

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 2 May 2023 at 2.00 pm.

Present:

Sub-Committee:

Chairman: Councillor T A Bond

Councillors: D G Cronk
P D Jull

Officers:

Legal Adviser: Principal Lawyer - Litigation and Regulatory
Litigation Lawyer

Licensing Officer: Licensing Manager
Licensing Officer

Administrator: Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2023/0005V).

22 APOLOGIES FOR ABSENCE

There were no apologies for absence from Members.

23 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

24 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

25 LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE AT RHINO & BULL'S, 10 KING STREET, DOVER

The Sub-Committee considered an application for the variation of a premises licence in respect of Rhino & Bull's, 10 King Street, Dover, to: increase the licensable hours for alcohol sales; increase the licensable hours for recorded music and increase the licensable hours for late night refreshments, remove a condition on the current licence with regard to background music.

Supply of Alcohol (for consumption ON the premises)

Friday – Saturday	08:00 – 03:00 hrs
Non-Standard Timings	2hrs extension on Bank Holiday

Recorded Music (Indoors)

Friday – Saturday	23:00 – 03:00 hrs
Non-Standard Timings	2 hrs extension on Bank Holiday

Late Night Refreshment

Friday – Saturday	23:00 – 03:00 hrs
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Non-Standard Timings

Christmas Day, Boxing Day until 02:00 hrs

New Years Eve until start of business the next day.

During the consultation period, Kent Police had discussed the variation with the applicant and an amendment to the operating schedule in relation to door supervisors on Fridays and Saturdays had been agreed as follows:

There will be one SIA door supervisor on duty from 20:00 hrs until 30 minutes after closing time, with a second SIA door supervisor on duty from 22:00 hrs until 30 minutes after closing time.

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 Rhino & Bull's 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 thread between Kent Police and the applicant confirming additional door supervisor (appendix D of the agenda)
- (vi) Email thread from Environmental Health (appendix E of the agenda)
- (vii) Representation (appendix F of the agenda)

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

- (i) The variation application was made by Rhino & Bull's represented by Carl Ambrose and Luke Marsh at the hearing and sought to increase the licensable hours for alcohol sales, increase the licensable hours for recorded music, to increase the licensable hours for late night refreshment and to remove a condition on the current licence with regards to background music.
- (ii) During the consultation process one representation objecting to the application was received from Other Persons, however the licensing manager informed the Sub-Committee that numerous attempts had been made to contact the representative in order that mediation was attempted but this was unsuccessful.
- (iii) The Sub-Committee noted the written representation but also noted that it was not authenticated or verified.

- (iv) The applicant explained that this application was made as a result of their customers' request.
- (v) The Sub-Committee queried the capacity of the venue. The applicant stated that this was a one floor venue with a capacity of 90 people however they limited this to 50 people and the last entry was 01:00 hrs.
- (vi) The Sub-Committee queried whether there would be live music and a DJ. The applicant confirmed there would be no live music and that potentially there would be a DJ however the intention was to not play loud music and to not disturb the neighbours. The doors were kept shut and regular meter readings were taken.
- (vii) The applicant explained that the venue was a cocktail bar; 70% of the clientele were women and there was a booking system, and they would know in advance the numbers of persons attending.
- (viii) The applicant confirmed that on Fridays and Saturdays, the two SIA door supervisors would be on duty until 30 minutes after closing time.
- (ix) The licensing manager explained that two complaints had been received regarding the venue, in March 2023 and in 2021 and they both had been closed due to lack of evidence.

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 application in respect of Rhino & Bull's, 10 King Street, Dover, be modified and GRANTED as follows:

Supply of Alcohol (for consumption ON the premises)

Friday – Saturday	08:00 – 02:30 hrs
Non-Standard Timings	2hrs extension on Bank Holiday

Recorded Music

Friday – Saturday	23:00 – 02:45 hrs
Non-Standard Timings	2 hrs extension on Bank Holiday

Late Night Refreshment

Friday - Saturday	23:00 – 03:00 hrs
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Non-Standard Timings

Christmas Day, Boxing Day until 02:00 hrs

New Years Eve until start of business the next day

The condition on the current licence with regards to background music, set out at Annex 2 on the current licence is removed.

On Fridays and Saturdays there will be one SIA door supervisor on duty from 20:00 hrs until 30 minutes after closing time, with a second SIA door supervisor on duty from 22:00 hrs until 30 minutes after closing time.

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

The meeting ended at 2.40 pm.