

Public Document Pack



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25 February 2025

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **LICENSING COMMITTEE** will be held in the Council Chamber at these Offices on Wednesday 5 March 2025 at 5.30 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Democratic Services on (01304) 872305 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read "Nicky", written over a horizontal line.

Chief Executive

Licensing Committee Membership:

J S Back	S Hill
M Bates	J P Loffman
D G Beaney	S C Manion
S B Blair	D J Parks
P M Brivio	M P Porter
G Cowan	O C de R Richardson
D G Cronk	H M Williams
M F Hibbert	

AGENDA

1 **ELECTION OF A CHAIRMAN**

To elect a Chairman of the Committee for the remainder of the Council year.

2 **APPOINTMENT OF A VICE-CHAIRMAN**

To appoint a Vice-Chairman of the Committee for the remainder of the Council year.

3 **APOLOGIES**

To receive any apologies for absence.

4 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

5 **DECLARATIONS OF INTEREST** (Page 3)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

6 **MINUTES** (Pages 4 - 5)

To confirm the attached Minutes of the meeting of the Committee held on 16 October 2024.

7 **MINUTES OF SUB-COMMITTEE MEETINGS** (Pages 6 - 33)

To receive the attached minutes of the meetings of the Licensing Sub-Committees held on 29 May 2024, 26 June 2024, 15 August 2024, and 21 October 2024.

8 **LICENSING ACT 2003 AND GAMBLING ACT 2005 - AMENDMENTS TO LICENSING SUB-COMMITTEES** (Page 34)

Following the meeting of full Council held on 29 January 2025, a change was made to the membership of the Licensing Committee. As a consequence, Members are asked to appoint Councillor H M Williams to a sub-committee in accordance with the attached report.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is step free access via the Council Chamber entrance and an accessible toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Democratic Services, democraticservices@dover.gov.uk, telephone: (01304) 872305 or email: democraticservices@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

Minutes of the meeting of the **LICENSING COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 16 October 2024 at 5.30 pm.

Present:

Chairman: Councillor S Hill

Councillors: D G Cronk
M Bates
D G Beaney
P M Brivio
Cowan
M F Hibbert
J P Loffman
M P Porter
O C de R Richardson

Officers: Licensing Manager
Democratic Services Officer

15 APOLOGIES

Apologies for absence were received from Councillors S B Blair and D J Parks.

16 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

17 DECLARATIONS OF INTEREST

Councillor D G Beaney declared a Disclosable Pecuniary Interest in agenda item 5 (Minute No.19) by reason that he was the joint owner of The Crown Inn public house, Finglesham and would leave the meeting for consideration of the item.

Councillor M Bates declared a Disclosable Pecuniary Interest in agenda item 5 (Minute No.19) by reason that his was employed as an internal auditor for a chain of hotels in the district and would leave the meeting for consideration of the item.

Councillor O C de R Richardson declared an Other Significant Interest in agenda item 5 (Minute No.19) by reason that his son was the owner of The Elephant and Hind public house, Dover and would leave the meeting for consideration of the item.

18 MINUTES

The Minutes of the meeting held on 17 July 2024 were approved as a correct record for signing by the Chairman.

19 FEES AND CHARGES 2025/26

Members were presented with the Fees and Charges 2025/26 report of the Head of Legal and Licensing and presented by the Licensing Manager.

It was a requirement of the Council's constitution to review the fees and charges annually and to produce recommended levels for the financial year. Members were

advised that the Licensing Act fees and charges were all set centrally by government and that in addition, the Gambling Act fees and charges were capped by government, and which had been set at the top of the limit.

- RESOLVED:
- (a) That the Fees and Charges for 2025/26 as set out in Appendix 3 be APPROVED.
 - (b) That Members approve the general principle that fees are set at an appropriate inclusive level, irrespective of VAT status, and that the VAT element within the overall fee level is then determined.
 - (c) That Members approve the general principle that, unless the fee is set by statute, licensing fees will be set on a cost recovery basis.
 - (d) That the Head of Legal and Licensing be authorised to adopt fees at, or close to government directed levels without the need for further reporting, in case where the Council is awaiting Government guidance, and it has not been possible to set a fee level at this stage.
 - (e) That the Head of Legal and Licensing be authorised in consultation with the Portfolio Holder for Transport, Licensing and Environmental Services and the Strategic Director (Corporate and Regulatory) to make minor adjustments to the fees and charges as necessary.

The meeting ended at 5.34 pm.

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 29 May 2024 at 10.03 am.

Present:

Sub-Committee:

Chairman: Councillor S Hill

Councillors: P M Brivio
M F Hibbert

Officers:

Legal Adviser: Litigation Lawyer
Licensing Officer: Licensing Manager
Technical Support Officer (Licensing)
Administrator: Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2024/0008A).

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

3 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

4 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF DEAL DELI, 168 HIGH STREET, DEAL

The Committee considered an application for the grant of a premises licence in respect of Deal Deli, 168 High Street, Deal CT14 6BQ. The application was for:

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

Every day	10:00 – 19:00 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 Craig Selby 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) Representations from Other Persons (appendix C of the agenda)
- (v) Supplementary papers published on 22 May 2024, 23 May 2024, 24 May 2024 and 28 May 2024

