

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 26 April 2023 at 10.02 am.

Present:

Sub-Committee:

Chairman: Councillor T A Bond

Councillors: N J Collor
P D Jull

Officers:

Legal Adviser: Principal Lawyer - Litigation and Regulatory

Licensing Officer: Licensing Manager
Licensing Officer
Licensing Officer

Administrator: Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2023/0002A, NOD/2023/0003A and NOD/2023/0004V).

16 APOLOGIES FOR ABSENCE

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

17 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor N J Collor was substitute for Councillor D G Cronk.

18 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

19 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF THE QUAYSIDE STREET KITCHEN, HIGHWAY MARINE, PILLORY GATE WHARF, 38 STRAND STREET, SANDWICH

The Sub-Committee considered an application for the variation of a premises licence in respect of The Quayside Street Kitchen, Highway Marine, Pillory Gate Wharf, 38 Strand Street, Sandwich, Kent.

The application was for

Supply of Alcohol (for consumption ON the premises)

Every Day	07:00 – 22:00 hrs
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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) Application from Gavin St John Wilders for the grant of a premises licence and plan Appendix A
- (iii) Map of the area (appendix B of the agenda)
- (iv) Representation from Other Persons (appendix C of the agenda)
- (v) Copy of supporting email (appendix D of the agenda)

On the basis of the representations of the applicant, their representative and the written representations from Other Persons, the Sub-Committee found the following facts to be established:

- (i) The application from Gavin St John Wilders, represented at the hearing by Gavin St John Wilders (owner and designated premises supervisor) and Lisa Keates (co-owner), was for the grant of a premises licence at The Quayside Street Kitchen, Highway Marine, Pillory Gate Wharf, 38 Strand Street, Sandwich. The application sought the supply of alcohol for consumption on the premises every day from 07:00 – 22:00 hrs.
- (ii) The Sub-Committee was informed that one of the hearing packs had been returned as 'unknown at address'. Notwithstanding, the Sub-Committee noted and took into account all of the written representations including, the letter of support.
- (iii) The Sub-Committee heard from the applicant that he is the co-founder of the bar/grill and his business partner was Lisa Keates. Between them they had over 40 years' relevant experience. The applicant had been a designated premises supervisor since 2016 at a local licensed premises and Lisa Keates had been a designated premises supervisor and premises licence holder since 2019.
- (iv) Regarding the "Public Safety" objection from a resident in Deal and their concern about the location, Lisa Keates was a local coastguard and the applicant was an Environmental Health Officer for over 20 years. The property now had a fully enclosed boundary with three layers of rope which was inaccessible without deliberate access.
- (v) The applicant understood there had been an agreement with the previous owners for customers to use the bridge to carry their drinks over from another licensed premises and use the area. By applying for their own premises licence, the applicant would have control under the licence.
- (vi) The business was responsible – it was food registered, had a waste contract and flushing water toilets would be hired to be available on site.
- (vii) The second representation citing "Public Nuisance", this business was on the opposite side of the river to the objector. There was also a licensed premises next to the objector.
- (viii) The applicant's intention was "food first" with a target audience of 40+. The objector raised concern that the previous owner played loud music however

the applicant could not comment. They wanted to create a relaxed vibe. The business did not use or have access to the same area the objector had concerns about.

- (ix) Regarding the concern about extra refuse collection disturbance, the applicant confirmed it would be the same collection as the current waste collection so there would be no new disruption.
- (x) The Sub-Committee clarified whether the applicant had CCTV; they did.
- (xi) The applicant was also asked to clarify the no under 16s after 20:00 hrs policy; it was confirmed the business would not be serving under 16s after 20:00 hrs. It was further explained by the applicant that most premises had a 21:00 hrs cut off time. However, because it was the applicant's intention to close at 22:00 hrs (at the height of Summer) and normally 21:00 hrs they felt it would be more prudent for families to have left by 20:00 hrs.
- (xii) The Sub-Committee questioned why the applicant had applied for 07:00 hrs start time. The applicant confirmed that the site opened at 07:00 hrs and as it was only a small site alcohol would be visible as soon as they opened. They did not have storage elsewhere or the ability to shutter the alcohol out of sight. However, they anticipated they would probably start serving alcohol around 11:00 hrs. The applicant expressed that they were flexible to change. In this regard, the Licensing Manager confirmed the licensing policy said alcohol must be shuttered off or removed if alcohol licensable hours and opening times were different.

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 in particular 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: That the application in respect of The Quayside Street Kitchen, Highway Marine, Pillory Gate Wharf, 38 Strand Street, Sandwich be GRANTED as applied for.

