

Public Document Pack

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Monday, 8 October 2018 at 10.00 am.

Present:

Sub-Committee:

Chairman: Councillor S F Bannister

Councillors: A M Napier
M J Ovenden (as substitute for Councillor P M Brivio)

Officers:

Legal Adviser: Contentious and Regulatory Lawyer

Licensing Officer: Licensing Team Leader
Licensing Enforcement Officer

Administrator: Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/18/0009V).

18 ELECTION OF A CHAIRMAN

In the absence of the Chairman, the Democratic Services Officer asked Members to elect a Chairman for the meeting.

It was moved by Councillor M J Ovenden and duly seconded that

RESOLVED: Councillor S F Bannister be appointed as Chairman for the remainder of the meeting.

19 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor P M Brivio.

20 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor M J Ovenden was appointed as substitute for Councillor P M Brivio.

21 DECLARATIONS OF INTEREST

Councillor M J Ovenden declared a Voluntary Announcement of Other Interests (VAOI) by way of her knowing some of the objectors, although they were not friends. She would base her decision on the evidence and legal advice provided and without bias.

22 LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE AT CRISPIN INN, 4 HIGH STREET, SANDWICH

The sub-committee considered an application from Punch Partnerships (PTL) Limited in respect of Crispin Inn, 4 High Street, Sandwich. The application was for

the variation of a premises licence to increase the hours allowed for alcohol sales and to include the provision of late night refreshment as followed:

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

Monday – Wednesday	NO CHANGE – 00:00 hrs
Thursday	NO CHANGE
Friday – Saturday	NO CHANGE – 01:00 hrs
Sunday	11:00 – 23:30 hrs
Non-standard timings	
<p>To retain the existing non-standard timings and add the following:</p> <p>Terminating an hour later on Bank Holiday Saturdays and Sundays, St George’s Day, St David’s Day, St Patrick’s Day, St Andrew’s Day, Burns night, Valentine’s Night, Halloween, Bonfire Night and 27, 28, 29 and 30 December.</p>	

NB It was noted that the report had omitted the following non-standard timing on the current licence for the Sale of Alcohol:

‘New Year’s Eve start of permitted hours to close of business at the terminal hour on New Year’s Day’.

Late Night Refreshment

Monday – Thursday	23:00 – 00:30 hrs
Friday – Saturday	23:00 – 01:30 hrs
Sunday	23:00 – 00:00 hrs
Non-standard timings	
<p>An additional hour to the terminal hour on all Bank Holiday Friday to Mondays, Maundy Thursday</p>	

The application also sought to remove all existing conditions under Annexes 2 and 3 of the premises licence as follows:

ANNEX 2

General

Alcohol shall not be sold or supplied except during permitted hours.

The restrictions do not prohibit:

- (a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (c) The ordering of alcohol to be consumed off the premises or the despatch by the vendor of the alcohol so ordered;
- (d) The sale of alcohol to a trader or club for the purposes of the trade or club;
- (e) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (f) The taking of alcohol from the premises by a person residing there; or
- (g) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (h) The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Where the Premises Supervisor exercises their right to move fire safety equipment, AWP and cigarette machines, such relocation shall be to such a position as to allow proper supervision by staff.

Public Safety

A current gas safety certificate shall be in force and renewed annually.

A current electrical safety certificate shall be in force and renewed annually.

A current fire safety certificate shall be in force and renewed annually.

The Prevention of Public Nuisance

Signs shall be placed in a clear and visible position adjacent to all public exits/entrances requesting customers to leave quietly.

The Protection of Children from Harm

No unaccompanied children shall be allowed on the premises.

ANNEX 3

Regulated entertainment in the form of live and recorded music be limited to a maximum of 12 events per annum the dates of which to be advised in writing in advance to the Licensing Manager.

Amplified and/or acoustic music performed by no more than 2 entertainers.

Following pre-consultation with the Police and Environmental Health, the following conditions were offered within the application:

Prevention of crime and disorder

- Premises to install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 28 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officers.
- There will be a zero tolerance to drug and alcohol misuse.
- A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale.

Prevention of Public Nuisance

- All windows and doors will be kept shut when regulated entertainment, in the form of live and recorded music, is taking place, except in the event of an emergency and to permit access and egress to and from the premises.
- Prominent, clear and legible notices shall be displayed at all exits requesting customers to respect the needs of local residents and businesses and to leave the premises and the area quietly.
- No noise generated on the premises shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- The Premises Licence Holder, DPS or other nominated persons shall undertake routine monitoring whilst live and recorded music is taking place to ensure that external levels of music are not excessive and take action where appropriate.
- The placing of refuse – such as bottles – into receptacles outside the premises to only take place at times that will minimise the disturbance to nearby properties.

Protection of children from harm

- A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.
- Challenge 21 posters shall be displayed in prominent positions at the premises.
- All staff shall be trained in the Challenge 21 proof of age scheme. Such training shall be provided at least every 6 months and a record shall be kept of all training and refresher training.

- No unaccompanied children shall be allowed on the premises.