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 application from Craig Selby was for the grant of a premises licence at Deal Deli, 168 High Street, Deal CT14 6BQ. The application sought the supply of alcohol for consumption on and off the premises every day from 10:00 – 19:00 hrs.
- (ii) During the consultation process there were no representations made by any of the Responsible Authorities.
- (iii) During the consultation process six representations objecting to the application were received from Other Persons. They cited the licensing objectives – prevention of public nuisance. In summary, the Other Persons raised concerns about the noise impact on the nearby properties, smoke and vape fumes, the use of the pavement by patrons and the need of the venue in the area.
- (iv) There were nineteen representations in support of the application and two further objections however these were received outside the consultation time limit imposed by the Licensing Act therefore they were not considered.
- (v) In considering the relevant representations, the Sub-Committee took into consideration that there was no cumulative impact policy in the area, no representations were received from the Responsible Authorities, the concerns raised were speculative therefore under the case law they should be disregarded unless supported by previous facts as evidence. The Sub-Committee also took into consideration that they could not determine any regulatory matters (i.e. street furniture) or planning matters (i.e. change of use or “need” for a business), that the A-board was not a matter for this Council and that the other neighbours who were mentioned during the hearing did not make representations and therefore not relevant.
- (vi) The Sub-Committee heard from Mr Barkas who also spoke on behalf of Ms Rebecca Bain Smith, Ms Hilary Clare and Mr and Mrs Kyle. He raised concerns regarding the enforcement of non-smoking and drinking outside his front windows. He also explained that he suffered with a serious health condition and in order to prevent noise and smoke and fumes entering his property, he would have to keep his windows shut in the summer which was unreasonable. He also raised concerns about the boundary of the property and the nearby bars already having crowded pavements with people congregating outside the premises and blocking pavements. Mr Barkas also raised concerns regarding breached of Council’s policy and other licensing objectives. Regarding the representations that extended beyond his written submissions he was reminded by the Legal advisor that he cannot introduce new information.

- (vii) The Sub-Committee heard from Charlotte Burton who raised concerns regarding noise coming from the courtyard and the likely access to and from the premises through the back of the courtyard resulting in increase in Anti-Social Behaviour (ASB) on Ivy Lane. She also raised concerns about the customers using the pavement resulting in inconvenience for elderly and for people with disabilities. Ms Burton explained that she did not hear from the applicant and that she found his Facebook post intimidating.
- (viii) The Sub-Committee heard from Rebecca Bain Smith who raised concerns regarding the effect of the noise on her Special Educational Needs (SEN) students who required a calm environment. She also raised concerns about the pavement being used by customers and she explained that walking past crowds was intimidating.
- (ix) The Sub-Committee heard from Mr Selby, who set out his experience and his previous involvement with the community. He explained that he lived above the shop with his daughter and he felt strongly about the community. He explained that the neighbours had his private phone number and he was keen to resolve any issues raised. He informed the Sub-Committee that his neighbour at no.166 raised issues regarding noise from the coffee machine. This issue was resolved by sound proofing being bought and installed. Mr Selby explained that he had already had six Temporary Event Notices (TENS) which was 42 trading days, and no issues were reported. This was confirmed by the Licensing Manager. He also explained that his customers had enjoyed a coffee and cake outside his premises since November 2023 and there had been no reports of ASB, noise, smoke fumes or customers spilling into the neighbouring premises. Mr Selby further explained that he was not looking to set up a drinking establishment, he was looking to serve Italian delicatessen with alcohol as an accompaniment. He was looking to promote the Italian culture which was a bit more sophisticated, and he did not expect his customers to stay for significant periods of time. He explained that he was not looking to cause any detrimental issues to anyone's environment. Mr Selby explained the courtyard was intended to be used for his customers to enjoy a coffee and croissant. Regarding the licensable area, Mr Selby advised that he was seeking boundary A to the garden wall and that in the future, the area that was currently an office would be used by customers as well. In addressing the concerns raised about the boundary of his property, Mr Selby explained that he would make the necessary enquiries and he would also seek the necessary planning and regulatory permissions.
- (x) The Sub-Committee heard from Mr Richardson who explained his involvement with Mr Selby including setting up the first social distancing bar at the Walmer Paddling Pool during Covid 19. The Sub-Committee noted the character reference.
- (xi) The Licensing Manager addressed the concerns raised by Other Persons regarding a previous application and this application not being advertised correctly and clarified procedures were followed in accordance with the Licensing Act.

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 Deal Deli, 168 High Street, Deal CT14 6BQ be GRANTED as applied for as follows:

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

Every day	10:00 – 19:00 hrs
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Subject to one amendment that being the licensable area will not include the area in front of the front door. The licensable area at the front will be included but it will be reduced to cover the area in front of the shop window. This will provide clear access to the door and it will increase the distance from the neighbouring window.

The meeting ended at 11.42 am.

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Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 26 June 2024 at 10.00 am.

Present:

Sub-Committee:

Chairman: Councillor S Hill

Councillors: P M Brivio
M F Hibbert (as substitute for Councillor G Cowan)

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/2024/0009A).

5 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor G Cowan.

6 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor M F Hibbert was appointed substitute for Councillor G Cowan.

7 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

8 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF JENKINS & SON FISHMONGERS LTD, 77-81 HIGH STREET, DEAL

The Sub-Committee considered an application for the grant of premises licence in respect of Jenkins & Son Fishmongers Ltd, 77–81 High Street, Deal, Kent CT14 6EH. The application was for:

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

Tuesday to Saturday	12:00 – 00:00 hrs
Sunday	10:00 – 16:00 hrs
Seasonal Variations New Year's Eve	Normal licensable starting time – 02:00 hrs

Live and Recorded Music (Indoor)

New Year's Eve	23:00 – 02:00 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 Darren Keith Jenkins 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) Representations from Other Persons (appendix C of the agenda)

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

- (i) The application from Darren Jenkins was for the grant of a premises licence at Jenkins & Son Fishmongers Ltd, 77–81 High Street, Deal, Kent CT14 6EH. The application sought the supply of alcohol for consumption on and off the premises Tuesday to Saturday from 12:00 – 00:00 hrs, Sunday from 10:00 – 16:00 hrs, New Year's Eve, normal licensable starting time until 02:00 hrs and live and recorded music (indoors) New Year's Eve 23:00 – 02:00 hrs.
- (ii) During the consultation process there were no representations made by any of the Responsible Authorities.
- (iii) During the consultation process two representations objecting to the application were received from Other Persons. They cited the licensing objective – prevention of public nuisance. In summary, the Other Persons were concerned about noise levels if patrons were congregating outside the premises, smokers outside the premises and associated littering and also serving alcohol until midnight being too late with all the residential properties nearby.
- (iv) There was one representation in support of the application.
- (v) In considering the relevant representations, the Sub-Committee took into consideration that:
 - There was no cumulative impact policy in the district
 - No representations were received from the Responsible Authorities
 - The concerns raised were speculative therefore under the case law they should be disregarded unless supported by previous facts as evidence
 - Matters relating to the enforcement of private law such as a covenant on private land were not within the purview of the Sub-Committee under the Licensing Act
 - Under the Statutory Guidance, beyond the immediate area surrounding the premises, these were matters for the personal responsibility of individuals under the law. An individual who engaged in antisocial behaviour was accountable in their own right. However,

it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that required the licence holder to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, and to respect the rights of people living nearby to a peaceful night. The Sub-Committee noted that the Applicant had already offered, as part of his application to have such signs in place.

