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Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Monday, 28 February 2022 at 3.00 pm.

Present:

Sub-Committee:

Chairman: Councillor D Hannent

Councillors: D G Beaney (as substitute for Councillor C D Zosseder)
P M Brivio (as substitute for Councillor K Mills)

Officers:

Legal Adviser: Contentious and Regulatory Lawyer

Licensing Officers: Licensing Manager
Licensing Enforcement Officer
Administration Assistant

Administrator: Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2022/0003V).

40 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors K Mills and C D Zosseder.

41 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Procedure Rule 4, Councillors D G Beaney and P M Brivio were appointed substitutes for Councillors C D Zosseder and K Mills respectively.

42 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

43 LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE AT OCEAN ROOMS, 32-36 QUEEN STREET, DEAL

The Sub-Committee considered an application for the variation of the current premises licence at Ocean Rooms, 32-36 Queen Street, Deal to: change the name of the premises to Blair's; change the licensable area to include the Pool Room on the first floor; remove part of the current licensable area; and remove/amend a number of the conditions of the premises licence (all as specified in the agenda papers).

The following documentary evidence and/or other information was taken into account by the Sub-Committee:

- (i) The Licensing Manager's report
- (ii) Application from Deal Leisure Ltd to vary the premises licence (appendix A of the report)

- (iii) Existing premises licence (appendix B of the report)
- (iv) Map of the area (appendix C of the report)
- (v) Representation from Paul Bone on behalf of Deal Town Council (appendix D of the report).

On the basis of the representations of the applicant, the Responsible Authority and Other Persons, the Sub-Committee found the following facts to be established.

- (i) The variation application was made by Deal Leisure Ltd and represented by Paul Blair at the hearing and sought to remove part of the licensable area (as shown on pages 28, 29 and 30 of Appendix A of the agenda), add the Pool Rooms on the first floor to the licensable area, change the name of the premises to Blair's, and remove/amend some of the conditions attached to the current premises licence (as shown on pages 17, 18 and 19 of Appendix A of the agenda).
- (ii) Representations from Paul Bone, on behalf of Deal Town Council (DTC), and Kent Police were received during the consultation process and cited the licensing objectives Prevention of Crime and Disorder and Public Safety in their objections.
- (iii) Deal Town Council, having cited the licensing objective Public Safety, objected to the removal of the ratio of door staff and instead, wanted a specific number of door staff to be specified in relation to the number of patrons on the premises. In addition, it commented that the taxi pick-up point should be limited to a period of 12 or 24 months only to allow the issues with the use of the Aldi (formerly Somerfield and Co-Op) car park to be resolved.
- (iv) Mr Blair had spoken to Mr Bone about Deal Town Council's concerns. DTC objected to the proposed taxi pick up point from outside of the premises however, Mr Blair advised that the Aldi car park was accessed via a back gate and that he had been advised that planning permission did not allow use of that car park. At this time, given use of the car park was not permitted, condition 9 of the original licence conditions was therefore unenforceable and should be removed.
- (v) Mr Blair did not want taxis to use the car park of his premises as he thought it was safer for patrons to enter taxis from the road – the premises car park was to the side of the building.
- (vi) Kent Police, citing the Prevention of Crime and Disorder, was concerned that details had not been provided to show how the two split level bars would be managed, how many SIA door staff would be present and the operating hours of those bars and door staff on duty. Kent Police asked for three SIA door staff at the venue from 22:00 hrs to prevent crime and disorder. They were concerned that on Thursday, Friday and Saturday there would be conflict if bar and pool room were both open at the same time
- (vii) Kent Police also sought clarification of the venue's capacity. A recent Temporary Event Notice advised that the venue was capable of hosting

350 persons in what would be known as 'Blair's Bar' (pages 28- 30 of Appendix A) and 100 persons in the Pool Rooms (page 27 of Appendix A). They were concerned that two door staff, with the addition of one more when the venue was at full capacity, was not adequate to uphold the licensing objective and prevent crime and disorder and that there was the potential for equipment, such as pool cues, balls and darts to be taken to the downstairs Blair's Bar and used as weapons. They also expressed concern at how the venue would get additional SIA staff at short notice.