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) There had been no complaints or reports made to the council's Environmental Health, Licensing department nor the Police regarding the premises.
- (iii) Prior to the application being submitted, the applicant consulted with Brian Gibson, Environmental Health and PC Steve Noddings, Kent Police. As a result the applicant sought to remove conditions under Annex 2 and Annex 3 of the premises licence and to update them with updated and proportionate conditions.
- (iv) During the consultation period, a total of 10 letters objecting and 10 letters supporting the application were received. The supporting letters did not contain names and addresses of those who had made representation. As their permission had not been able to be obtained their personal details were not published with the hearing papers but their representations were.
- (v) That the objectors, who were also local residents, stated that their concerns with the extended licence were with what happened once patrons left premises and the anti-social behaviour an additional late licence would bring. From their homes the representors could hear the loud conversations/arguments in the streets after patrons have left premises. Objectors described how patrons walk back to their cars, which may be parked in the residential streets, and proceed to have conversations at their car and bang their car doors. They were already woken late at night and the extended licence would only add to that and would in turn degrade their quality of life.
- (vi) Jocelyn Green had bottles and glasses thrown onto her property after people had left premises in the area late at night. She had experienced people vomit and urinate on her property. It was her opinion that the local community did not want to eat and drink into the early hours as the applicant suggested in their application.
- (vii) Henry Quinn supported the application and did not think the proposed variation would affect the current situation. He agreed with the objectors and the problems they described, although in his view allowing the variation would bring the Crispin Inn into alignment with other licensed premises in the area and would not add to the problem. Patrons currently finished drinking in the Crispin Inn and crossed over the road to the Admiral Owen and drink later into the night. He stated that the Crispin Inn was a very well managed pub and if there were any issues, customers were asked to leave. It was his opinion that it was important to maintain viable pubs and provide jobs for young people.
- (viii) Objectors thought the extra hour requested for all bank holidays (non-standard timings) for the sale of alcohol and late night refreshment was excessive.

- (ix) The objectors were concerned that there will be a take away service from the premises if the late night refreshment is permitted. The Designated Premises Supervisor, Mr Terry West, assured objectors that the late night refreshment request was to allow a hot drink to be served past 23:00 hrs and that no hot food would be served. The kitchen closed at 21:00 hrs.
- (x) Mr West had been running the Crispin Inn for the last 8 years and was experienced in dealing with rowdy, over intoxicated patrons if need be. He would ask rowdy customers to leave and would refuse to serve anyone who he deemed to have drunk too much. He was confident it was a well-run premise. Mr West lived at the premises.
- (xi) The applicant's solicitor addressed the concerns contained within the written representations. He explained that when there was live music at the premises Mr West checked noise levels from outside the premises and carried out regular boundary checks to ensure all windows and doors remained closed. Mr West liaised with the residents in the adjoining Barbican property and adjusted the volume if required.
- (xii) The sub-committee did find that there were issues with noise and anti-social behaviour but it was not satisfied that it was caused by this premise. No reports had been made to the DDC licensing team about the premises and no representations had been made by police in regard to this matter.
- (xiii) Having considered the representations at the Hearing the applicant amended the late night refreshment and non-standard timings as followed:

Late Night Refreshment

Monday – Thursday	23:00 – 00:00 hrs
Friday – Saturday	23:00 – 01:00 hrs
Sunday	23:00 – 23:30 hrs
Non-standard timings New Year	From start of permitted hours on New Year's Eve to the terminal hour on New Year's Day

The non-standard timings for the Sale of Alcohol were removed save New Year as followed:

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

Non-standard timings New Year	From start of permitted hours on New Year's Eve to the terminal hour on New Year's Day
----------------------------------	--

- (xiv) It was offered by the applicant to include an additional two conditions to further promote the licensing objectives as followed:

- (1) Drinks shall only be permitted to be taken outside to the rear seating area of the premises and not onto the High Street.
- (2) Prominent notices will be placed outside asking patrons to drink and smoke in the designated areas provided.
- (xv) The premises would close half an hour after the sale of alcohol.
- (xvi) A Challenge 21 proof of age scheme would be operated at the premises. It was suggested by PC Noddings at pre-consultation that a Challenge 25 scheme be implemented.
- (xvii) The premises opening hours were not for the consideration of the sub-committee. Serving breakfast on the premises was not a licensable activity and therefore did not require permission.

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) GRANT the application for the variation to the premises licence in respect of Crispin Inn, 4 High Street, Sandwich as follows:

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

Monday – Thursday	11:00 – 00:00 hrs
Friday – Saturday	11:00 – 01:00 hrs
Sunday	11:00 – 23:30 hrs
Non-standard timings New Year	From start of permitted hours on New Year's Eve to the terminal hour on New Year's Day

Late Night Refreshment

Monday – Thursday	23:00 – 00:00 hrs
Friday – Saturday	23:00 – 01:00 hrs
Sunday	23:00 – 23:30 hrs
Non-standard timings New Year	From start of permitted hours on New Year's Eve to the terminal hour on New Year's Day

(ii) Subject to the following conditions:

Prevention of crime and disorder

- Premises to install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 28 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officers.
- There will be a zero tolerance to drug and alcohol misuse.
- A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale.

Prevention of Public Nuisance

- All windows and doors will be kept shut when regulated entertainment, in the form of live and recorded music, is taking place, except in the event of an emergency and to permit access and egress to and from the premises.
- Prominent, clear and legible notices shall be displayed at all exits requesting customers to respect the needs of local residents and businesses and to leave the premises and the area quietly.
- No noise generated on the premises shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- The Premises Licence Holder, DPS or other nominated persons shall undertake routine monitoring whilst live and recorded music is taking place to ensure that external levels of music are not excessive and take action where appropriate.
- The placing of refuse – such as bottles – into receptacles outside the premises to only take place at times that will minimise the disturbance to nearby properties.
- Drinks shall only be permitted to be taken outside to the rear seating area of the premises and not onto the High Street.

- Prominent notices will be placed outside asking patrons to drink and smoke in the designated areas provided.

Protection of children from harm

- A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.
- Challenge 21 posters shall be displayed in prominent positions at the premises.
- All staff shall be trained in the Challenge 21 proof of age scheme. Such training shall be provided at least every 6 months and a record shall be kept of all training and refresher training.
- No unaccompanied children shall be allowed on the premises.

The annex 2 and 3 conditions to be removed and replaced with the above conditions.

The meeting ended at 11.39 am.