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Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 20 June 2023 at 4.03 pm.

Present:

Sub-Committee:

Chairman: Councillor S Hill

Councillors: P M Brivio
M F Hibbert

Officers:

Legal Adviser: Principal Lawyer - Litigation and Regulatory
Litigation Lawyer

Licensing Officer: Licensing Manager
Licensing Officer

Administrator: Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2023/0006A).

1 APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

3 DECLARATIONS OF INTEREST

There were no declarations of interest made.

4 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF LOUNGE, 43-45 HIGH STREET, DEAL

The Sub-Committee considered an application for the grant of a premises licence in respect of Lounge, 43-45 Hight Street, Deal CT13 6EL. The application was for:

Supply of Alcohol (for consumption ON the premises)

Every Day	10:00 – 00:00 hrs
Non standard timings From the terminal hour on New Years Eve to the start time on New Years Day	

Late Night Refreshment

Every Day	23:00 – 00:30 hrs
Non standard timings From the terminal hour on New Years Eve to the start time on New Years Day	

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

- (i) The Licensing Manager's report including, the options available to the Sub-Committee
- (ii) Application from Loungers UK Limited for the grant of a premises licence and plan (appendix A of the agenda)
- (iii) Map of the area (appendix B of the agenda)
- (iv) Representation from Other Persons (appendix C of the agenda)

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

- (i) The application from Loungers UK Limited, represented at the hearing by R Botkai (Solicitor) and M Bishop (Regional Manager and Premises Supervisor), was for the grant of a premises licence at Lounge, 43-45 High Street, Deal.
- (ii) The application sought on sales of alcohol for customers every day from 10:00 – 00:00 hrs (with non standard timings from the terminal hour on New Years Eve to the start time on New Years Day) and late night refreshment every day from 23:00 – 00:30 hrs (with non standard timings from the terminal hour on New Years Eve to the start time on New Years Day).
- (iii) It was informed to the Sub-Committee that the premises had been granted a tables and chairs licence for the siting of 6 tables and 12 chairs, permitted to be placed as per the plan agreed by the Regulatory Committee between 09:00 – 23:00 hrs every day.
- (iv) During the licensing consultation process there were no representations made by any of the Responsible Authorities.
- (v) During the licensing consultation process there were two representations received from Other Persons objecting to the application. One cited the application as undermining the licensing objective of 'prevention of crime and disorder' and the other cited the application as undermining the licensing objective of 'prevention of public nuisance'.
- (vi) With regard to the 'prevention of crime and disorder' representation, the concerns included there being enough public houses, that other businesses would suffer a loss, that the middle of Deal High Street not being the right place for a restaurant and that there are already enough hooligans and drunken behaviour. The Sub-Committee had regard to the written representation and the additional statement presented at the hearing.
- (vii) With regard to the 'prevention of public nuisance' representation, the concerns included the terminal hour for the sale of alcohol and the loud customers. The Sub-Committee had regard to the written representation.
- (viii) In considering relevant representations the Sub-Committee took into account that there was no cumulative impact policy applicable in the district,

that general business competition was irrelevant to the licensing objectives, and that a number of concerns raised were speculative therefore under case law should be disregarded unless supported by previous facts as evidence.

- (ix) The Sub-Committee were informed by Mr Botkai that the Lounde was a café/bar. The venue was not intended to be a major contributor to the night-time economy, its busiest period tending to be late morning / early afternoon. The venue offered a vegan and gluten free menu and as a business they liked to work with local communities and local charities.
- (x) There were approximately 190 of the establishments around the country however, they were perhaps not recognised so easily as a chain because each venue purposefully had a specific name chosen as a reflection of the area where the venue was. The premises was to be named 'Acordo'.
- (xi) The premises would be opened from 08:00 hrs for breakfast. Alcohol sales until 00:00 hrs were sought to give the business flexibility rather than it being an expectation of the usual operating hours. The premises had also applied for late night refreshment because they would be unable to serve coffee, for example, after 23:00 hrs without it.
- (xii) Mr Botkai made the observation that the representations objecting to the application were fairly short and had those person been in attendance he and Mr Bishop (on behalf of the applicant) would have reassured them that the venue was not a pub, it was a family diner and that having the business in an otherwise vacant high street, brings life back and it was hoped the benefit of this could be seen. Mr Botkai assured the Sub-Committee that it was not the intention of the business to have a mass exodus of customers at 00:00 hrs and he referenced the operating schedule as set out in the papers.
- (xiii) In response to questioning by the Sub-Committee, Mr Botkai and Mr Bishop:
 - provided a brief history of the business background,
 - explained that only the ancillary back ground music would be played at the venue – there would not be any regulated entertainment,
 - stated that the premises would employ approximately 30 people
 - explained that it would be expected that customers sitting outside at the tables and chairs would be eating and not just consuming alcohol (the premises was not a bar),
 - stated that it was anticipated that the fit-out of the premises would take approximately 8 weeks to complete.

The Sub-Committee had taken into account the following:

- (i) Dover District Council's Licensing Policy
- (ii) The Licensing Act 2003 and in particular the guidance given under Section 182 of the Act
- (iii) Article 6 of the Human Right Act (Right to a fair trial)

- (iv) Section 17 of the Crime and Disorder Act 1998 (Duty to consider crime and disorder implications)

RESOLVED: (a) That the application for a premises licence in respect of Lounge, 43-45 High Street, Deal be GRANTED as applied for:

Supply of Alcohol (for consumption ON the premises)

Every Day	10:00 – 00:00 hrs
Non standard timings From the terminal hour on New Years Eve to the start time on New Years Day	

Late Night Refreshment

Every Day	23:00 – 00:30 hrs
Non standard timings From the terminal hour on New Years Eve to the start time on New Years Day	

- (b) The operating schedule at pages 27 and 28 of the agenda is accepted by the Sub-Committee and conditions offered therein are accepted.

The meeting ended at 4.45 pm.