- Although there were some residential properties around the premises and mainly at the back of the premises, the immediate neighbours were commercial premises. No objections were received from immediate neighbours.
- (vi) The Sub-Committee heard from the Licensing Manager who presented her report. She also informed Members that there was at least one other business on the High Street that had a licence to supply alcohol until midnight.
- (vii) The Sub-Committee heard from the Applicant who set out his experience and his business plan. He explained that they were intending to serve hot food from 10:30 hrs until 14.30 hrs and have the occasional pop-up event such as a sushi evening. The Applicant informed the members that they were committed not to become a drinking establishment however they would like to have the flexibility to have pop-up events in the evening. The Applicant explained that the premises included a small dining area which could accommodate up to 24 people. The Applicant advised that no smoking area was in place, as on a day-to-day basis, they were expecting customers to use the premises for about 30 minutes while they were eating. He explained that the pop-up events would be ticket only events. The Applicant confirmed that he was happy to stop the sale of alcohol at 23:00 hrs and he formally amended his application.

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) Section 17 of the Crime and Disorder Act 1998 (Duty to consider crime and disorder implications)

RESOLVED: That the application in respect of Jenkins & Son Fishmongers Ltd, 77-81 High Street, Deal, Kent CT14 6EH be GRANTED as follows:

Supply of Alcohol (for consumption ON the premises)

Tuesday to Saturday	12:00 – 23:00 hrs
Sunday	10:00 – 16:00 hrs
Seasonal Variations New Year's Eve	Normal licensable starting time – 02:00 hrs

Live and Recorded Music (Indoor)

New Year's Eve	23:00 – 02:00 hrs
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The meeting ended at 10.37 am.

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Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Thursday, 15 August 2024 at 2.00 pm.

Present:

Sub-Committee:

Chairman: Councillor D G Beaney

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

Officers:

Legal Adviser: Principal Lawyer - Litigation and Regulatory
Litigation Lawyer

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/2024/0010A).

9 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor M Bates.

10 APPOINTMENT OF SUBSTITUTE MEMBERS

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

11 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

12 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF GREAT FARTHINGLOE FARM, FOLKESTONE ROAD, DOVER

The Sub-Committee considered an application for the grant of a premises licence in respect of Great Farthingloe Farm, Folkestone Road, Dover CT15 7AA.

The ORIGINAL application was for:

PLAYS (INDOORS AND OUTDOORS)

Sunday – Thursday	10:00 – 00:00 hours
Friday – Saturday	10:00 – 02:00 hours
Non-standard timings:	

Sundays preceding Bank Holidays and New Years Eve	Normal licensable starting time – 02:00 hours
World Peace Day	Friday and Saturday 08:00 – 08:00 hours Sunday 08:00 – 00:00 hours

FILMS (INDOORS AND OUTDOORS)

Sunday – Thursday	10:00 – 00:00 hours
Friday – Saturday	10:00 – 02:00 hours
Non-standard timings:	
Sunday preceding Bank Holidays and New Years Eve	Normal licensable starting time – 02:00 hours
World Peace Day	Friday and Saturday 08:00 – 08:00 hours Sunday 08:00 – 00:00 hours

INDOOR SPORTING EVENTS

Sunday - Thursday	10:00 – 00:00 hours
Friday	10:00 – 02:00 hours
Non-standard timings:	
Sundays preceding Bank Holidays and New Years Eve	Normal licensable starting time – 02:00 hours

LIVE MUSIC (INDOORS AND OUTDOORS)

Sunday – Thursday	10:00 – 00:00 hours
Friday – Saturday	10:00 – 02:00 hours
Non-standard timings:	
Sundays preceding Bank Holidays and New Years Eve	Normal licensable starting time – 02:00 hours
World Peace Day	Friday and Saturday 08:00 – 08:00 hours Sunday 08:00 – 00:00 hours

RECORDED MUSIC (INDOORS AND OUTDOORS)

Sunday – Thursday	10:00 – 00:00 hours
Friday – Saturday	10:00 – 02:00 hours
Non-standard timings: Sundays preceding Bank Holidays and New Years Eve World Peace Day	Normal licensable starting time – 02:00 hours Friday and Saturday 08:00 – 08:00 hours Sunday 08:00 – 00:00 hours

PERFORMANCE OF DANCE (INDOORS AND OUTDOORS)

Sunday – Thursday	10:00 – 00:00 hours
Friday – Saturday	10:00 – 02:00 hours
Non-standard timings: Sundays preceding Bank Holidays and New Years Eve World Peace Day	Normal licensable starting time – 02:00 hours Friday and Saturday 08:00 – 08:00 hours Sunday 08:00 – 00:00 hours

LATE NIGHT REFRESHMENT

Sunday – Thursday	23:00 – 00:00 hours
Friday – Saturday	23:00 – 02:00 hours
Non-standard timings: Sundays preceding Bank Holidays and New Years Eve World Peace Day	Normal licensable starting time - 02:00 hours Friday and Saturday 08:00 – 08:00 hours Sunday 08:00 – 00:00 hours

SUPPLY OF ALCOHOL (ON AND OFF THE PREMISES)

Sunday – Thursday	10:00 – 00:00 hrs
Friday – Saturday	10:00 – 02:00 hrs
Non standard timings:	

