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Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Friday, 24 August 2018 at 10.10 am.

Present:

Sub-Committee:

Chairman: Councillor P M Brivio

Councillors: D Hannent (as substitute for Councillor S F Bannister)
M J Ovenden (as substitute for Councillor A M Napier)

Officers:

Legal Adviser: Contentious and Regulatory Lawyer
Licensing Officer: Licensing Team Leader
Technical Support Officer (Licensing)
Administrator: Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notices of Determination: NOD/18/0006V (Minute no.9), NOD/18/0007A (Minute no.10) and NOD/18/0008A (Minute no.12).

6 APOLOGIES FOR ABSENCE

There were apologies for absence received from Councillors S F Bannister and A M Napier.

7 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors D Hannent and M J Ovenden were appointed as substitutes for Councillors S F Bannister and A M Napier respectively.

8 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

9 LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE AT PREMIER STORES, 14 KING EDWARD ROAD, DEAL

The sub-committee considered an application from S Thiyagarajah and A Thiyagarajah in respect of Premier Stores, King Edward Road, Deal. The application was for the variation of a premises licence to increase the hours allowed for alcohol sales as followed:

Supply of Alcohol (for consumption OFF the premises)

Every Day	06:00 – 23:00 hrs
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Immediately prior to the hearing the applicant amended the application as followed:

Supply of Alcohol (for consumption OFF the premises)

Monday to Saturday	07:00 to 23:00 hrs
Sunday	07:00 to 22:30 hrs

The applicant also advised that the store was now known as King Edward Store.

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

- (i) There had been no representations made by any of the Responsible Authorities including the Police.
- (ii) That immediately prior to the hearing, the applicant chose to amend the application (as stated above).
- (iii) The applicant advised that a 7am licence was required as he had customers doing their shopping at that time and who wanted to purchase a bottle of wine.
- (iv) Other premises in the area that sold alcohol were open from 7am not 6am.
- (v) Councillor Gardner stated that, on behalf of those he was representing and himself, the objections remained in spite of the amendment to the hours.
- (vi) The applicant had been running a business in Deal for the last 11 years and had held a licence to serve alcohol for the last 20 years.
- (vii) The applicant stated that staff at the premises were fully trained in the sale of alcohol and a refusals book was used and it was available for inspection upon request. CCTV was installed on the premises.
- (viii) It was the opinion of the objectors that the proposed hours were not socially responsible. Residents already experienced anti-social behaviour from people, believed to be alcoholics, including some knocking on their doors and asking for money, being aggressive and intimidating and that the extended hours would have an adverse impact on residents' lives. The north end of Deal was a quiet residential area and whilst a convenience store was needed the extension in hours for the sale of alcohol was not.
- (ix) Residents stated that sales were being made before 8am, but that they were unaware that the current licensable start time was 8am Monday to Saturday.
- (x) No complaints had been made to the licensing department concerning the premises. Objectors had made complaints to Environmental Health concerning food safety and hygiene although this was not relevant to the premises licence and did not breach any of the licensing objectives.
- (xi) If the variation were to be granted, Councillor B Gardner asked that consideration be given to a condition being added to the licence to restrict the sale of single cans of alcohol to a minimum pack of 4.
- (xii) The objectors raised the issue of an application to planning for change of use and concerns about that. They were informed that this planning aspect was not an issue that the Licensing Sub-Committee was empowered to consider at the hearing.

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

- (i) Dover District Council's Licensing Policy.
- (ii) The Licensing Act 2003 and the guidance given under Section 182 of the Act.
- (iii) Section 17 of the Crime and Disorder Act 1998.
- (iv) Article 6 of the Human Rights Act (right to a fair trial).
- (v) The judgment in the case of Daniel Thwaites PLC V Wirral Borough Magistrates Court [2008] EWHC 38 (Admin).

RESOLVED: (a) That the application for the variation of a premises licence in respect of King Edward Store, 14 King Edward Road, Deal be GRANTED in part as followed:

Supply of Alcohol (for consumption OFF the premises)

Monday to Saturday	07:00 to 23:00 hrs
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- (i) Before the above variation takes effect the CCTV must be trained on the door and till area and be in operation whenever the shop is open. Recordings to be retained for a period of 28 days and provided to Police of Authorise Officers on request.

10 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE AT CHICKEN KING, SOUTH STREET, DEAL

The sub-committee considered an application from Dilber Tasim in respect of Chicken King, 2 South Street, Deal. The application was for the grant of a premises licence as followed:

Provision of late night refreshment

Friday and Saturday	23:00 to 02:00 hrs
Non standard timings	
Bank holiday weekends	23:00 to 03:00 hrs
28, 29, 30, 31 December and 1 January each year	23:00 to 03:00 hrs
Deal Festival fireworks night and regatta weekend	23:00 to 03:00 hrs

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

- (i) There had been no representations made by any of the Responsible Authorities including the Police.
- (ii) Between 25 May and 28 July 2018 the premises had been opening after 23:00 hrs under Temporary Event Notices (TENs).

- (iii) The premises had been open since 26 September 2017 and in that time no complaints had been made to the Licensing department regarding the premises, nor any breaches when the premises was operating under the TENS.
- (iv) The premise was there to provide a night time takeaway service for that area, due to her other premises being closed after a fire. The applicant was experienced in operating a late night refreshment premise in that area, without issues or complaints.

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

- (i) Dover District Council's Licensing Policy.
- (ii) The Licensing Act 2003 and the guidance given under Section 182 of the Act.
- (iii) Section 17 of the Crime and Disorder Act 1998.
- (iv) Article 6 of the Human Rights Act (right to a fair trial).

RESOLVED: (a) That the application for a premises licence in respect of Chicken King, 2 South Street, Deal be GRANTED as followed:

Provision of late night refreshment

Friday and Saturday	23:00 to 02:00 hrs
Non standard timings	
Bank holiday weekends	23:00 to 03:00 hrs
28, 29, 30, 31 December and 1 January each year	23:00 to 03:00 hrs
Deal Festival fireworks and regatta weekend	23:00 to 03:00 hrs

- (i) No customer is to be admitted into the premises 10 minutes before the terminal hour.

11 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor D Hannent, duly seconded and

RESOLVED: That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the items to be considered involved the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A of the Act.

LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PERSONAL LICENCE

The sub-committee considered an application for the grant of a personal licence under s117 of the Licensing Act 2003 for which an Objection Notice was submitted by Kent Police under Part 6 of the Act.

The sub-committee considered the representations of the applicant and the police and took into account the following:

- (i) The Licensing Act 2003 and the guidance given under Section 182 of the Act.
- (ii) Dover District Council's Licensing Policy.
- (iii) Article 6 of the Human Rights Act (right to a fair trial).
- (iv) Section 17 of the Crime and Disorder Act 1998.

RESOLVED: The sub-committee decided to REFUSE the application for a personal licence.

The meeting ended at 1.03 pm.