

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Friday, 12 April 2024 at 10.00 am.

Present:

Sub-Committee:

Chairman: Councillor J P Loffman

Councillors: S B Blair (as substitute for Councillor H M Williams)
M F Hibbert (as substitute for Councillor D P Murphy)

Officers:

Legal Adviser: 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/2024/0006A).

43 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H M Williams and D P Murphy.

44 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors S B Blair and M F Hibbert be appointed substitute members for Councillors H M Williams and D P Murphy respectively.

45 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

46 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF THE DRACULA PARROT, 143 SNARGATE STREET, DOVER

The Sub-Committee considered an application for the grant of a premises licence in respect of The Dracula Parrot, 143 Snargate Street, Dover, Kent CT17 9BZ. The application was for:

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

Monday - Thursday	11:00 - 23:00 hrs
Friday - Saturday	11:00 - 00:00 hrs
Sunday	12:00 - 22:30 hrs
Seasonal Variations Christmas Eve, Boxing Day, Maundy Thursday, St.Patrick's Night, Halloween, and on Sundays preceding Bank Holiday Mondays	The pub intends to extend its operating hours by an additional hour
New Year's Eve	The pub plans to extend its operating hours by an additional hour and a half

Recorded Music (indoors)

Friday - Saturday	23:00 - 00:00 hrs
Seasonal Variations Christmas Eve, Boxing Day, Maundy Thursday, St Patrick's Day, Halloween and on Sundays preceding Bank Holiday Mondays	The pub intends to extend its operating hours by 1 hour
New Year's Eve	The pub plans to extend its operating hours by an additional 90 mins

Opening Hours of the Premises

Sunday - Thursday	11:00 - 23:00 hrs
Friday - Saturday	11:00 - 00:00 hrs
Seasonal Variations Christmas Eve, Boxing Day, Maundy Thursday, St Patrick's Day, Halloween and on Sundays preceding Bank Holiday Mondays	The pub intends to extend its operating hours by an additional hour
New Year's Eve	The pub plans to extend its operating hours by an additional hour and a half

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 John Biggs and Simon Lock 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) Additional conditions provided by the applicants (appendix C of the agenda)
- (v) Representations from Other Persons (appendix D of the agenda)
- (vi) Supplementary papers provided by Robin Burkhardt (published on 10 April 2024 and 11 April 2024)

On the basis of the representations of the applicants, and the oral and written representations from Other Persons, the Sub-Committee found the following facts to be established.

- (i) The application from John Biggs and Simon Lock was for the grant of a premises licence at The Dracula Parrot, 143 Snargate Street, Dover, Kent, CT17 9BZ. The application sought: the **supply of alcohol** for consumption on and off the premises Monday to Thursday from 11:00 – 23:00 hrs, Friday to Saturday 11:00 – 00:00 hrs, Sunday 12:00 – 22:30 hrs, seasonal variations Christmas Eve, Boxing Day, Maundy Thursday, St Patrick's Day, Halloween, and on Sundays preceding Bank Holiday Mondays – an additional hour to the terminal hour, New Year's Eve – an additional 1.5 hours to the terminal hour; **recorded music (indoors)** Friday – Saturday 23:00 - 00:00 hrs, seasonal variations - Christmas Eve, Boxing Day, Maundy Thursday, St Patrick's Day, Halloween, and on Sundays preceding Bank Holiday Mondays – an additional hour to the terminal hour, New Year's Eve – an additional 1.5 hours to the terminal hour and; the **opening hours of the premises** Sunday - Thursday 11:00 – 23:00 hrs, Friday – Saturday 11:00 – 00:00 hrs seasonal variations Christmas Eve, Boxing Day, Maundy Thursday, St Patrick's Day, Halloween, and on Sundays preceding Bank Holiday Mondays – an additional hour to the terminal hour, New Year's Eve – an additional 1.5 hours to the terminal hour.
- (ii) During the licensing consultation process there were no representations made by any of the Responsible Authorities. Following a site visit on 27th February 2024 with Kent Police, Environmental Health and the Council's Licensing team in attendance, conditions were agreed as set out at Appendix C of the Document Pack.
- (iii) During the consultation process seven representations objecting to the application were received from Other Persons. They cited the licensing objectives - prevention of public nuisance and public safety. In summary, the Other Persons raised concerns about the noise impact on the nearby flats, the provision of parking, anti-social behaviour and the need of the venue in the area.
- (iv) In considering the relevant representations, the Sub-Committee took into consideration that there was no cumulative impact policy in the area, no representations had been received from the Responsible Authorities and that the concerns raised were speculative therefore under the case law they should be disregarded unless supported by previous facts as evidence.
- (v) The Sub-Committee heard from Gareth Pearce. He explained that parking had already been a problem in Snargate Street, and the opening of a new bar would result in the residents not being able to park on the street. He explained that the traffic on the A20 was noisy however the back of the property was quiet. An acoustic chamber was created due to the cliffs. He