Sundays preceding Bank Holidays and New Years Eve	Normal licensable starting time - 02:00 hrs
World Peace Day	Friday and Saturday 08:00 – 08:00 hrs Sunday 08:00 – 00:00 hrs

OPENING HOURS

Sunday – Thursday	10:00 – 00:00 hours
Friday – Saturday	10:00 – 02:00 hours
Non-standard timings: Sundays preceding Bank Holidays and New Years Eve World Peace Day	Normal licensable starting time - 02:00 hours Friday and Saturday 08:00 – 08:00 hours Sunday 08:00 – 00:00 hours

The REVISED application (ahead of the Hearing) was for:

PLAYS (INDOORS AND OUTDOORS)

Sunday – Saturday	10:00 – 23:00 hours
Non-standard timings: New Years Eve World Peace Day	Normal licensable starting time – 02:00 hours Friday and Saturday 08:00 – 08:00 hours Sunday 08:00 – 23:00 hours

FILMS (INDOORS AND OUTDOORS)

Sunday – Thursday	10:00 – 23:00 hours
Friday – Saturday	10:00 – 00:00 hours
Non-standard timings: New Years Eve	Normal licensable starting time – 02:00 hours

World Peace Day	Friday and Saturday 08:00 – 08:00 hours Sunday 08:00 – 23:00 hours
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INDOOR SPORTING EVENTS

Sunday – Thursday	10:00 – 23:00 hours
Friday	10:00 – 00:00 hours
Non-standard timings: New Years Eve	Normal licensable starting time – 02:00 hours

LIVE MUSIC (INDOORS AND OUTDOORS)

Sunday – Thursday	10:00 – 23:00 hours
Friday – Saturday	10:00 – 00:00 hours
Non-standard timings: New Years Eve World Peace Day	Normal licensable starting time – 02:00 hours Friday and Saturday 08:00 – 08:00 hours Sunday 08:00 – 23:00 hours

RECORDED MUSIC (INDOORS AND OUTDOORS)

Sunday – Thursday	10:00 – 12:00 hours
Friday – Saturday	10:00 – 00:00 hours
Non-standard timings: New Years Eve World Peace Day	Normal licensable starting time – 02:00 hours Friday and Saturday 08:00 – 08:00 hours Sunday 08:00 – 23:00 hours

PERFORMANCE OF DANCE (INDOORS AND OUTDOORS)

Sunday – Thursday	10:00 – 23:00 hours
Friday – Saturday	10:00 – 00:00 hours

Non-standard timings:	
Sundays preceding Bank Holidays and New Years Eve	Normal licensable starting time – 02:00 hours
World Peace Day	Friday and Saturday 08:00 – 08:00 hours Sunday 08:00 – 23:00 hours

LATE NIGHT REFRESHMENT

Friday – Saturday	23:00 – 00:00 hours
Non-standard timings:	
New Years Eve	Normal licensable starting time – 02:00 hours
World Peace Day	Friday and Saturday 08:00 – 08:00 hours Sunday 08:00 – 23:00 hours

SUPPLY OF ALCOHOL (ON AND OFF THE PREMISES)

Sunday – Thursday	10:00 – 23:00 hours
Friday – Saturday	10:00 – 00:00 hours
Non-standard timings:	
New Years Eve	Normal licensable starting time – 02:00 hours
World Peace Day	Friday and Saturday 08:00 – 08:00 hours Sunday 08:00 – 23:00 hours

OPENING HOURS

Sunday – Thursday	10:00 – 23:00 hours
Friday – Saturday	10:00 – 00:00 hours
Non-standard timings:	
New Years Eve	Normal licensable starting time – 02:00 hours
World Peace Day	Friday and Saturday

08:00 – 08:00 hours Sunday 08:00 – 23:00 hours
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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) Original application from Rohan Scully 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 Kent Police (appendix C of the agenda)
- (v) Representation from Environmental Protection (appendix D of the agenda)
- (vi) Email from Environmental Protection to applicant (appendix E of the agenda)
- (vii) Representation from Kent Fire and Rescue Service (KFRS) (appendix F of the agenda)
- (viii) Event Management Plan sent from applicant to KFRS (appendix G of the agenda)
- (ix) Full representation from KFRS (appendix H of the agenda)
- (x) Email from applicant with amended times and conditions (appendix I of the agenda)
- (xi) Email from Environmental Protection advising that representation remains (appendix J of the agenda)
- (xii) Representations from Other Persons (appendix K of the agenda)
- (xiii) Document from the applicant, "Addition to the EMP for Fire – Unforeseen Productions Supplementary documentation for the licence Application for Great Farthingloe Farm" – admitted with the consent of the Parties present at the Hearing.

On the basis of the representations of the applicant and their witnesses, the Responsible Authorities and the written representations from Other Persons (namely, L Brown and T Mapp), the Sub-Committee found the following facts to be established.

- (i) The application from Rohan Scully was for the grant of a premises licence at Great Farthingloe Farm, Folkestone Road, Dover CT15 7AA.
- (ii) During the consultation process three representations objecting to the application were received from Responsible Authorities – Kent Police (citing prevention of crime and disorder, prevention of public nuisance, and protection of children from harm), Kent Fire and Rescue Service

(citing public safety), and Environmental Protection (citing prevention of public nuisance).

