

Minutes of the meeting of the **LICENSING** Sub-Committee held at the Council Offices, Whitfield on Thursday 13 December 2012 at 9.35 am.

Present:

Sub-Committee

Chairman: Councillor P S Le Chevalier

Councillors: B Gardner
M A Russell

Officers

Legal Advisor: Senior Solicitor
Licensing Officer: Licensing Team Leader
Administrator: Team Leader – Democratic Support
Democratic Support Officer

Persons attending in connection with the Hearing - PRINCE ALBERT, 83 Biggin Street, Dover, Kent CT16 1BB

As shown on the Notice of Determination (NOD/2012/008).

9 APOLOGIES

There were no apologies for absence.

10 DECLARATIONS OF INTEREST

There were no declarations of interest.

11 LICENSING ACT 2003 – APPLICATION FOR REVIEW OF A PREMISES LICENCE IN RESPECT OF PRINCE ALBERT, 83 BIGGIN STREET, DOVER, KENT CT16 1BB

The Sub-Committee considered an application for the review of a premises licence under Section 51 of the Licensing Act 2003 as requested by Dover District Council - Environmental Health and Public Protection Team as a Responsible Authority. The grounds for review were that the following licensing objective was not being promoted:

(a) Prevention of Public Nuisance

On the basis of the representations of the applicant for review, the Licence Holder and his representative and other persons, the Sub-Committee found the following facts to be established:

- (i) That following the introduction of the Live Music Act 2012 on 1 October 2012, the conditions in relation to regulated entertainment attached to the Premises Licence, in so far as they relate to live amplified music had been suspended between the hours of 8am and 11pm.
- (ii) That there had been four calls to Dover District Council's out of hours service in respect of noise in the period September and October 2012 following the

service of a Notice requiring the Abatement of a Noise Nuisance on 11 September 2012.

- (iii) That Mr L Lees had been the Designated Premises Supervisor since 8 September 2012 at the Prince Albert Public House.
- (iv) That since the intervention by Dover District Council - Environmental Health and Public Protection Team the situation had improved in respect of noise disturbance from the Prince Albert Public House.
- (v) That the Licence Holder, Dover District Council - Environmental Health and Public Protection Team and the Licensing Team Leader had reached agreement in respect of the installation of a noise limiting device.
- (vi) That the Prince Albert Public House had stopped holding live music until the noise limiting device had been installed and the levels set but still continued to allow recorded music in the form of Karaoke.
- (vii) That the Prince Albert Public House sold alcohol 08:00 hours until 00:00 hours Sunday to Thursday and 08:00 hours to 01:00 hours the following day on Friday and Saturday. This was for a shorter period than its premises licence which permitted the sale of alcohol between 08:00 hours to 02:00 hours the following day Sunday through Saturday and the licence holder was agreeable to a reduction in the opening hours for the permitted sale of alcohol to the hours the premises currently sold alcohol.

In reaching its findings the Sub-Committee took into account the following:

- (a) The Council's statement of licensing policy.
- (b) The Licensing Act 2003, Sections 51 and 52 relating to Review Hearings and the powers available to the Sub-Committee.
- (c) The Licensing Act 2003, Section 177(A) in respect of the effect of the Live Music Act 2012 on the Licensing Act.

RESOLVED: That in accordance with the Notice of Determination (NOD/2012/008) the following conditions will be ADDED to the premises licence:

- (a) Regulated entertainment in the form of music and dancing shall only take place inside the premises.
- (b) During regulated entertainment the doors and windows of the premises will be kept closed, except for ingress and egress to prevent noise breakout and protect the amenity of the neighbourhood.
- (c) A noise limiting device will be installed and set at a level approved by the Council. The noise limiter shall be set by an Acoustic Consultant, registered with either the Institute of Acoustics or the Association of Noise Consultants, in accordance with the DDC document, 'Technical advice for consultants on sound insulation and Noise Control for Entertainment Licensed

Premises'. The controls for the device shall be located in a secure, lockable cupboard or similar location. The system is to be independent of control by persons other than the licensee. Access to the system is to be restricted to the Licensee or a designated manager.

- (d) That conditions 1 to 3 above will apply equally in respect of all live music and recorded music (including Karaoke) as they do to other regulated entertainment.
- (e) That there shall be no live music or Karaoke until such time as condition 3 has been complied with and the Environmental Protection Officer is satisfied with the levels set.
- (f) That a diary be kept showing when the Designated Premises Supervisor is off the premises and it shall be produced to the Licensing Team Leader on request
- (g) That the hours for on and off the premises alcohol sales shall be as follows:

Sunday	08:00	to	00:00
Monday	08:00	to	00:00
Tuesday	08:00	to	00:00
Wednesday	08:00	to	00:00
Thursday	08:00	to	00:00
Friday	08:00	to	01:00 (the following day)
Saturday	08:00	to	01:00 (the following day)

Non-Standard Timings

N/A

- (h) That the opening hours of the premises shall be as follows:

Sunday	08:00	to	00:30 (the following day)
Monday	08:00	to	00:30 (the following day)
Tuesday	08:00	to	00:30 (the following day)
Wednesday	08:00	to	00:30 (the following day)
Thursday	08:00	to	00:30 (the following day)
Friday	08:00	to	01:30 (the following day)
Saturday	08:00	to	01:30 (the following day)

- (i) That the hours for all forms of regulated entertainment (including recorded and live music) shall be as follows:

Sunday	12:00	to	23:00
Monday	12:00	to	23:00
Tuesday	12:00	to	23:00
Wednesday	12:00	to	23:00
Thursday	12:00	to	23:00

Friday	12:00	to	23:30
Saturday	12:00	to	23:30

The meeting ended at 11.10 am.