20 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF CLIFFTOP CAFE, 111A OLD DOVER ROAD, CAPEL-LE-FERNE, FOLKESTONE

The Sub-Committee considered an application for the grant of a premises licence in respect of Clifftop Café, 111A Old Dover Road, Capel-le-Ferne, Folkestone. The application was for:

Supply of Alcohol (for consumption ON the premises)

Every Day	12:00 – 20:00 hrs
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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) Application from Jacob Hackett for the grant of a premises licence and plan (appendix A of the agenda)
- (iii) Map of the area (appendix B of the agenda)
- (iv) Representation from Other Persons (appendix C of the agenda)
- (v) Copy of supporting email (appendix D of the agenda)

On the basis of the representations of the applicant, their representative and the written representations from Other Persons, the Sub-Committee found the following facts to be established:

- (i) The application from Jacob Hackett (owner and designated premises supervisor), supported at the hearing by Timothy Hackett, his father and co-owner, was for the grant of a premises licence at Clifftop Café, 111A Old Dover Road, Capel-le-Ferne, Folkestone. The application sought the supply of alcohol for consumption on the premises every day from 12:00 to 20:00 hrs. The opening hours of the premises every day being from 09:00 to 20:00 hrs.
- (ii) During the consultation process three representations objecting to the application were received from Other Persons and one representation supporting the applicant however stating the sale of alcohol should end at 18:00 hrs. One of the objectors requested an additional statement to be read. This was presented by the Licensing Manager.
- (iii) The Sub-Committee noted and took into account all of the written representations including, four representations in support.
- (iv) The Sub-Committee heard from Timothy Hackett that he and Jacob Hackett had recently bought the business and locals and dog walkers would like a drink in the evening. Mr Timothy Hackett stated that the venue was likely to close at 19:30 hrs, serving drinks from 16:00 hrs however, they had requested a premises licence from 12:00 to 20:00 hrs and there was no issue of anti-social behaviour from the local pubs so he did not believe there would be any as a result of selling alcohol from this premises.
- (v) It was explained to the Sub-Committee by the applicant that they needed to move the business along for it to succeed so it was proposed to sell pizza, ice cream and drinks including, craft beers in the evening at tables outside. In essence doing what the venue had done previously but with alcohol and extended hours.
- (vi) The Sub-Committee heard that the premises had been open since Timothy Hackett and Jacob Hackett purchased the venue. It was currently open 10:00 to 16:00 hrs and had been for about 3 ½ weeks. The plan was to be seasonal, finishing in October and reopening in February.

- (vii) The Sub-Committee questioned whether there was CCTV. The applicant confirmed there was, and it was connected to his mobile phone.
- (viii) The Sub-Committee also enquired as to the applicant's experience with other establishments. The applicant confirmed he did have previous experience.
- (ix) When asked by the Sub-Committee how the applicant planned to control people, it was explained by the applicant that he had experienced that if the car park was full, people move on. Likewise, if there were no seats available, people move on as there was no standing area. The venue had a capacity for 24 people inside the premises. There were 10 tables outside. There would be no-one inside the premises from 15:30 hrs. It was proposed alcohol would be served outside although, the proposed licensable area included the patio as well as the inside perhaps to be used on a wet day.

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 in particular 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: That the application for the grant of a premises licence in respect of Clifftop Café, 111A Old Dover Road, Capel-le-Ferne, Folkestone be GRANTED as applied for.

21 LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE AT THE ELEPHANT AND HIND, 18-19 MARKET SQUARE, DOVER

The Sub-Committee considered an application for the variation of a premises licence at Elephant and Hind, 18-19 Market Square, Dover, to: increase the licensable hours for alcohol sales; increase the licensable hours for live and recorded music and increase the licensable hours for late night refreshments.

Supply of Alcohol (for consumption ON and OFF the premises)

Sunday – Thursday	10:00 – 00:00 hrs
Friday – Saturday	10:00 – 02:00 hrs

Live and Recorded Music (Indoors)

Sunday – Thursday	23:00 – 00:00 hrs
Friday – Saturday	23:00 – 02:00 hrs

Late Night Refreshment

Sunday – Thursday	23:00 – 00:00 hrs
Friday – Saturday	23:00 – 02:00 hrs

Non Standard Timings

Christmas Day, Boxing Day until 02:00 hrs

New Years Eve until start of business the next day

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) Application from Elephant and Hind Ltd to vary the premises licence (appendix A of the agenda)
- (iii) Existing premises licence (appendix B of the agenda)
- (iv) Map of the area (appendix C of the agenda)
- (v) Email from Mr Richardson confirming amendments to the Operating Schedule (appendix D of the agenda)
- (vi) Representations from Other Persons (appendix E of the agenda)

On the basis of the representations of the applicant, their representatives and the written representations from Other Persons, the Sub-Committee found the following facts to be established:

