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23 July 2020

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **LICENSING COMMITTEE** will be held as a Remote Meeting - Teams Live Event on Friday 31 July 2020 at 10.00 am 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.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Nicky', written over a white background.

Chief Executive

Licensing Committee Membership:

M Bates
D G Beaney
T A Bond
P M Brivio
D G Cronk
D Hannent
J P Haste
P D Jull
L A Keen
S C Manion
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 4)

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

6 **MINUTES** (Pages 5 - 6)

To confirm the attached Minutes of the meeting of the Committee held on 30 October 2019.

7 **MINUTES OF SUB-COMMITTEE MEETINGS** (Pages 7 - 9)

To receive the attached minutes of the meetings of the Licensing Sub-Committee held on 18 October 2019.

8 **LICENSING ACT 2003 AND GAMBLING ACT 2005 - APPOINTMENT OF LICENSING SUB-COMMITTEES AND CHAIRMEN OF SUB-COMMITTEES**
(Pages 10 - 11)

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

- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have changed the basis of the public's legal right to attend meetings. This means the public now has the right to hear Councillors attending the remote committee meeting that would normally be open to the public to attend in person. It is the intention of Dover District Council to also offer the opportunity for members of the public to view, as well as hear, remote meetings where possible. You may remain present throughout them except during the consideration of exempt or confidential information.
- 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. 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 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, 30 October 2019 at 5.00 pm.

Present:

Chairman: Councillor O C de R Richardson (Vice-Chairman in the Chair)

Councillors: P M Brivio
D Hannent
J P Haste
K Mills
D P Murphy
C D Zosseder

Officers: Head of Governance
Licensing Team Leader
Democratic Services Officer

8 APOLOGIES

Apologies for absence received from Councillors T A Bond, S H Beer and M J Holloway.

9 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

10 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

11 MINUTES

The Minutes of the meeting of the Committee held on 28 May 2019 were approved as a correct record and signed by the Chairman.

12 MINUTES OF SUB-COMMITTEE MEETINGS

The Minutes of the meetings of the Licensing Sub-Committees held on 11 April, 28 May, 31 May, 16 July, 19 July and 15 August 2019 were received and noted.

13 FEES AND CHARGES 2020/21

Members considered the report of the Head of Regulatory Committee which set out the fees and charges for 2020/21 relevant to the Licensing Authority. Members were reminded that the Licensing Act fees were set by Government and not by the Council and that the fees set under the Gambling Act were capped by Government and set within the guidelines.

RESOLVED: (a) That the Fees and Charges for 2020/21 as set out in Annex 3 be approved.

(b) That Members approve the general principle that fees are set at an appropriate inclusive level, irrespective of VAT status,

and that the VAT element within the overall fee level is then determined.

- (c) That Members approve the general principle that, unless the fee is set by statute, licensing fees will be set on a cost recovery basis.
- (d) That the Head of Regulatory Services be authorised to adopt fees at, or close to government directed levels without the need for further reporting, in cases where the Council is awaiting Government guidance and it has not been possible to set a fee level at this stage.
- (e) That the Head of Regulatory Services be authorised in consultation with the Strategic Director of Corporate Resources to make minor adjustments to the fees and charges as necessary.

The meeting ended at 5.03 pm.

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Friday, 18 October 2019 at 9.30 am.

Present:

Sub-Committee:

Chairman: Councillor D Hannent

Councillors: D G Beaney (as substitute for Councillor C D Zosseder)
K Mills

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/19/0011V).

23 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor C D Zosseder.

24 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor D G Beaney was appointed as substitute member for Councillor C D Zosseder.

25 DECLARATIONS OF INTEREST

There were no declarations of interest made.

26 LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE AT ROUTE ONE, 70 BEACH STREET, DEAL

The sub-committee considered an application from Carol Woolls and Louise Grinstead in respect of Route One, 70 Beach Street, Deal. The application was for the variation of the premises licence to include the provision of the supply of alcohol off the premises as follows

Supply of Alcohol (for consumption OFF the premises)

Sunday	11:00 – 20:00 hrs
Monday – Saturday	11:00 – 22:00 hrs

The premises was licensed as follows

Supply of Alcohol (for consumption ON the premises)

Sunday	11:00 – 20:00 hrs
Monday – Saturday	11:00 – 22:00 hrs

On the basis of the representations of the applicants, their representative and other persons, the sub-committee found the following facts to be established:

- (i) The applicants had held a premises licence with Dover District Council since 2017.
- (ii) During the consultation period three representations were received objecting to the application. These stated that there were already many premises in the vicinity providing off sales of alcohol and that the extra sales could lead to an increase in unacceptable behaviour and be a public nuisance.
- (iii) Other premises in the area that had off sales provision attached to their licence included The Port Arms, The King's Head, Clarendon and The Royal.
- (iv) The objectors were not in attendance at the Hearing. The committee took their written correspondence into account in their absence.
- (v) There had been no representations from any of the Responsible Authorities including the police. There had been no complaints or reports made to the council's Environmental Health or the Licensing department regarding the premises.
- (vi) The applicants were not in attendance at the Hearing. Mark Wools and Nick Stevens were in attendance in their stead and presented the application to the committee.
- (vii) Route One was a small business located on the seafront. The business was seasonal because of its location and had provision for 10 tables and 40 chairs outside. Seating at the premises became limited during the summer months and the applicants were applying for the variation to allow customers to purchase drinks whilst waiting for seating to become available. There was a seawall adjacent to the premises where customers would be able to sit and wait.
- (viii) The applicants were responsible traders who had experience in running businesses in Deal and Dymchurch Amusement Park without having received any complaints.
- (ix) Councillor D G Beaney expressed concern about glass bottles on the beach and the possibility of breakages.
- (x) The applicant's representatives advised that they intended to serve drinks being consumed beyond the premises in plastic containers.
- (xi) Staff at the premises regularly collected litter beyond the boundary of the premises to keep the exterior clean and presentable and would continue to do so.
- (xii) There would be no additional drink provision for off sales. The drink offer would be the same for on and off sales.

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) Article 6 of the Human Rights Act
- (iv) Section 17 of the Crime and Disorder act 1998.

RESOLVED: GRANT the variation to the application for the supply of alcohol for consumption OFF the premises as follows:

Supply of Alcohol (for consumption OFF the premises)

Sunday	11:00 – 20:00 hrs
Monday – Saturday	11:00 – 22:00 hrs

The sub-committee made the following observations which were not made as conditions:

- (a) The supply of plastic containers for drinks could be of harm to the environment considering its location and that it would recommend the avoidance of plastic unless necessary. They would encourage the use of glass, which can be recycled, and that customers be requested to return the glasses to the premises.
- (b) The applicants were already clearing the area of litter immediately in front of the premises and the sub-committee commended them for this and the sub-committee would encourage them to continue this. It was suggested that glasses could be marked in some way to be able to identify their glasses in the vicinity of the premises.

The meeting ended at 10.09 am.

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

Meeting and Date: Licensing Committee – 31 July 2020

Report of: Diane Croucher – Head of Regulatory Services

Classification: UNRESTRICTED

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

Recommendation: (a) That the Licensing Committee appoints 5 Sub-Committees together with a Chairman for each Sub-Committee for the ensuing municipal year 2020/21.

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 2019/20 the 5 sub-committees (and its chairmen) were as follows:

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

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 2020/21 are:

A	T A Bond	D G Cronk	P D Jull
B	D P Murphy	O C de R Richardson	M Bates
C	D Hannent	K Mills	C D Zosseder
D	D G Beaney	S C Manion	L A Keen
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