- (iii) During the consultation process three representations objecting to the application were received from Other Persons (each cited prevention of public nuisance). One of the representations was withdrawn ahead of the Hearing.
- (iv) At the Hearing the applicant informed the Licensing Sub-Committee he would like to introduce new evidence and further revise the application. The document identified as, “Addition to the EMP for Fire – Unforeseen Productions Supplementary documentation for the licence Application for Great Farthingloe Farm” was circulated to the Parties present.
- (v) The Licensing Sub-Committee adjourned the Hearing for Parties to consider the new evidence. Upon reconvening the Parties present consented to the introduction of the evidence however, all of the Responsible Authorities maintained their objections.
- (vi) The applicant informed the Licensing Sub-Committee that the “Addition to the EMP for Fire – Unforeseen Productions Supplementary documentation for the licence Application for Great Farthingloe Farm” was part of a larger document that had been corrupted and he could not retrieve the whole document ahead of the Hearing. The applicant advised it would take a full day to reconstruct the whole document which contained information that would respond to the KFRS ‘missing information’ list (within the agenda pack) such as, the Emergency Evacuation Plan and Emergency Procedures. The document also contained details for other planned events such as, Drive-in-Cinema, Drive-in-Picnic, Camper show, Hot Rod show. The applicant advised that realistically there would be 3 events per year.
- (vii) K Longley, KFRS stated they had been asking for the information for some time. KFRS would need at least three weeks to consider the new information and conduct a site visit. The applicant was advised that the “Addition to the EMP for Fire – Unforeseen Productions Supplementary documentation for the licence Application for Great Farthingloe Farm” (18 pages) did not contain a full fire risk assessment which was needed.
- (viii) PC D Rolfe, Kent Police stated she would be unavailable until week commencing 9 September 2024 and then would require some additional time to consider new information.
- (ix) C Brown, Environmental Protection Team Leader, advised the Licensing Sub-Committee that they did not need any further information but they had reached an impasse with the applicant – Environmental Protection could not agree to what the applicant had sought. It was stated that if the applicant agreed the Environmental Protection condition wording their representation would be withdrawn.
- (x) Having been informed of the Responsible Authorities’ positions, the applicant was invited to consider whether he wanted to apply to adjourn the Hearing or continue in the knowledge that the Licensing Sub-Committee could only make a decision based on the information before them (written and oral). The Legal Advisor explained the requirements

for an adjournment and invited the applicant to consider what they would like to do.

- (xi) Prior to the applicant's decision in this regard, the Licensing Sub-Committee adjourned so that a date for an adjourned Hearing could be identified. With a view to the time needed by the Responsible Authorities, the availability of Sub-Committee members, officers and the availability of the Council Chamber to hold the public meeting in, the earliest date for an adjourned Hearing was 20 September 2024 at 10:00 hours. This was conveyed to the applicant. The applicant decided to continue with the Hearing.
- (xii) The Licensing Sub-Committee requested that the applicant put the application into context in the following terms:
 - a. What is the application for? The application lacks details of the proposed events (save for 'World Peace Day' which is of itself incomplete, according to the Police and KFRS representations);
 - b. Assistance with the plans i.e. what areas are intended to be used for each activity?
 - c. The applicant was in discussion with the Responsible Authorities, but the suggested conditions had not been accepted in full, why? And information requested by Responsible Authorities had not been provided by the applicant, why? When would the information be available?
 - d. The applicant had accepted a condition suggested by Kent Police to submit the World Peace Day event to Dover District Council's Event Safety Advisory Group (ESAG), where had this got to (given only 5 weeks to proposed event)?
- (xiii) The applicant stated the World Peace Day event (also known as Earthdance) was a standalone event. The other main planned events were Drive-in-Cinema and Drive-in-Picnic, to be held during school holidays, bank holidays and up to 14 September. There would be matinee shows for the children and two adult shows in the evening, not beyond 23:00 hours. There would be no food or alcohol. The cinema events would accommodate 1200 -1500 people but the applicant stated they realistically anticipated an audience of 600-700 people. When asked how many cars the applicant might expect for such events, the applicant explained that the part of the site to be used for those events could accommodate 400+ cars and the main car parking area could accommodate 679 cars.
- (xiv) Members raised concerns about light, the time of night that the large number of vehicles would be moving around, traffic management and raised that currently without any documented information they were being asked to take the applicant's word about the management of events. Members sought the applicant's views regarding conditioning the number of cars permitted for such events.
- (xv) The applicant confirmed that they were open to conditions but would need to consider the costs involved in running the event. As for traffic,

the applicant was of the opinion that the site can be accessed via the A20 without issue.

- (xvi) Regarding plans, the applicant annotated the plan at page 121 (appendix C) of the agenda pack to identify the area of the proposed activity, namely the siting of the cinema screen and parking for card for the cinema. The applicant had submitted the plan of the barn, supplementary agenda paper, he stated it had been relied on by the other premises licence holder at the site. The applicant stated that the barn was set up for a bar, art exhibition and kitchen (coffee and pastries). KFRS reiterated that they were unable to comment on those proposals as there was insufficient documentation.
- (xvii) Regarding the proposed licensable activities and times sought, the Hearing was adjourned for 10 minutes to give the applicant time to consider what he was seeking, in an attempt to bring clarity to the application.
- (xviii) The Hearing was reconvened, and the applicant confirmed that the application was limited to seeking a licence for:

Time limited (one year only) licence for the World Peace Day event (20 – 22 September 2024). Licensable activities:

FILMS (INDOORS AND OUTDOORS)

World Peace Day 2024	Friday 18:00 – 04:00 hours Saturday 08:00 – 08:00 hours Sunday 08:00 – 18:00 hours
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RECORDED MUSIC (INDOORS AND OUTDOORS)

World Peace Day 2024	Friday 16:00 – 08:00 hours Saturday 08:00 – 08:00 hours Sunday 08:00 – 18:00 hours
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PERFORMANCE OF DANCE (INDOORS AND OUTDOORS)

World Peace Day 2024	Friday 16:00 – 08:00 hours Saturday 08:00 – 08:00 hours Sunday 08:00 – 18:00 hours
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LATE NIGHT REFRESHMENT

World Peace Day 2024	Friday and Saturday 23:00 – 04:00 hours
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SUPPLY OF ALCOHOL (ON THE PREMISES ONLY)