raised concerns regarding the noise that would be generated at the back of the property from music and people using the courtyard. He questioned how the proposed benches, table and chairs were going to fit in the courtyard and warehouse as they were both quite small.

- (vi) The Sub-Committee heard from Michelle Burkhardt. She explained that she had lived at her property for 9 months, the property was facing the A20 and it was noisy however the back of the property was quiet. She explained that she suffered with COPD and she had to have windows open to get fresh air. She enjoyed sitting on her patio reading her book. She felt that she would not be able to do this anymore as the music would be loud, drunk people had already been a problem on Snargate Street and the issue would now be moved to the back of the property as well. Mrs Burkhardt was worried that due to the noise she would be sleep deprived and her quality of life would be affected.
- (vii) The Sub-Committee heard from Robert Burkhardt. He explained that Snargate Street already had a problem with alcohol and drunk people and anti-social behaviour. He explained that he had had a shop on Snargate Street for the last two years and it was a very hard place to make money. He took the view that the location was not a good place for a bar as it would allow people to congregate and drink resulting in anti-social behaviour. Mr Burkhardt informed the Sub-Committee that the windows of the premises were covered with pieces of paper showing Council's logo and contact telephone number and the company's logo and they were intended to deceive people regarding the licensing application. He also informed the Sub-Committee about the lack of consultation and engagement from the applicants with local residents and business owners. Snargate Street was a community, and the applicants were expected to engage with the neighbours.
- (viii) The Sub-Committee heard from Elysha Oowada. She explained she was a vulnerable adult who due to her condition had hypersensitive hearing. She described how noise affected her day-to-day life and set out her concerns regarding her safety when returning home in the evenings.
- (ix) The Sub-Committee heard from Maria Eliades. She raised concerns regarding her safety when walking her dog, having to pass drunk people and people taking drugs on Snargate Street.
- (x) In response to the Sub-Committee's observations that parking, alcohol and drugs had been an existing issue on Snargate Street and that the concerns raised seemed to speculate on what the bar would bring to the street, Mr Burkhardt explained that people living on Snargate Street worked closely as a community and they were in regular contact with Dover Town Council regarding these issues.
- (xi) In response to the Sub-Committee's observation that the noise was bouncing off the cliffs at the back of the properties, Mr Pearce explained that the noise did travel at the back of the cliffs however the back of the property was quiet if there was no noise from the neighbours.
- (xii) In addressing the Other Persons' concerns, the applicants advised that the papers in the windows were not to deceive people but to advertise the venue. The papers contained the head of the Dracula Parrott and Council's

details however on reflection it was recognised that it was not the correct approach. Regarding the lack of consultation with the neighbours, the applicants advised that they had approached other businesses in Dover and had spoken with several residents and as result they did not see any issues with opening the venue. In addition, the relevant authorities made no representations. Regarding parking, the applicants advised that issues with parking were expected on a busy commercial street however the customers attending the venue would be drinking therefore they were not expected to drive. Also, there was a new public car park planned in the area at the marina. Regarding noise, the applicants advised that environmental protection were satisfied that there was no legitimate cause of concern, soundproofing would be installed, there would be no speakers in the courtyard and a decibel limiter would be in place. Regarding anti-social behaviour, the applicants advised that the Police were satisfied that there was no legitimate cause of concern, and they made no representations. Customer drinking would be contained to the courtyard and those smoking would be encouraged to the courtyard also. The venue being opened was safer than a deserted premises, due to the increased footfall and SIA door staff presence, and a dress code would be operated.