- (i) The variation application was made by Elephant and Hind Ltd represented by Henry Richardson, Sofia Richardson and Sam White at the hearing and sought to increase the licensable hours for alcohol sales, increase the licensable hours for live and recorded music and to increase the licensable hours for late night refreshment.
- (ii) During the consultation process six representations objecting to the application were received from Other Persons however one was withdrawn before the report was published. The Sub-Committee had regard to the written representations.
- (iii) The applicant stated the reason for extending the licence was to offer a safe place to come out to in Dover. The premises was not a nightclub but had a DJ in the back of the building. It was proposed for two security staff – one to start work at 20:00 hrs and the second at 23:00 hrs. Both to be on duty until 30 minutes after closing. From 23:00 the doors and windows would be closed to reduce the sound levels.
- (iv) The applicant and management had over 25 years relevant experience between them and the manager lived on site. There was CCTV on the premises and the door staff would be getting wearing body cameras.
- (v) Concerns relating to anti-social behaviour, shouting and fighting, the premises was taking precautions to prevent by the steps as outlined. Also, the applicant explained that the outdoor bistro tables were to be taken away except for two benches for customers closest to the premises. There would also be signage regarding keeping noise down.

- (vi) The venue was also a member of DPAC (Dover Partnership Against Crime) and both security staff would have a handheld radio connected to CCTV and access to the Police.
- (vii) Further, the venue would operate a 21+ only entry on Fridays and Saturdays and there would also be a dress code. The security staff would conduct checks for patrons from 20:00 hrs.
- (viii) The venue also had side panels for the exterior awning to decrease noise.
- (ix) The applicant addressed other objections including, urinating in doorways. The applicant stated there were three bars in the areas, all open later than this premises, so there were other patrons in the vicinity.
- (x) This premises received the Best Bar None award and recently recognising its achievement. All management members had personal licences.
- (xi) The applicant stated the premises was trying to work with the locals, trying to keep any anti-social behaviour down – this was for the venue's benefit too and they wanted to be welcomed in the area.
- (xii) Regarding the dress code, the Sub-Committee asked what this meant. The applicant explained this included no tracksuits, no sports shorts, no hi-vis clothing and no work clothes.
- (xiii) The Sub-Committee queried, regarding the performance of live music, the application said, "only intend to have one night a week 02:00 to begin with". The applicant explained they had applied for both Friday and Saturday but it was likely to be Saturday night. The Licensing Manager confirmed that no non-standard timings had been applied for so the applicant would need to apply for a Temporary Event Notice.
- (xiv) Regarding the removing of outdoor tables and chairs the Sub-Committee queried how they were to be removed. The applicant explained that the bistro tables were removed around the side and every night the benches were padlocked. The outdoor table, chairs and benches were either removed or secured except for the two benches. It was questioned whether the barrier was left out. The applicant confirmed the three barriers (which ran to the flower planted) remained outside, defining the area to assist the security in controlling the area.
- (xv) The applicant was asked by the Sub-Committee what the process was for entry being refused. It was explained that DPAC had a list of people barred which the security staff were aware of and the venue also operated a personal list of barred people. Staff met on a Thursday regarding the barred list.
- (xvi) It was queried by the Sub-Committee why the applicant was seeking to remove DPAC from any licence conditions. The Licensing Manager explained that it was unnecessary to be a condition of the licence.
- (xvii) The Sub-Committee clarified with the applicant that the venue had a capacity of 300.

- (xviii) The Sub-Committee explored last drinks, turning off of music and closing times with the applicant. It was confirmed that on Fridays and Saturdays the venue would close at 02:00 hrs. It was agreed that last drinks were to be 30 minutes before closing and that music would cease 15 minutes before closing. Regarding noise, the applicant explained that from 23:00 hrs music entertainment was moved to the back of the venue and that management had been taking noise readings to confirm that the noise level was acceptable.
- (xix) In final clarification, the non-standard timings for late night refreshment on New Year's Eve "until the start of business the next day" was questioned by the Sub-Committee. The Licensing Manager explained this was typical wording. The venue clarified last New Year's Eve they were open until 01:00 hrs. Finally, regarding the outdoor tables and chairs it was clarified that they cleared away at 23:00 hrs, these were subject to a separate licence.

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 in particular 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: That the application for the variation of the premises licence in respect of Elephant and Hind, 18-19 Market Square, Dover be modified and GRANTED as follows:

Supply of Alcohol (for consumption ON and OFF the premises)

Sunday – Thursday	10:00 – 00:00 hrs
Friday – Saturday	10:00 – 01:30 hrs

Live and Recorded Music (Indoors)

Sunday – Thursday	23:00 – 00:00 hrs
Friday – Saturday	23:00 – 01:45 hrs

Late Night Refreshment

Sunday – Thursday	23:00 – 00:00 hrs
Friday – Saturday	23:00 – 02:00 hrs

Non Standard Timings

Christmas Day, Boxing Day until 02:00 hrs

New Years Eve until start of business the next day

Additionally, on Fridays and Saturdays no alcohol is to be consumed in the outdoor areas of the premises from 00:00 hrs.

The Sub-Committee accepts the operating schedule as set out as pages 113 and 126 of the agenda pack including, the removal of ASK Angela and DPAC.

Anything not applied for or not determined in the Sub-Committee's decision remains as is.

The meeting ended at 11.34 am.