World Peace Day 2024	Friday 14:00 – 04:00 hours Saturday 10:00 – 04:00 hours Sunday 10:00 – 18:00 hours
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- (xix) The applicant stated that it was anticipated there would be 800 attendees for the 2024 World Peace Day event. It was proposed to have 15 SIA security along with stewards, volunteers, traffic marshals and car marshals.
- (xx) The Environmental Protection officer maintained their concerns regarding the level of decibels, 75dB (offered by the applicant), as being exceptionally loud. However, in light of the significant reduction to the application (i.e. limited to one event for 2024 only) and taking into consideration that the premises' immediate neighbours had made private arrangements with the applicant for this proposed event, Environmental Protection withdrew their objection.
- (xxi) Kent Police maintained their objection, concerns being those as set out at page 68 (appendix C) of the agenda pack. Kent Police further highlighted that even under the revised application:
- the applicant was still seeking an alcohol licence for 14 hours on the Friday and 18 hours on the Saturday (and that these are large time frames for people to consume alcohol),
 - the final numbers of SIA staff was unknown,
 - marshals/stewards and so forth there were still no numbers provided at all,
 - although on sale only it was unclear how the event management team would deal with people bringing alcohol to the event or the search policy, and
 - how camping would be managed
- (xxii) Kent Police informed the Licensing Sub-Committee of the reason they had sought an Event Safety Advisory Group ('ESAG') condition, this was for the festival element. Under ESAG agencies come together and discuss the various management elements i.e. traffic for the event to run safely. There were general traffic management concerns including, how the A20 might be impacted in the event of Operation Stack or Operation Brock.
- (xxiii) Kent Police also questioned that they had previously understood that the number of attendees would be 2500, now it was stated 800.

Nonetheless, there were also concerns about one bar and how that would be managed for 800 people.

- (xxiv) The applicant explained that it was down to them to decide whether to sell alcohol i.e. decide if someone presented as intoxicated. Within the Terms and Conditions (T&Cs) attendees could bring a limited number of cans of alcohol (6) and a limited number of plastic bottles of water (12 x 500ml). The applicant stated that the SIA staff and ticketing team would conduct individual and vehicle searches upon entry. Visitors would be requested to leave if they did not comply with the T&Cs, or the items would be confiscated.
- (xxv) The applicant was asked to clarify information relating to the pedestrian access and whether that runs alongside a neighbouring private residence. The applicant explained the access was owned by the venue owner but did not run alongside the neighbouring private residence. The applicant stated they had arranged Heras fence to prevent unauthorised access to the road at the rear of the neighbouring properties.
- (xxvi) The applicant was asked to clarify if pedestrians would be able to go out and come back to the event. The applicant stated that pedestrians would not be able to, it was explained that the entire site from the entrance was enclosed by a six-foot fence and three rows of barbed wire, all the way around and that the gate to the entrance could be closed. As such, pedestrians were not permitted to come in and out of the site.
- (xxvii) The applicant was asked about page 87 (appendix G) of the agenda pack that stated that on Day 2 of the proposed World Peace Day event, 'gates open', 'festival opens to the public'. The applicant explained that although attendees were required to buy tickets for the whole event (i.e. no day tickets), they were not required to stay overnight.
- (xxviii) The applicant stated that at the pedestrian entrance there would be a check point and pedestrians would be checked and searched. Anything surrendered/seized by SIA staff would be surrendered by the applicant to the Police. It was clarified by Kent Police that SIA staff could carry out consented searches but if refused they could not. The Police stated that had not been provided with any policy from the applicant to detail their intentions and PC Rolfe observed that it would place burden on the Police if they were to be called upon.
- (xxix) The written representation (i.e. page 56 (appendix A) of the agenda pack) stated, "The public are advised to use public transport to get to and from the venue". Concerns were raised regarding attendees walking to the site on a 60 mph, unlit road with limited footpath. The applicant confirmed that whilst the written application cited an intention to apply for a speed reduction, nothing had come of this – the applicant had not heard from Kent County Council. The applicant informed the Licensing Sub-Committee that it was expected people would come by car and that he was not expecting hundreds of pedestrians.
- (xxx) The applicant stated that cars should leave the site by 23:00 hours. The applicant was asked if there was a reason that the written application was inconsistent on the last exit timing for example, page 85 of the agenda pack stated 23:30 hours, page 87 of the agenda pack stated

23:00 hours, page 107 of the agenda pack stated 00:00 hours. The applicant was unable to provide an explanation but reiterated that there would be no day tickets available, the site would close at 23:30 hours and attendees arriving on Day 2 (the Saturday) would be allowed in from 09:00 hours.

- (xxxi) Regarding the proposed 15 SIA security staff for 800 attendees Kent Police were asked if they had a view. PC Rolfe stated that without a confirmed policy a full opinion could not be provided however, points of consideration would include (but not limited to) the size of the site, what other responsibilities the SIA staff would be given, the plans for overnight campers. Kent Police would also expect a qualified medical team on site.
- (xxxii) Prior to the Hearing the applicant and Kent Police were in contact regarding possible conditions. It was noted that the conditions accepted by the applicant were not in the same wording as put forward by Kent Police. PC Rolfe stated that the wording should remain as was and not as amended by the applicant. The applicant confirmed that they had been happy to accept the wording put forward by the Police. Kent Police stated there appeared to still be significant work needing to be done to allay their concerns.
- (xxxiii) KFRS also maintained their objection, they stated there was insufficient information to withdraw their representation. Details of information they required is set out within the agenda papers and their concerns remained, including but not limited to:
- occupancy numbers unknown
 - details of exiting the site, including numbers of pedestrians exiting (KFRS acknowledge there is some more detail provided in the document provided at the Hearing but they have not had the opportunity to review it)
 - details of the escape route
 - emergency vehicle access – site visit required to confirm
 - the width of the pedestrian entrance, a lot more detail about this entrance is needed, including whether it is a made road or track (with regard to the road access onto the site, the applicant advised it is a private road with a 4.8 metre wide gate, allowing 2 lanes for pedestrian access and an extremely wide section for emergency vehicles. The route into the rest of the field/site is 4 metres wide grasscrete. The rest of the road is tarmac or concrete throughout the site and is designed as emergency vehicle access for the site)
 - the inconsistent base risk assessments provided
 - need access to the building and site for inspection
 - need details of signage
 - need policy and procedures for staff training
 - need details of how no smoking would be enforced
- (xxxiv) The applicant was asked specifically about plans for a fire pit (pages 45 and 51 (appendix A) of the agenda pack) although, no longer included in the Event Management Plan (page 96 (appendix G) of the agenda pack). The applicant confirmed there was no plan for a fire pit.