- (xiii) The Sub-Committee heard from the applicants. They advised that the venue would offer a different experience, a safer haven for music enthusiasts. It would bring business to Snargate Street and help with its development. They explained that two businesses had been approached already about voucher partnership.
- (xiv) In response to the Sub-Committee's question regarding the applicants' previous experience in this area, Simon Lock advised that he had run a successful alternative music night for 4 years at the turn of the millennia and that his business partner had previous experience running a pub.
- (xv) In response to the Sub-Committee's question regarding the capacity of the venue, the applicants advised that it was for approximately 96 people however there would be no speakers in the courtyard, the courtyard was intended for drinking only and it would be monitored. CCTV will be in place.
- (xvi) In response to Other Persons' observation regarding the warehouse being too small for what was planned, the ventilation, the fire escape and noise management for the courtyard, the applicants advised that the tables and chairs would be removed for dancing and if it became crowded, they would review capacity. Regarding ventilation and fire escape, the applicants advised that they were in discussions with the Planning department. Regarding management of noise in the courtyard, the applicants advised that the concerns were speculative and the Other Persons were contradicting each other regarding whether noise from their neighbours could be heard at the back of their properties.
- (xvii) The Licensing Manager clarified the concerns raised regarding the capacity of the venue and the papers displayed in the windows. Regarding the capacity, she explained that due to no building works being carried out and no planning permission being in place, Kent Fire were not able to comment however if there were to be any concerns, they would contact the licensing team. Kent Fire sets the capacity of the venue, and the Licensing Manager was advised that it was approximately 20 persons. Regarding the papers displayed in the windows the Council received a complaint and following a

site visit, it was established that the papers were misleading, the applicants were asked to remove them immediately which they did. The Licensing Manager also advised that the licensing team were encouraging the applicants to engage with their neighbours. This was supported by the Sub-Committee.

- (xviii) The Licensing Manager explained the deregulatory changes regarding recorded music. Before 23:00 hrs, no licence is required for recorded music where it takes place on premises which are authorised by a premises licence to be used for the supply of alcohol for consumption on the premises.
- (xix) The Chairman reminded parties that the Licensing and Planning regimes were separate.

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: (a) That the application for a premises licence in respect of The Dracula Parrot, 143 Snargate Street, Dover CT17 9BZ be GRANTED as follows:

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

Monday – Thursday	11:00 – 22:30 hrs
Friday – Saturday	11:00 – 23:30 hrs
Sunday	12:00 – 22:30 hrs

<p>Seasonal Variations</p> <p>Christmas Eve, Boxing Day, Maundy Thursday, St Patrick's Day, Halloween, and on Sundays preceding Bank Holiday Mondays when the pub intends to extend its operating hours by an additional hour.</p> <p>New Year's Eve when the pub intends to extend its operating hours by an additional hour and a half</p>	<p>Monday - Thursday 11:00 - 23:30hrs</p> <p>Friday - Saturday 11:00 - 00:30 hrs</p> <p>Sunday 12:00 - 23:30 hrs</p> <p>Monday - Thursday 11:00 - 00:00 hrs</p> <p>Friday - Saturday 11:00 - 01:00hrs</p> <p>Sunday 12:00 - 00:00 hrs</p>
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Recorded Music (Indoors)

Friday – Saturday	23:00 - 23:30 hrs
<p>Seasonal Variations</p> <p>Christmas Eve, Boxing Day, Maundy Thursday, St Patrick's Day, Halloween, and on Sundays preceding Bank Holiday Mondays when the pub intends to extend its operating hours by an additional hour.</p> <p>New Year's Eve when the pub intends to extend its operating hours by an additional hour and a half.</p>	<p>Friday - Saturday 23:00 - 00:30 hrs</p> <p>Friday - Saturday 23:00 - 01:00 hrs</p>

- (i) The conditions set out at Appendix D of the Document Pack were accepted by the Sub-Committee.
- (ii) The operating schedule at pages 28 and 29 of the Document Pack was accepted by the Sub-Committee.

The meeting ended at 12.09 pm.