

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 3 August 2021 at 2.00 pm.

Present:

Sub-Committee:

Chairman: Councillor D G Beaney (as substitute for Councillor D P Murphy)

Councillors: D G Cronk (as substitute for Councillor M Bates)
O C de R Richardson

Officers:

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

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2021/0010V).

23 ELECTION OF A CHAIRMAN

In the absence of the Chairman of the Sub-Committee, the Democratic Services Officer called for nominations for the Chairman. It was proposed by Councillor O C de R Richardson and duly seconded, and

RESOLVED: That Councillor D G Beaney be elected as Chairman for the duration of the meeting.

24 APOLOGIES FOR ABSENCE

There were apologies for absence received from Councillors M Bates and D P Murphy.

25 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, that Councillors D G Cronk and D G Beaney be appointed as substitute members for Councillors M Bates and D P Murphy respectively.

26 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

27 LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE AT BEST WESTERN PLUS DOVER MARINA HOTEL AND SPA, WATERLOO CRESCENT, DOVER

The Sub-Committee considered an application for the variation of a Premises Licence for Best Western Plus Dover Marina Hotel and Spa, Waterloo Crescent, Dover to include two newly added bars and amend the following licensing provisions:

Films (Indoors and Outdoors)

Every day	12.00 – 23.00 hrs
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Indoor Sporting Events

Every day	12.00 – 23.00 hrs
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Recorded Music, Facilities for making music, Facilities for dancing (Indoors and Outdoors)

Monday – Saturday	11.00 – 00.00 hrs
Sunday	11.00 – 23.30 hrs
New Year's Eve	11.00 – 01.00 hrs

Performance of Dance

Monday – Saturday	12.00 – 00.00 hrs
Sunday	12.00 – 23.30 hrs
New Year's Eve	12.00 – 01.00 hrs

Provisions of facilities for making music (Indoors and Outdoors)

Sunday	12.00 – 23.30 hrs
New Year's Eve	12.00 – 01.00 hrs

Provision of facilities for dancing (Indoors and Outdoors)

Sunday	12.00 – 23.30 hrs
New Year's Eve	12.00 – 01.00 hrs

Late Night Refreshment (Indoors and Outdoors)

Every day	23.00 – 05.00 hrs
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On the basis of the representations of the applicants, their representatives and Other Persons, the Sub-Committee found the following facts to be established:

- (i) The application made by Dover Marina Hotel Ltd and represented at the Hearing by Thusitha Sumanasekera and Trevor Bond sought to vary the Premises Licence to include two newly added bars on the terrace at the front of the hotel, increase the hours of some of the licensable activities and add some additional activities.
- (ii) The Licensing Manager provided further information to the report advising that as a result of deregulatory changes to the Licensing Act 2003 and the Live Music Act 2012, a licence was not required for some of the activities in the application. Therefore, the only matters for consideration were the two bars and the following:

Films (Indoors and Outdoors)

Every day	12.00 – 23.30 hrs
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Recorded Music (Indoors and Outdoors)

Sundays	23.00 – 23.30 hrs
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Performance of Dance (Indoors and Outdoors)

Monday – Saturday	23.00 – 00.00 hrs
Sundays	23.00 – 23.30 hrs
New Year's Eve	23.00 – 01.00 hrs

Late Night Refreshment (indoors and outdoors)

