

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Friday, 3 March 2023 at 10.13 am.

Present:

Sub-Committee:

Chairman: Councillor T A Bond

Councillors: P D Jull
K Mills (as substitute for Councillor D G Cronk)

Officers:

Legal Adviser: Principal Lawyer - Litigation and Regulatory
Litigation Lawyer

Licensing Officer: Licensing Manager
Licensing Officer
Licensing Officer
Licensing Officer

Administrator: Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2023/0001R).

11 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor D G Cronk.

12 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor K Mills was appointed as substitute for Councillor D G Cronk.

13 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

14 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor T A Bond, duly seconded and

RESOLVED: That, having applied the public interest test in accordance with Regulation 14 of The Licensing Act 2003 (Hearings) Regulations 2005, the press and public be excluded from the remainder of the meeting and that a decision will be published on the basis that it does not place sensitive data and/or information in the public domain.

15 LICENSING ACT 2003 - APPLICATION FOR THE REVIEW OF A PREMISES LICENCE FOR THE ATTIC BAR, FIRST AND SECOND FLOORS, 8-9 CHURCH STREET, DOVER

The Sub-Committee considered an application for the review of a premises licence in respect of The Attic Bar, First and Second Floor, 8-9 Church Street, Dover CT16

1LY. The review was made under section 51 of the Licensing Act 2003 as requested by PC D Rolfe – Police Licensing Enforcement Officer, on behalf of Kent Police, on the grounds that the licensing objectives of the Prevention of Crime and Disorder and Public Safety were not being promoted. During the consultation period two further representations were received in respect of public nuisance.

The following documentary evidence and/or other information was taken into account by the Sub-Committee:

- (i) The Licensing Manager's report including the options available to the Sub-Committee
- (ii) Current premises licence for The Attic Bar (Appendix A)
- (iii) Map of the area (Appendix B)
- (iv) Review application submitted by Kent Police (Appendix C)
- (v) Further submissions made by Kent Police (Appendix D)
- (vi) Representations made by Other Parties (Appendix E)
- (vii) Previous premises licence prior to variation approved by Licensing Sub-Committee at the hearing on 29 November 2022 (Appendix F)
- (viii) First supplementary paper
- (ix) Second supplementary paper

On the basis of the representations of the Responsible Authority – Kent Police (the applicant), representatives of The Attic Bar and Other Persons, the Sub-Committee found the following facts to be established:

- (i) The premises was first licensed on 30 July 2021 with Mr Dok named as the Premises Licence Holder (PLH) and the Designated Premises Supervisor (DPS).
- (ii) On 1 November 2021, the DPS was changed to Mr Hammond. However, Mr Pilott has been managing the premises.
- (iii) The Premises Licence (PL) was varied on 29 November 2022 extending the licensable hours.
- (iv) Under section 51 of the Licensing Act 2003, PC Rolfe, on behalf of Kent Police as the Responsible Authority, submitted a review application for The Attic Bar, First and Second Floor, 8-9 Church Street, Dover CT16 1LY and sought revocation of the premises licence.
- (v) The application cited two incidents of concern at the premises. The first in the early hours of Saturday 10 December 2022 and the second in the early hours of Sunday 1 January 2023.
- (vi) During the consultation period a representation was received from Environmental Health regarding public nuisance.

- (vii) During the consultation period a representation was received from Theresa Hardy regarding public nuisance.
- (viii) The Sub-Committee heard representations and from witnesses on behalf of the premises.

In reaching its findings the Sub-Committee had taken 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 (Right to a fair trial)
- (iv) Section 17 of the Crime and Disorder Act 1998 (Duty to consider crime and disorder implications)

RESOLVED: The Sub-Committee has decided

- (i) That there was a failing in the promotion of 3 of the 4 licensing objectives.
- (ii) The incidents are serious but having regard to the explanations and the proposals offered, the Sub-Committee is of the opinion that revocation would not be a reasonable and proportionate response to this (first) review.
- (iii) The Sub-Committee has decided to modify the conditions on the licence.
- (iv) The Sub-Committee decide as follows

The times for licensable activity is to revert to pre variation (November 2022) timings save for

- The premises will remain operational on floors 1 and 2 (so there is no reversion to specific hours for the pool room and the nightclub)

Various additional conditions have been placed on the licence.

The meeting ended at 3.34 pm.