

Minutes of the meeting of the **LICENSING** Sub-Committee held at the Council Offices, Whitfield on Wednesday 4 July 2012 at 9.30 am.

Present:

Sub-Committee

Chairman: Councillor A R Smith

Councillors: M J Ovenden  
M A Russell

Officers

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

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/003/2012).

2 LICENSING ACT 2003 – APPLICATION FOR THE VARIATION OF A PREMISES LICENCES IN RESPECT OF DEAL GRILL, 144 HIGH STREET, DEAL CT14 6BE

The Sub-Committee considered an application for a variation of an existing premises licence from the applicant, Mr Mehmet Gurbuz, in respect Deal Grill, 144 High Street, Deal. The application was for:

- (a) An extension of the hours of licensable activities in respect of late night refreshment (indoors), the supply of alcohol (off the premises) and the opening hours;
- (b) An amendment of the existing conditions relating to the delivery of alcohol with a hot food order, from orders over the value of £15.00 to orders over the value of £8.00; and
- (c) The removal of the condition prohibiting the sale of alcohol after 00:00 hours Sunday to Thursday and 01:00 hours Friday and Saturday.

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 the applicant had failed to demonstrate how he intended to promote the licensing objectives should his hours be extended; no additional measures were proposed on the operating schedule or verbally at the hearing;
- (ii) That the lack of complaints since the imposition of the existing hours demonstrated that there had been a reduction in public nuisance and crime and disorder in the area of the premises; and
- (iii) That the evidence heard from Other Persons present at the hearing also showed that the previous problems relating to public nuisance and crime and

disorder in the vicinity of the premises had reduced significantly following the imposition of the existing hours.

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

- (i) The Licensing Act 2003, section 35, as the section has direct bearing on the application to vary the licence.
- (ii) The provisions of the guidance issued under section 182 of The Licensing Act 2003 as they were particularly relevant to the application to vary the licence.
- (iii) The Council's statement of licensing policy.
- (iv) The case of R (on the application of Daniel Thwaites PLC) v Wirral Borough Magistrates' Court (2008).

RESOLVED: That the application for a variation in the premises licence of Deal Grill, 144 High Street, Deal:

- (a) That the application to extend the hours of licensable activities in respect of late night refreshment (indoors), the supply of alcohol (off the premises) and the opening hours be refused.
- (b) That the application to remove condition (xvii) prohibiting the sale of alcohol after 00:00 hours Sunday to Thursday and 01:00 hours Friday and Saturday be refused.
- (c) That the application to amend the condition (vii) to permit alcohol to be delivered with a hot food order over the value of £8.00 be granted.

The meeting ended at 11.34 am.