesting customers and/or staff to respect the local residents and to use the area quietly.
 - e. At the end of each trading day the pavement from the building line to the kerb edge immediately outside the premises shall be swept and/or washed if necessary, with litter collected and disposed of accordingly.
 - f. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 22:00 and 07:00 hrs.
 - g. No deliveries and/or collections (including private waste collections) shall take place on Sundays or bank holidays or between 20:00 and 07:30 hrs Monday to Saturday.
 - h. A designated gated smoking area, which can only be accessed from the main bar areas, will be created. This will have CCTV and the DPS will have a clear view of the area from the bar servery.

In reaching its findings the sub-committee took into account the following:

- (i) Dover District Council 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, in part, the application for a premises licence in respect of The Admiral Harvey Public House, 13 Bridge Street, Dover CT16 2LB as follows:

- (i) GRANT the Supply of Alcohol (on and off the premises)

Every day	11:00 to 23:00 hrs
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- (b) That the Late Night Refreshment activity be refused.

17 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF LITTLE INDIA, 68 ELMS VALE ROAD, DOVER

The sub-committee considered an application from Shakkthi Limited in respect of Little India, 68 Elms Vale Road, Dover CT16 9NT. The application was the grant of a premises licence as follows:

Supply of Alcohol (for consumption OFF the premises)

Every Day	08:00 – 23:00 hrs
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On the basis of the representations of the applicant and other persons, the sub-committee found the following facts to be established:

- (i) The premises was a retail shop selling newspapers, magazines, cigarettes, groceries and general items specialising in Indian produce.
- (ii) As a result of a discussion during the consultation process with Kent Police, the applicant amended the start time for alcohol sales to 08:00 hrs every day.
- (iii) There had been no representations made by any of the Responsible Authorities including the Police.
- (iv) The concerns raised by those who made representation included:
 - There would be an increase of underage drinkers to the area and potentially proxy sales;
 - There would be an increase in noise in a residential area from the customers of the shop late at night;

- There would be a need for additional parking for customers to the premises;
 - The applicant would not be able to ascertain the age of individuals purchasing alcohol.
- (v) Dover Town Council felt the application breached all four licensing objectives. They suggested that a more appropriate time for alcohol sales would be 09:00 – 23:00 hrs Monday to Sunday as the premises was situated in a residential area and it was located en route to six schools in the area.
- (vi) There was no evidence provided by Dover Town Council to support their objection, in particular, they confirmed there was no evidence of any alcohol related crimes in the area of the premises.
- (vii) At the hearing the applicant varied the application and requested the grant of the premises licence as follows:

Supply of Alcohol (for consumption OFF the premises)

Every day	09:00 – 23:00 hrs
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- (viii) The shop would be open from 08:00 hrs. Notices would be displayed on the alcohol chillers, which were separately partitioned, advising no sales of alcohol before 09:00 hrs.
- (ix) There were conditions based upon the operating schedule that addressed the requirement to promote the licensing objectives and included a Challenge 25 policy. All staff, paid or unpaid, would be trained in the sale of alcohol and a refusals register would be maintained.

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 premise licence for Little India, 68 Elms Vale Road, Dover CT16 9NT for the

Supply of Alcohol (for consumption OFF the premises)

Every day	09:00 – 23:00 hrs
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The meeting ended at 11.05 am.