- (xxxv) The applicant had originally planned to hold the World Peace Day event at a different venue but there had been a falling out with the owner of the site. The applicant moved the venue. The applicant had sold tickets for the World Peace Day event and with ticket sales and projection does not think the attendees would exceed 800.
- (xxxvi) The applicant informed the Licensing Sub-Committee that during the consultation process KFRS had said they would not be making a representation. The applicant received their representation on the last day of the consultation. The applicant asked KFRS if they would be willing to work with them and whether there was a way forward to satisfy them so he could be granted a premises licence. KFRS made it clear that they work with people all the time but they cannot tell the applicant what to do and there was still a lot of information they needed. KFRS were also of the opinion that there appeared to still be a significant amount of work to be done to allay their concerns.
- (xxxvii) The Licensing Sub-Committee heard from the applicant with regard to the two representations from 'Other Persons'. Regarding the representation made by L Brown, the applicant advised he was expecting the representation to have been withdrawn. The Legal Advisor confirmed that the representation had not been withdrawn. The Applicant explained that the issues raised in the representation had been addressed and L Brown was happy with the 75dB. Regarding the representation made by T Mapp, the applicant explained that the noise tests carried out identified that T Mapp would not be affected by the noise, natural noise could still be heard over the music and there would not be events every day. The applicant further explained that he tried to contact T Mapp but they had refused to speak to the applicant.
- (xxxviii) The Licensing Sub-Committee also heard from the applicant's witnesses:
- M Dior – owns security company and been brought in, unfortunately late, to work with the applicant and only before the Hearing had been mapping the points for pulling people over the boundary should it be necessary. Under the event terms and conditions attendees would be asked to surrender any drugs and these would be secured in police evidence bags. This is being risk assessed now. Searches and crowd management site specific policies remain in progress but could be finalised this week. A qualified medical team is still getting onboard and they had sought a revised quote that day (in light of the likely reduced attendee numbers). M Dior was asked to clarify the proposals for a qualified medical team in the context of the written application (pages 99 and 114 (appendix G) of the agenda pack) that there would be 8 first aid kits, SIA staff to be first aid trained, 2 qualified first aiders and 1 EMT. M Dior stated the company she was engaging with work within Council event guidelines and the arrangements should satisfy the Police in terms of qualified medical personnel on site.
 - J McEnroe – informed the Licensing Sub-Committee about arrangements for volunteers, traffic marshals and car park attendants although, the numbers were unknown. He advised

that SIA staff normally double up as traffic marshals and that all have radios and cameras

- (xxxix) As a general observation the applicant stated that they were not sure what had happened to the documents in the agenda pack given the queries raised about the contents of the written application. The applicant stated that they were uncomfortable with the inconsistencies given they have been working on the event for 10-11 months. The applicant explained that they had to change the event venue before the application was made and change the whole way of doing the event. World Peace Day linked up with 82 countries in 11 different time zones so there was no way around the schedule. The applicant stated they had worked with Police and KFRS and they had been doing everything including mitigating with the neighbours.
- (xi) The applicant impressed upon the Licensing Sub-Committee that they wanted to deliver a safe event, now condensed to one event (for one year), they had spent time on and invested into the event, the applicant expressed that they wanted to work with the Licensing Authority and the other agencies and had been caught off guard by the KFRS representation that they had not been expecting and had not been focused on those issues when raised. The applicant stated that they have always been willing to work with the agencies and had done as much as they could do and made extensive changes to the application. When asked why the documents/policies requested had not been provided as yet, the applicant stated that the large document had been garbled 7-8 days ago. When questioned why the documentation had not been submitted earlier than 7-8 day ago, the applicant stated that they had been updating the documentation.

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: The Sub-Committee has decided to REJECT the application in respect of Great Farthingloe Farm, Fokestone Road, Dover CT15 7AA as follows:

- (a) The Licensing Sub-Committee offered significant opportunity during the Hearing for the applicant to review their position and the applicant wanted to proceed;
- (b) The Licensing Sub-Committee listened attentively during the Hearing, asked questions to elicit additional information and read the agenda papers. The written and oral submissions were taken into consideration;

- (c) The Licensing Sub-Committee were concerned that information relating to the application (written and oral) were inconsistent and that promotions for the proposed event have been undertaken without full details about the proposed event being known;
- (d) The World Peace Day event has not been submitted to Event Safety Advisory Group ('ESAG'), despite the applicant acknowledging this condition sought by the Police, and there is now insufficient time for this to be processed given the proposed event is due to be held 20-22 September 2024;
- (e) KFRS had made known the information they required, this had not been resolved;
- (f) Kent Police had little confidence that the World Peace Day event could be undertaken safely and a number of concerns remained outstanding for example, traffic management, crowd control, search procedure (particularly given that Kent Police have advised of the limited authority available to SIA) and the general management of the event. It was of concern to the Licensing Sub-Committee that they were informed that the site specific policies and procedures were still in the process of being assessed and prepared;
- (g) The Licensing Sub-Committee decided that the impact on the licensing objectives could not be sufficiently addressed by the conditions this close to the proposed festival date;
- (h) As presented at the Hearing, the Licensing Sub-Committee had concerns that any or all four of the licensing objectives would be undermined if a premises licence was granted.

The meeting ended at 5.29 pm.

Public Document Pack

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Monday, 21 October 2024 at 9.21 am.

Present:

Sub-Committee:

Chairman: Councillor S B Blair

Councillors: D J Parks
O C de R Richardson (as substitute for Councillor D G Cronk)

Officers:

Legal Adviser: Principal Lawyer - Litigation and Regulatory
Licensing Officer: Licensing Manager
Administrator: Licensing Officer
Licensing Officer
Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2024/0011R).

