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Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 26 June 2024 at 10.00 am.

Present:

Sub-Committee:

Chairman: Councillor S Hill

Councillors: P M Brivio  
M F Hibbert (as substitute for Councillor G Cowan)

Officers:

Legal Adviser: 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/2024/0009A).

5 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor G Cowan.

6 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor M F Hibbert was appointed substitute for Councillor G Cowan.

7 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

8 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF JENKINS & SON FISHMONGERS LTD, 77-81 HIGH STREET, DEAL

The Sub-Committee considered an application for the grant of premises licence in respect of Jenkins & Son Fishmongers Ltd, 77–81 High Street, Deal, Kent CT14 6EH. The application was for:

Supply of Alcohol (for consumption ON and OFF the premises)

Tuesday to Saturday	12:00 – 00:00 hrs
Sunday	10:00 – 16:00 hrs
Seasonal Variations New Year's Eve	Normal licensable starting time – 02:00 hrs

Live and Recorded Music (Indoor)

New Year's Eve	23:00 – 02:00 hrs
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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 Darren Keith Jenkins 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) Representations from Other Persons (appendix C of the agenda)

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

- (i) The application from Darren Jenkins was for the grant of a premises licence at Jenkins & Son Fishmongers Ltd, 77–81 High Street, Deal, Kent CT14 6EH. The application sought the supply of alcohol for consumption on and off the premises Tuesday to Saturday from 12:00 – 00:00 hrs, Sunday from 10:00 – 16:00 hrs, New Year's Eve, normal licensable starting time until 02:00 hrs and live and recorded music (indoors) New Year's Eve 23:00 – 02:00 hrs.
- (ii) During the consultation process there were no representations made by any of the Responsible Authorities.
- (iii) During the consultation process two representations objecting to the application were received from Other Persons. They cited the licensing objective – prevention of public nuisance. In summary, the Other Persons were concerned about noise levels if patrons were congregating outside the premises, smokers outside the premises and associated littering and also serving alcohol until midnight being too late with all the residential properties nearby.
- (iv) There was one representation in support of the application.
- (v) In considering the relevant representations, the Sub-Committee took into consideration that:
  - There was no cumulative impact policy in the district
  - No representations were received from the Responsible Authorities
  - The concerns raised were speculative therefore under the case law they should be disregarded unless supported by previous facts as evidence
  - Matters relating to the enforcement of private law such as a covenant on private land were not within the purview of the Sub-Committee under the Licensing Act
  - Under the Statutory Guidance, beyond the immediate area surrounding the premises, these were matters for the personal responsibility of individuals under the law. An individual who engaged in antisocial behaviour was accountable in their own right. However,

it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that required the licence holder to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, and to respect the rights of people living nearby to a peaceful night. The Sub-Committee noted that the Applicant had already offered, as part of his application to have such signs in place.

- Although there were some residential properties around the premises and mainly at the back of the premises, the immediate neighbours were commercial premises. No objections were received from immediate neighbours.
- (vi) The Sub-Committee heard from the Licensing Manager who presented her report. She also informed Members that there was at least one other business on the High Street that had a licence to supply alcohol until midnight.
- (vii) The Sub-Committee heard from the Applicant who set out his experience and his business plan. He explained that they were intending to serve hot food from 10:30 hrs until 14.30 hrs and have the occasional pop-up event such as a sushi evening. The Applicant informed the members that they were committed not to become a drinking establishment however they would like to have the flexibility to have pop-up events in the evening. The Applicant explained that the premises included a small dining area which could accommodate up to 24 people. The Applicant advised that no smoking area was in place, as on a day-to-day basis, they were expecting customers to use the premises for about 30 minutes while they were eating. He explained that the pop-up events would be ticket only events. The Applicant confirmed that he was happy to stop the sale of alcohol at 23:00 hrs and he formally amended his application.

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

RESOLVED: That the application in respect of Jenkins & Son Fishmongers Ltd, 77-81 High Street, Deal, Kent CT14 6EH be GRANTED as follows:

Supply of Alcohol (for consumption ON the premises)

Tuesday to Saturday	12:00 – 23:00 hrs
Sunday	10:00 – 16:00 hrs
Seasonal Variations New Year's Eve	Normal licensable starting time – 02:00 hrs

Live and Recorded Music (Indoor)

New Year's Eve	23:00 – 02:00 hrs
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The meeting ended at 10.37 am.