

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 20 March 2024 at 2.00 pm.

Present:

Sub-Committee:

Chairman: Councillor D G Beaney

Councillors: O C de R Richardson  
M P Porter (as substitute for Councillor J S Back)

Officers:

Legal Adviser: Principal Lawyer - Litigation and Regulatory

Licensing Officer: Licensing Officer  
Licensing Manager

Administrator: Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2024/0003R).

38 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor J S Back.

39 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor M P Porter was appointed substitute for Councillor J S Back.

40 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

41 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor O C de R Richardson, 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.

42 LICENSING ACT 2003 - APPLICATION FOR THE REVIEW OF A PREMISES LICENCE FOR CABIN NEWS, 93 LONDON ROAD, DOVER

The Licensing Sub-Committee considered an application for the review of a Premises Licence for Cabin News, 93 London Road, Dover. The review was made under section 51 of the Licensing Act 2003 as requested by Police Licensing Enforcement Officer (Strategic Prevention Command Licensing Hub East Division), on behalf of Kent Police. The review was called under the licensing objectives Prevention of Crime and Disorder and Protection of Children from Harm.

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) A copy of the current premises licence for Cabin News (appendix A of the agenda).
- (iii) Map of the area (appendix B of the agenda).
- (iv) Review application submitted by Kent Police (appendix C of the agenda).
- (v) Other representations (appendix D of the agenda).

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

- (i) That under section 51 of the Licensing Act 2003, the Police Licensing Enforcement Officer, on behalf of Kent Police as the Responsible Authority, submitted a review application for Cabin News, Dover and sought the revocation of the premises licence on the grounds that the licensing objectives of the Prevention of Crime and Disorder and the Protection of Children from Harm were not being promoted.
- (ii) The premises was licensed since January 2021. The Premises Licence Holder took over the premises in March 2021 and became the Designated Premises Supervisor in May 2021. The premises applied for a variation to the licensable hours in December 2021 to extend alcohol sales until midnight. The licensable activity at the premises was: Alcohol Sales (OFF the premises) – everyday 09:00 – 00:00 hrs.
- (iii) The applicant stated that on 16<sup>th</sup> January 2024 Kent Police were called by a concerned parent who reported an underage sale of vodka to their child at Cabin News Off Licence on London Road. The CCTV (audio and visual) footage of the sale was obtained from the premises by Kent Police. It was viewed twice by the Sub-Committee during the hearing.
- (iv) The Police Licensing Enforcement Officer set out their concerns regarding the sale and the risks of alcohol to young people. The Police Licensing Enforcement Officer submitted that the premises posed a significant risk to young people.
- (v) During the consultation period a representation was received from Kent County Council's Integrated Children's Services Delivery Manager for Dover. The child's parent had also reported this sale to the team and the team onward reported to their partnership colleagues.
- (vi) A representative from Kent County Council's Integrated Children's Services explained that the team sought to encourage community guardianship working with non-traditional partners such as shopkeepers to increase guardian capacity for young people while they are in their communities. The team had spoken with the shop owner, they knew the team was working in

the area and that they could offer support for any troubles the premises might be experiencing but the Premises Licence Holder had not requested support or help.

- (vii) The Integrated Children's Services representative set out the impact for young people of underage drinking. It was submitted by Kent County Council's Integrated Children's Services that conditioning could not overcome the issue raised because mitigations to stop such things were already in place as a duty by the premises and these had been ignored.
- (viii) During the consultation period a representation was also received from Kent County Council Trading Standards.
- (ix) The premises had received an audit visit from Trading Standards on 8<sup>th</sup> January 2024. An email was sent by Trading Standards to the Premises Licence Holder advising that the visit had taken place and that a Challenge 25 test purchase would be carried out in the near future. No reply was received but Trading Standards submitted that notification of a future test purchase should have put the premises on red alert.
- (x) Trading Standards considered the circumstances of the sale of the highest concern. In the circumstances, Trading Standards supported the application for revocation.
- (xi) The Dover District Council Licensing Officer stated that the premises had received a lot of input from Licensing and had an inspection in late 2023.

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 (including but not limited to paragraphs 2.1-2.7; 2.28-2.37; 11.1-11.11; 11.16-11.23; and 11.29)
- (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:** Notwithstanding that this is a first time review based on the report of a single sale of alcohol to a child the Sub-Committee deemed lesser measures insufficient to tackle the problems at the premises therefore decided to revoke the premises licence.

The Premises Licence Holder did not attend therefore the Sub-Committee were unable to seek explanation, ask questions or hear from them as to the management of the premises. In coming to its decision the Sub-Committee took into consideration the representations (written and oral) and decided that revocation was appropriate.

The meeting ended at 3.16 pm.