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Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Monday, 21 October 2024 at 9.21 am.

Present:

Sub-Committee:

Chairman: Councillor S B Blair

Councillors: D J Parks
O C de R Richardson (as substitute for Councillor D G Cronk)

Officers:

Legal Adviser: Principal Lawyer - Litigation and Regulatory
Licensing Officer: Licensing Manager
Administrator: Licensing Officer
Licensing Officer
Democratic Services Officer

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2024/0011R).

13 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor D G Cronk.

14 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, that Councillor O C de R Richardson was appointed as substitute for Councillor D G Cronk.

15 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

16 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor O C de R Richardson, duly seconded and

RESOLVED: That, having applied the public interest test in accordance with Regulation 14 of The Licensing Act 2003 (Hearings) Regulations 2005, the press and public be excluded from the remainder of the meeting. The Licensing Sub-Committee reminded Parties to urge restraint in any press communications given the nature of this Hearing.

17 LICENSING ACT 2003 - APPLICATION FOR THE REVIEW OF A PREMISES LICENCE FOR HIGH STREET MINI MART (ALSO KNOWN AS DYLAN'S SUPERSTORE), 49-51 HIGH STREET, DOVER

The Licensing Sub-Committee considered an application for the review of a Premises Licence for High Street Mini Mart (also known as Dylan's Superstore), 49-51 High Street, Dover. The review was made under section 51 of the Licensing Act

2003 as requested by PC D Rolfe – Police Licensing Enforcement Officer, on behalf of Kent Police. The review was called under the licensing objectives Prevention of Crime and Disorder and Protection of Children from Harm.

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) A copy of the current premises licence for High Street Mini Mart (appendix A of the agenda).
- (iii) Map of the area (appendix B of the agenda).
- (iv) Review application submitted by Kent Police (appendix C of the agenda).
- (v) Other representations (appendix D of the agenda).

On the basis of the representations of the Applicant, Responsible Authority, Other Persons and the Interim Premises Licence Holder and their witness, the Sub-Committee found the following facts to be established:

- (i) That under section 51 of the Licensing Act 2003, PC D Rolfe on behalf of Kent Police as the Responsible Authority, submitted a Review application for High Street Mini Mart (also known as Dylan's Superstore), 49-51 High Street, Dover.
- (ii) The premises had been licensed since 30 November 2018. From 29 July 2019 until 16 October 2024 an individual not present at the Hearing was the Premises Licence Holder and Designated Premises Supervisor. The Interim Premises Licence Holder stated they and their partner took over the premises on 3 March 2024. The former Premises Licence Holder and Designated Premises Supervisor appeared to have had little involvement with the premises since then.
- (iii) The licensable activity at the premises was: alcohol sales (OFF the premises) – everyday 08:00 – 23:00 hours.
- (iv) Kent Police had called the Review due a complaint about an underage sale at the premises on 13 August 2024 that had been validated from CCTV.
- (v) A child of 16, had been able to purchase a litre bottle of vodka without challenge. This was stated to have caused harm to the child. Details were provided about medical care the child had received following their consumption of the alcohol.
- (vi) Kent Police stated that the premises significantly undermined the 'Prevention of Crime and Disorder' and the 'Protection of Children from Harm' Licensing Objectives. The Kent Police application set out the risks of alcohol to young people.
- (viii) Officers from Kent Police and the Licensing Authority had visited the premises following the complaint and a number of breaches of licensing conditions were stated by the Applicant to have been identified:

- a. The premise licence was not on site;
 - b. There was no alcohol authorisation to enable staff to serve on behalf of the DPS;
 - c. There were no training records to view at all, and the staff present indicated that no training had been carried out with them (there were a number of conditions relating to training on the premise licence);
 - d. The staff members were initially not able to work the CCTV system and, only after it was threatened to remove the whole drive system, was the Interim Premises Licence Holder's witness able to produce footage via a mobile phone; and
 - e. The refusals log had not been verified by the DPS as specified.
- (ix) Footage from the Police body worn and premises CCTV was played to the Licensing Sub-Committee.
 - (x) During the consultation period a representation was received from a parent of the child, Kent County Council's Integrated Children Services Delivery Manager for Dover, Kent County Council Reachable Moments (Violence Reduction Unit) and Kent County Council Trading Standards. It was stated by O Jewell on behalf of Kent County Council Trading Standards that no meaningful conditions could be added and Trading Standards fully supported the Kent Police recommendation of revocation.
 - (xi) On behalf of the Interim Premises Licence Holder it was stated that they had been a Designated Premises Supervisor for 3 years at a shop in London, a store also located near to schools, and no issues were raised there. Furthermore, it was stated that sales of alcohol were not illegal as the former Premises Licence Holder had still been legally responsible.
 - (xii) The seller accepted that they had made the sale and was truly remorseful. They had been distracted because of a family matter, that they had mistakenly thought they had seen the child before with ID and they had recalled them to be in their early 20s. The seller was reminded that the premises was required to operate a Challenge 25 policy. This was stated to be a one-off incident.
 - (xiii) The Interim Premises Licence Holder provided the Licensing Sub-Committee with updated copies of the Refusals log and training records. The Licensing Sub-Committee made enquiries with the Interim Premises Licence Holder and their witness as to these documents.
 - (xiv) It was requested that the Premises Licence was not revoked, rather perhaps suspended for a period of 6 weeks for the Interim Premises Licence Holder to break the habit of children attempting underage sales (an issue from the former Designated Premises Supervisor) and that the additional conditions put forward could assist in that regard.

In reaching its findings 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 (including but not limited to paragraphs 2.1-2.7, 2.28-2.37, 4.2-4.3, 9.22-9.23, 10.26-10.35, 10.46-10.50, 11.1-11.11, 11.16-11.23, and 11.29 (persistent sales of alcohol to children)).
- (iii) Article 6 of the Human Rights Act (Right to a fair trial).
- (iv) Section 17 of the Crime and Disorder Act 1998 (Duty to consider crime and disorder implications).

RESOLVED: That notwithstanding this being a first time Review, based on the report of a single verified sale of alcohol to a child the Sub-Committee deemed lesser measures insufficient to tackle the problems at the premises and therefore decided to **revoke the premises licence**.

The meeting ended at 1.01 pm.