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Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 20 July 2021 at 2.30 pm.

Present:

Sub-Committee:

Chairman: Councillor T A Bond

Councillors: D G Cronk
P D Jull

Officers:

Legal Adviser: Contentious and Regulatory Lawyer
Licensing Officer: Licensing Manager
Administrator: Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2021/0009V).

19 APOLOGIES FOR ABSENCE

There were no apologies for absence from Members.

20 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

21 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

22 LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE AT BIGGIN OFF LICENCE, 52 BIGGIN STREET, DOVER

The Sub-Committee considered an application for the variation of a Premises Licence for Biggin Off Licence, 52 Biggin Street, Dover. The variation sought to increase the hours for alcohol sales and the hours requested were

Supply of Alcohol (for consumption OFF the premises)

Sunday – Thursday	06.00 – 23.00 hrs
Friday – Saturday	06.00 – 02.00 hrs

On the basis of the representations of the applicant, their representatives and Other Persons, the Sub-Committee found the following facts to be established:

- (i) The variation application for Biggin Off Licence was for the supply of alcohol, off the premises, from 06.00 to 23.00 hrs on Sunday to Thursday and 06.00 to 02.00 hrs on Friday and Saturday. The existing licence, which was granted permission on 27 April 2021, permitted the supply of alcohol for consumption off the premises every day from 09.00 to 23.00 hrs.

- (ii) One representation objecting to the application was received from Dover Town Council (DTC). It objected to the sale of alcohol before 09.00 hrs every day and made its representation under the Licensing Objective, Prevention of Crime and Disorder.
- (iii) On 13 July 2021, having considered the comments made by DTC the applicant Mr Jutyar Kafroshi (representing Biggin Off Licence Ltd) amended the application to request the supply of alcohol (off the premises) from 09.00 to 23.00 hrs on Sunday to Thursday and 09.00 to 02.00 hrs on Friday and Saturday.
- (iv) On 14 July 2021, following the amendment to the application DTC contacted the Licensing Authority to withdraw their representation.
- (v) Mr Kafroshi was given the opportunity to give reasons for the variation request and to clarify the hours requested given that the original application for the sale of alcohol was from 06.00 hrs.
- (vi) Their customers tended to be shift workers, especially those who worked on the ferries and were walking through the town, and customers vacating local pubs and clubs at closing times and wanting to purchase snacks.
- (vii) Customers wanting to purchase alcohol were travelling to the George Hammond garage, located further out of town, as they were licensed 24 hrs. Other premises were open and so if they did not go to his premises they would still go elsewhere and buy goods. Mr Kafroshi said they closed before the nightclubs closed so not to have any issues with late night drinkers.
- (viii) The shop was currently trading from 08.00 hrs to beyond 23.00 hrs but before 09.00 hrs and after 23.00 hrs signage was displayed advising that no alcohol sales were permitted. Signs were on the spirits and red wine cabinet which was behind the cash till and on the blinds that covered the remaining alcohol in the shop to prevent sales when not licensed. It was noted that the shop did not in fact currently trade from 6am.
- (ix) Mr Kafroshi stated that they would ideally like the licence from 08.00 hrs when the premises started trading but had agreed to 09.00 hrs following DTC's objections.
- (x) Following discussions with the police and the licensing authority it was decided that no beer, lager or cider with an abv of 6.5% or above would be sold in the shop.
- (xi) The applicant stated that he and his brother who run the shop, recognised that if there are issues they will face the consequence and it would affect the licence.
- (xii) The Sub-Committee considered the application to vary the existing licence and the further amendment for the sale of alcohol from 09.00 hrs. The applicant had engaged with the police and licensing authority and removed high strength beer, lager and cider following these discussions. There were no representations from any of the Responsible Authorities, including the police.

- (xiii) The Sub-Committee heard from the applicant that they would like to sell alcohol from 08.00 hrs as other premises in the vicinity were licensed to trade in some instances for 24 hrs. Having considered the guidance under Section 182 of the Licensing Act 2003, in particular 10.15 of the guidance and having fully considered the representation made by Dover Town Council, the Sub-Committee did not feel the sale of alcohol before 09.00 hrs, when the shop was open to sell other goods, undermined any licensing objective unlike what may have been the case with the initial objection to 6am. The use of signage on the blinds and behind the cash till to date demonstrated the applicant promoting the Licensing Objectives.

In reaching its findings the Sub-Committee considered 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) Article 6 of the Human Rights Act
- (iv) Section 17 of the Crime and Disorder Act 1998.

RESOLVED: That the application for the variation of a Premises Licence in respect of Biggin Off Licence, 52 Biggin Street, Dover, with the conditions as per the existing licence, be GRANTED as follows:

Supply of Alcohol (for consumption OFF the premises)

Sunday – Thursday	08.00 – 23.00 hrs
Friday – Saturday	08.00 – 02.00 hrs

The meeting ended at 3.13 pm.