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Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 3 August 2016 at 2.05 pm.

Present:

Sub-Committee:

Chairman: Councillor B Gardner

Councillors: S F Bannister
P S Le Chevalier

Officers:

Legal Adviser: Contentious and Regulatory Lawyer
Licensing Officer: Licensing Team Leader
Administrator: Democratic Support Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2016/004V).

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor S M Le Chevalier and D P Murphy.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors P S Le Chevalier and S F Bannister were appointed as substitutes for Councillor S M Le Chevalier and D P Murphy respectively.

3 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

4 LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE AT THE COASTGUARD, THE BAY, ST MARGARETS BAY

The sub-committee considered an application from Shepherd Neame Ltd in respect of The Coastguard, The Bay, St Margaret's Bay, Dover CT15 6DY. The application was for the variation of a premises licence for the use of the upstairs area as licensed premises.

On the basis of the representations of the applicant and other persons, the sub-committee found the following facts to be established:

- (i) That in a letter dated 29 July 2016 the applicant, having considered the representations made to the application, submitted an amendment to the original application wishing to withdraw Part M – Change in commencing hour for the sale of alcohol from 10.00am to 9.00am and Part F – Recorded Music.

- (ii) That the amended application was now solely for the use of the upstairs area as licensed premises.
- (iii) All interested parties were advised of the amendment and given the opportunity to amend or withdraw their representation if they wished.
- (iv) When considering a premises licence, the sub-committee must have regard to the rulings in the judgment of R. (on the application of Daniel Thwaites Plc) v Wirral Borough Magistrates' Court. It was the view of the sub-committee that presently what was being said in relation to licensing the upper area for the sale of alcohol and the impact of that on the Licensing Objectives was speculative and not evidence based. Furthermore the sub-committee found that some of the representations were not relevant and thus could not be considered as they did not pertain to licensable activities.
- (v) The sub-committee noted the increase in area being licensed and the numbers of persons in the upper area was not significant i.e. some 23 seats.
- (vi) The sub-committee had been mindful of the lack of representations from the Responsible Authorities.

In reaching its finding the sub-committee took into account the following:

- (i) The Licensing Act 2003 and in particular the guidance given under Section 182 of the Act.
- (ii) The Dover District Council Licensing Policy.
- (iii) Section 17 of the Crime and Disorder Act 1998.

RESOLVED: That the application be GRANTED for the variation to the licence so as to license the upstairs area in respect of The Coastguard, The Bay, St Margaret's Bay, Dover CT15 6DY.

The meeting ended at 3.04 pm.