Every day	23.00 – 05.00 hrs
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- (iii) Three representations were received objecting to the application and were made under the Licensing Objective, Prevention of Public Nuisance. The representation submitted by Mr and Mrs Stockbridge also included a petition supporting their representation although those named in the petition were not party to the Hearing in their own right. Following discussions with the General Manager of Dover Marina Hotel, Lady Kendal Jaggar withdrew her representation.
- (iv) They were concerned the addition of the late-night refreshment provision (indoors and outdoors) for nearly 20 hours a day, seven days a week, and the showing of films and dancing (for what could be for up to 500 people) in the outdoor space which would disrupt the lives of residents in Waterloo Mansions (that was attached to the hotel). The residents consisted of elderly, sick, and shift workers and wanted reassurance those activities would not impact on their lives.
- (v) The hotel was a Grade II Listed 4-star hotel with 85 rooms. Mr Sumanasekera explained it was within the hotel's interests to keep noise to a minimum on the terrace so as not to disturb their residents. They were unable to install double glazing due to its listed status.
- (vi) The hotel was already licensed to serve alcohol and food and drink outside on the terrace. The addition of the two bars was to provide a better, more efficient service more akin to a 4-star hotel. There was already seating for 80 patrons on the terrace. This would be unchanged by adding the two bars.
- (vii) Mrs Stockbridge stated that the number of licensed premises in the vicinity had increased with the opening of the Marina Curve. The residents had witnessed defecation, urination and vomiting on the seafront which Mrs Stockbridge said was as a result of alcohol misuse. Whilst this was a problem, she did not attribute it to the hotel, but rather that it was generally an issue with alcohol.
- (viii) The entire premises was covered by CCTV and Dover Harbour Board police regularly patrolled the seafront. All staff were fully trained in the sale of alcohol.

- (ix) In the ten years Dover Marina Hotel Ltd had been running the hotel there had been no complaints regarding noise or the sale of alcohol. There had been one complaint made to the licensing authority regarding the installation of the terrace bars. There had been four Temporary Event Notices (TENs) utilised over 21 days prior to this application being considered.
- (x) After 23.00 hours alcohol could only be purchased by hotel residents and was charged to their room. Only on special occasions for events would they stay open later for paying customers.
- (xi) There was no requirement to have a late-night licence for residents of the hotel and the late-night refreshment provision was required to serve customers who were not residents or guests of residents.
- (xii) Mr Sumanasekera provided examples of when the licence would be utilised. The hotel attracted corporate guests that might wish to entertain clients beyond 23.00 hours or cross-channel swimmers who sometimes required an early breakfast. There was no intention to be serving 20-30 guests and the hotel did not have the staff to do so at this time of night.
- (xiii) Discussions took place regarding the objections to the outside cinema. Mr Sumanasekera told those present that there was no intention to have a large cinema screen on the terrace and they only intended to show live sporting events on a large television screen.
- (xiv) The Licensing manager advised that the hotel's current licence permitted the showing of films inside the premises from midday to 22.00 hours and that a licence was not required for a televised live sporting event. As a result Mr Sumanasekera removed the variation request for the provision of films (indoors and outdoors) from the application.
- (xv) Regarding the performance of dance and music this was not to hold events outside but rather to allow individual patrons to dance if they so wished. The applicant stated that the area in which to dance was limited in any event due to the seating on the terrace and so only 5 or 6 people would be able to dance at any one time.
- (xvi) The Sub-Committee considered all information before them, including the objections from those not in attendance. The hotel had operated under four TENs with no complaints regarding the sale of alcohol or noise from the external bars.
- (xvii) The Sub-Committee noted the concerns of the objectors regarding the potential noise from the terrace and that it was not in the interest of the 4-star hotel to have such noise or disturbance.
- (xviii) The Sub-Committee accepted that only residents of the hotel were served alcohol after the bar closed but that residents may bring guests back to use facilities late at night.

- (xix) The variation application was not adding any additional hours to the sale of alcohol but adding two bar areas to the outside terrace which would provide a greater supervision of patrons due to the proximity of the staff.

In reaching its findings the Sub-Committee considered 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: That the variation application for Best Western Plus Dover Marina Hotel and Spa, Waterloo Crescent, Dover be GRANTED to include two newly added bars (with the existing licensed hours) and amend the following licensing provisions as follows:

Recorded Music (Indoors and Outdoors)

Sundays	23.00 – 23.30 hrs
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Performance of Dance (Indoors and Outdoors)

Monday – Saturday	23.00 – 00.00 hrs
Sundays	23.00 – 23.30 hrs
New Year's Eve	23.00 – 01.00 hrs

Late Night Refreshment (Indoors ONLY)

Every day	23.00 – 05.00 hrs
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The meeting ended at 3.17 pm.