13 APOLOGIES FOR ABSENCE

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

14 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, that Councillor O C de R Richardson was appointed as substitute for Councillor D G Cronk.

15 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

16 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. The Licensing Sub-Committee reminded Parties to urge restraint in any press communications given the nature of this Hearing.

17 LICENSING ACT 2003 - APPLICATION FOR THE REVIEW OF A PREMISES LICENCE FOR HIGH STREET MINI MART (ALSO KNOWN AS DYLAN'S SUPERSTORE), 49-51 HIGH STREET, DOVER

The Licensing Sub-Committee considered an application for the review of a Premises Licence for High Street Mini Mart (also known as Dylan's Superstore), 49-51 High Street, Dover. 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. 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 High Street Mini Mart (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 Applicant, Responsible Authority, Other Persons and the Interim Premises Licence Holder and their witness, the Sub-Committee found the following facts to be established:

- (i) That under section 51 of the Licensing Act 2003, PC D Rolfe on behalf of Kent Police as the Responsible Authority, submitted a Review application for High Street Mini Mart (also known as Dylan's Superstore), 49-51 High Street, Dover.
- (ii) The premises had been licensed since 30 November 2018. From 29 July 2019 until 16 October 2024 an individual not present at the Hearing was the Premises Licence Holder and Designated Premises Supervisor. The Interim Premises Licence Holder stated they and their partner took over the premises on 3 March 2024. The former Premises Licence Holder and Designated Premises Supervisor appeared to have had little involvement with the premises since then.
- (iii) The licensable activity at the premises was: alcohol sales (OFF the premises) – everyday 08:00 – 23:00 hours.
- (iv) Kent Police had called the Review due a complaint about an underage sale at the premises on 13 August 2024 that had been validated from CCTV.
- (v) A child of 16, had been able to purchase a litre bottle of vodka without challenge. This was stated to have caused harm to the child. Details were provided about medical care the child had received following their consumption of the alcohol.
- (vi) Kent Police stated that the premises significantly undermined the 'Prevention of Crime and Disorder' and the 'Protection of Children from Harm' Licensing Objectives. The Kent Police application set out the risks of alcohol to young people.
- (viii) Officers from Kent Police and the Licensing Authority had visited the premises following the complaint and a number of breaches of licensing conditions were stated by the Applicant to have been identified:

- a. The premise licence was not on site;
 - b. There was no alcohol authorisation to enable staff to serve on behalf of the DPS;
 - c. There were no training records to view at all, and the staff present indicated that no training had been carried out with them (there were a number of conditions relating to training on the premise licence);
 - d. The staff members were initially not able to work the CCTV system and, only after it was threatened to remove the whole drive system, was the Interim Premises Licence Holder's witness able to produce footage via a mobile phone; and
 - e. The refusals log had not been verified by the DPS as specified.
- (ix) Footage from the Police body worn and premises CCTV was played to the Licensing Sub-Committee.
 - (x) During the consultation period a representation was received from a parent of the child, Kent County Council's Integrated Children Services Delivery Manager for Dover, Kent County Council Reachable Moments (Violence Reduction Unit) and Kent County Council Trading Standards. It was stated by O Jewell on behalf of Kent County Council Trading Standards that no meaningful conditions could be added and Trading Standards fully supported the Kent Police recommendation of revocation.
 - (xi) On behalf of the Interim Premises Licence Holder it was stated that they had been a Designated Premises Supervisor for 3 years at a shop in London, a store also located near to schools, and no issues were raised there. Furthermore, it was stated that sales of alcohol were not illegal as the former Premises Licence Holder had still been legally responsible.
 - (xii) The seller accepted that they had made the sale and was truly remorseful. They had been distracted because of a family matter, that they had mistakenly thought they had seen the child before with ID and they had recalled them to be in their early 20s. The seller was reminded that the premises was required to operate a Challenge 25 policy. This was stated to be a one-off incident.
 - (xiii) The Interim Premises Licence Holder provided the Licensing Sub-Committee with updated copies of the Refusals log and training records. The Licensing Sub-Committee made enquiries with the Interim Premises Licence Holder and their witness as to these documents.
 - (xiv) It was requested that the Premises Licence was not revoked, rather perhaps suspended for a period of 6 weeks for the Interim Premises Licence Holder to break the habit of children attempting underage sales (an issue from the former Designated Premises Supervisor) and that the additional conditions put forward could assist in that regard.

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, 4.2-4.3, 9.22-9.23, 10.26-10.35, 10.46-10.50, 11.1-11.11, 11.16-11.23, and 11.29 (persistent sales of alcohol to children)).
- (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 notwithstanding this being a first time Review, based on the report of a single verified sale of alcohol to a child the Sub-Committee deemed lesser measures insufficient to tackle the problems at the premises and therefore decided to **revoke the premises licence.**

The meeting ended at 1.01 pm.

LICENSING ACT 2003 AND GAMBLING ACT 2005 – AMENDMENTS TO LICENSING SUB-COMMITTEES

Licensing Committee – 5 March 2025

- 1.1 Following the meeting of the full Council held on 29 January 2025, Council agreed to replace Councillor C F Woodgate with Councillor H M Williams on the Licensing Committee.
- 1.2 It is therefore recommended that the Licensing Committee make the following changes to sub-committees A and E:

Sub-Committee A:	H M Williams (replacing M F Hibbert)	J P Loffman (Chairman)	S C Manion
Sub-Committee B:	S B Blair (Chairman)	D G Cronk	D J Parks
Sub-Committee C:	P M Brivio	G Cowan	S Hill (Chairman)
Sub-Committee D:	M Bates	D G Beaney (Chairman)	O C de R Richardson
Sub-Committee E:	J S Back	M P Porter (Chairman)	M F Hibbert (Replacing C F Woodgate)

(In forming the sub-committees, it should be noted that political balance requirements do not apply. The sub-committees are set up in such a way as to ensure that licence applications are not considered by Members representing the Ward in question.)