

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 3 April 2013 at 9.30 am.

Present:

Sub-Committee:

Chairman: Councillor B W Butcher

Councillors: J A Cronk
R J Thompson

Officers:

Legal Adviser: Senior Solicitor
Licensing Officer: Licensing Team Leader
Administrator: Team Leader – Democratic Support
Democratic Support Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/001/2013)..

12 APOLOGIES FOR ABSENCE

There were no apologies from Members.

13 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

14 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

15 LICENSING ACT 2003 - APPLICATION FOR THE VARIATION OF A PREMISES LICENCES IN RESPECT OF MODERN MOON MINI MART, 38 CASTLE STREET, DOVER CT16 1PJ

The Sub-Committee considered an application for a variation of an existing premises licence from the applicant, Mr N Naveenachandrian, in respect of an existing premises licence for Modern Moon, 38 Castle Street, Dover CT16 1PJ.

(a) Amend condition 16 to EXTEND the hours of licensable activities in respect of the supply of alcohol (off the premises) from 09.00 hours – 22:00 hours to 06:00 hours– 22:00 hours.

(b) REMOVE condition 21 of the licence which stated:

'No single cans of alcohol to be sold.'

On the basis of the representations of the applicant and his representative, the responsible authorities and other persons, the Sub-Committee found the following facts to be established:

- (i) That no other licence in Dover had the restriction of the sale of single cans of alcohol.
- (ii) That other licensed premises in the area were able to sell alcohol prior to 09:00hrs.
- (iii) The applicant wishes to sell alcohol earlier so as to make it available to those people finishing a night shift.
- (iv) The two restrictions were affecting the goodwill between the business and its customers.
- (v) That the applicant would be willing to consider participating in a scheme to be launched soon by the Council in respect of discouraging the drinking of high strength alcohol in the street.
- (vi) The Council was not aware of any concerns which were directly connected to the running of this business and its licence.

In reaching its finding, the Sub-Committee took into account the following:

- (i) The Licensing Act 2003 including sections 34, 35 and 182.
- (ii) The Council's licensing policy.
- (iii) The case of Daniel Thwaites PLC –v- Wirral BC.
- (iv) The Human Rights Act 1998.
- (v) Section 17, Crime and Disorder Act 1998.

RESOLVED: That the application for a variation in the premises licence of Modern Moon, 38 Castle Street, Dover CT16 1PJ:

- (a) GRANT an extension to the hours of licensable activities in respect of:

The supply of alcohol (for consumption off the premises ONLY):

All Days	06:00 to 22:00
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- (b) GRANT the removal of condition 21 so as to now permit the sale of single cans of alcohol.

The meeting ended at 10.04 am.