- (viii) The Pool Room would be open from 16:00 hrs to 23:00 hrs and would operate by appointment only. The names and phone numbers of all patrons using the Pool Room would be taken prior to playing. The pool tables were not coin operated and thus all pool cues and balls were kept behind the bar and only extensions were kept out. The costs of a table was £4 per hour and all patrons had to come in past security. On a match night there would be 50 people using the room and users of the pool room did not invite guests – they would expect to play in a quiet room.
- (ix) The SIA door staff, and staff of the venue, were all able to communicate via radio link throughout the venue. There was CCTV throughout which was monitored by Mr Blair from opening until closing.
- (x) There was no back entrance and all patrons had to go past door staff to get to either area.
- (xi) Clarification was sought to establish the names of the rooms in the venue (Ocean Rooms) as the application was unclear. Mr Blair confirmed the following amendments and names of the rooms:
 - The smaller room that was the 'Academy' was to become 'Blair's' and located on the ground floor.
 - The former 'Rivals' room located on the ground floor was to become a children's soft play area and no longer be a licensed area.
 - The rooms formerly known 'Rivals', 'Channel Club' and 'Coast Bar' would all now become 'Blair's' and all located on the ground floor.
 - All rooms on the ground floor would be known as 'Blair's'.
 - The 'Pool Room' would be on the first floor and would be the only room on the first floor.
- (xii) It was decided that the reference to 'rooms' in Condition 23 on page 11 of the agenda should be changed to 'floors'.
- (xiii) There would be no children permitted on the premises after 21:00 hrs on either the ground or first floors. The soft play area would close at 18:00 hrs and there were no exits from the soft play area into other rooms.
- (xiv) Mr Blair advised that there would be tables and chairs and food was to be served during the day in the ground floor rooms, to be known as Blair's with all ages using it.

- (xv) There were four double door fire exits in what would be 'Blair's' and two in the Pool Room. The Fire Risk Assessment had been completed and up to date.
- (xvi) The premises was currently only open two days a week but Mr Blair was looking to open for longer hours and make the ground floor an all day venue for all ages.
- (xvii) The Sub-Committee considered the application in respect of Ocean Rooms and the application for an additional licensed area, and the removal, variation and amendments to some of the conditions on the current licence.
- (xviii) The Sub-Committee heard from Mr Blair, who was a founder member of Pubwatch and was experienced in the running of the premises and its clientele, and, on how he proposed to manage and operate the upstairs Pool Room in conjunction with the ground floor Blair's.
- (xix) The Sub-Committee had heard from Kent Police that it was generally a well-run establishment.
- (xx) It was established at the Hearing that the licensed areas were to be known as Blair's and Pool Room and that these could be identified as the ground floor being Blair's and the first floor being the Pool Room. The reference to 'The Academy' in the current licence, and all other previous names, should be removed and replaced with Blair's.
- (xxi) The Sub-Committee acknowledged a transfer application had been submitted to amend the name of the premises licence holder from Nightclub Deal Ltd to Deal Leisure Ltd prior to the variation application and that this should be issued after the Hearing for completeness.

In reaching its findings the Sub-Committee considered 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: (a) That the variation application in respect of Ocean Rooms, 32 – 36 Queen Street, Deal be GRANTED as follows:

- (i) To include the 'Pool Room' (highlighted in orange in the application papers) within the licensable area from 12:00 hrs to 23:00 hrs each day.
- (ii) That the room(s) previously known as The Academy on the ground floor will now be called 'Blair's'.
- (iii) That there will be 3 Security Industry Authority (SIA) door staff on duty from 21:00 hrs until 30 minutes after closing and that

the premises licence holder will be responsible for the placement of those staff within the premises.

- (iv) That there will be no children permitted on the premises after 21:00 hrs.
- (vi) That no children will be unaccompanied at any time on the premises.
- (vii) That the premises is defined as Blair's and Pool Rooms.
- (viii) That the following conditions on pages 10 and 11 of the Hearing agenda be removed or amended as follows:
 - Condition 4 – to be removed.
 - Condition 6 – to be removed.
 - Condition 7 – to be amended as follows

'Upon entry and exit of the customers from Blair's, staff should ensure that at least one door at each lobbied entrance/exit remains closed at all times to prevent noise breakout.'
 - Condition 9 – to be removed.
 - That the licensable activity for Wrestling/Boxing be removed from the licence and all conditions relating to it (specifically nos. 10,11,12,13,14,15,18,19,20 and 21 on the licence following the Variation Hearing [Boxing Events] on 13/2/12).
 - Condition 23 – to be amended as follows

'A Personal Licence Holder must be present at the premises whenever the business opens both floors at the same time to the general public.'
 - Condition 24 – to be amended as follows

'Door supervisors shall be licensed by the SIA and shall be on duty on Thursday, Friday, Saturday and Sunday, with the exception of the club holding a private function and therefore, not open to the general public. There will be a minimum of 3 SIA door staff on duty from 21:00 hrs until 30 minutes after closing.'
 - Condition 30 – to be retained.
 - Condition 1 of Minor Variation 12/9/13 – to be removed.

Any condition not sought to be varied or removed and not in the Licensing Manager's report will remain.

The meeting ended at 5.09 pm.