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Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Friday, 9 November 2018 at 10.00 am.

Present:

Sub-Committee:

Chairman: Councillor P M Brivio

Councillors: S F Bannister
A M Napier

Officers:

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

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/18/00011A).

27 APOLOGIES FOR ABSENCE

There were no apologies for absence received from Members.

28 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

29 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

30 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF DEAL PIER KITCHEN, DEAL PIER, DEAL

The Sub-Committee considered an application from Deal Pier Kitchen Limited in respect of Deal Pier, Deal Pier, Deal. The application was for the grant of a premises licence for a café/restaurant at the end of Deal Pier as follows:

Supply of Alcohol (for consumption on and off the premises)

Every Day	08:00 to 00:00 hrs
Non-standard timings New Year's Eve from 08:00 hrs until New Year's Day at 02:00 hrs.	

Live Music and Recorded Music

Every Day	08:00 to 00:00 hrs
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Late Night Refreshment

Every Day	23:00 to 00:00 hrs
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On the basis of the representations of the applicant's representatives and other persons, the Sub-Committee found the following facts to be established:

- (i) Tim Biggs and Rebecca Hodson explained their business model to the Committee. The restaurant would be family friendly, attracting visitors to the award winning pier. The food in the restaurant would be locally sourced and good quality, primarily based around a brunch and lunch offering. The hours applied for would provide longevity for the business - they would allow the business to evolve. The lease required the restaurant to be open to the public from 09:00 hrs to 16:00 hrs when the pier was open. The hours being requested for the sale of alcohol would allow them to provide an evening offering in the restaurant if required.
- (ii) Tim Biggs and Rebecca Hodson were experienced in running events and the food and beverage industry. Mr Biggs had previously been the Designated Premises Supervisor at Winters Barn, Canterbury and the owner of an events business – TB Bars. Mr Biggs had been a personal licence holder for 8 years and had worked in the trade from the age of 17 gaining lots of experience. He was experienced in late night, party focussed environments and had a strict and consistent approach to running events.
- (iii) There had been no representations made by any of the Responsible Authorities including the Police.
- (iv) During the consultation period PC Noddings contacted the applicant and as a result the applicant amended the operating schedule (as shown in the report).
- (v) Tim Biggs, advised the Committee that the operating schedule was to be further amended to remove the need to have the personal licence holder on site at all times as this would not be achievable. This had been suggested as a step to promote the licensing objective, Public Safety.
- (vi) Councillor B Gardner met with the applicant's representatives, Tim Biggs and Rebecca Hodson prior to the Hearing to discuss his concerns with the application. As a result the applicant agreed to include the following condition to promote the licensing objective 'prevention of crime and disorder':

'That alcohol shall only be served during 8am and 10am as an accompaniment to the sale of food.'

The intention of this was to prevent customers using the premises to purchase an alcoholic drink only and to prevent intoxication on the premises first thing in the morning.
- (vii) Further conditions were requested by Councillor Gardner as follow, but were not accepted by the applicant's representatives:

1. *That any applications for Temporary Event Notice (TEN) shall be granted with similar conditions to those suggested by PC Noddings for New Year's Eve.*

Councillor Gardner was concerned that Temporary Event Notices would be applied for fireworks parties or similar events and that the same conditions should be applied.

Karina Vickerman provided clarity that a TEN could only carry across conditions on the full licence if the matter goes before a sub-committee after an Objection Notice had been served. However the TEN applicant could suggest voluntary conditions.

2. *That alcohol sales should cease at 23:30 hrs.*

The pier closed at 00:00 hrs. Ceasing alcohol sales at 23:30 hrs would allow for the pier to be closed at midnight and deter customers entering the pier towards closing time.

3. *That the requested timings of the alcohol sales should reflect the opening hours of the pier.*

Councillor Gardner was aware that the pier closed at 18:00 hrs during the winter months and the licence should be in line with those hours.

4. *That amplified music should be restricted to inside the premises so as to prevent a noise nuisance to residents nearby.*

Karina Vickerman provided clarity on the deregulation of music and the effect of that when alcohol is being served.

5. *That any additional customers entering the premises past 22:00 hrs must purchase food.*

This was to prevent customers purchasing drinks only as it was a restaurant and not a bar.

- (viii) The restaurant would be table service. The bar would be a service bar only and there would be no seating at the bar. The plans submitted with the application showed bar seating although it was explained that the plans were drawn up early in the tender process and the business model had since progressed and did not include bar seating.
- (ix) The applicants did not know whether the premises would be required for functions after the restaurant was closed to the public although the hours they were requesting would allow for this as a possibility. A risk assessment would be carried out if a function were to take place.
- (x) A drinking up time was suggested by Councillor A M Napier to allow time for last orders and for customers to leave the pier and this was accepted by the applicants.

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 a premises licence for Deal Pier Kitchen, Deal Pier as follows:

Supply of Alcohol (for consumption on and off the premises)

Every Day	08:00 to 00:00 hrs
Non-standard timings New Year's Eve from 08:00 hrs until New Year's day at 02:00 hrs	

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- (a) That from 08:00 to 10:00 hrs alcohol can only be served if accompanied by food.
- (b) That there will be a drink up time of 15 minutes prior to the premises closing.
- (c) The condition proposed in the Operating Schedule regarding a personal licence holder being on the premises is not necessary.

The meeting ended at 11.06 am.