

Minutes of the meeting of the **LICENSING** Sub-Committee held at the Council Offices, Whitfield on Wednesday 25 July 2012 at 9.30 am.

Present:

Sub-Committee

Chairman: Councillor B W Butcher

Councillors: M J Ovenden
M A Russell

Officers

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

Persons attending in connection with the Hearing – Coombe Valley Food and Wine, Dover

As shown on the Notice of Determination (NOD/005/2012).

Persons attending in connection with the Hearing – The Blues Bar and Bistro, Deal

As shown on the Notice of Determination (NOD/006/2012).

4 LICENSING ACT 2003 – APPLICATION FOR THE VARIATION OF A PREMISES LICENCES IN RESPECT OF COOMBE VALLEY FOOD AND WINE, 194 COOMBE VALLEY ROAD, DOVER CT17 0HG

The Sub-Committee considered an application from Mrs Jeyasutha Sasitharan for a variation of an existing premises licence in respect of Coombe Valley Food and Wine, Dover.

The application was for a variation to the existing premises licence to extend the hours of licensable activities in respect of the supply of alcohol (off the premises) to 06:00 to 23:00 (Monday to Saturday) and 06:00 to 22:30 (Sunday).

On the basis of the representations of the applicant, Mrs J Sasitharan, and her representative, the responsible authorities and other persons the Sub-Committee found the following facts to be established:

- (i) That the shop is located in one of the most deprived wards in the District.
- (ii) That evidence from the Police showed that the premises had been well run and there have been no complaints to police regarding the operation of the premises.
- (iii) That the applicants wish to sell alcohol earlier so as to make it available to those people finishing a night shift at the nearby London Fancy Box Company factory.
- (iv) That there was some confusion about the opening hours of the premises, however, the Sub-Committee accepted that the applicants currently open the

premises at 06:00 hours (Monday to Saturday) and 06:30 hours (Sunday) for non-licensable activities (ie the sale of newspapers and groceries).

- (v) Evidence from the Police and Other Persons present at the hearing showed that whilst there had been previous problems relating to public nuisance and crime and disorder in the vicinity of the premises, these had reduced significantly following the operation of the dispersal area and that the dispersal area had now been removed.
- (vi) That having regard to the previous problems in the area, there was an increased risk of public nuisance relating to the supply of alcohol and the Sub-Committee considered this carefully when reaching their decision.
- (vii) That it be noted that the Sub-Committee requested the Licensing Team Leader to monitor the extended hours of licensable activities for instances arising in respect of the licensing objectives.

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

- (i) The Licensing Act 2003, sections 34 and 35, as the section has direct bearing on the application to vary the licence.
- (ii) The Council's statement of licensing policy.

RESOLVED: That the application for a variation in the premises licence of Coombe Valley Food and Wine, 194 Coombe Valley Road, Dover be granted and the hours of licensable activities in respect of the supply of alcohol (off the premises) be extended as follows:

- (a) Monday to Saturday – 07:00 to 23:00
- (b) Sunday – 08:00 to 22:30

5 LICENSING ACT 2003 – APPLICATION FOR THE VARIATION OF A PREMISES LICENCES IN RESPECT OF THE BLUES BAR AND BISTRO, 15A SOUTH COURT, DEAL CT14 7AF

The Sub-Committee considered an application from the applicants, Mr Brian Short and Mrs Vanessa Short, for the grant of a premises licence in respect of The Blues Bar and Bistro, Deal.

The application was for the grant of a new premises licence, following the lapse of a previous premises licence, for the following licensable activities:

- (a) The supply of alcohol (on the premises):

Monday to Saturday	10:00 to 01:00 the following day
Sunday	10:00 to 23:00
New Years Eve and Christmas Eve	10:00 to 01:00 the following day

- (b) The provision of live music (indoors):

Sunday to Thursday	10:00 to 23:00
Friday to Saturday	10:00 to 00:00 midnight

- (c) The provision of recorded music (indoor) and the provision of facilities for dancing (indoor):

Monday to Saturday	10:00 to 01:00 the following day
Sunday	10:00 to 23:00
New Years Eve and Christmas Eve	10:00 to 01:00 the following day

- (d) The opening hours of:

Monday to Saturday	10:00 to 01:00 the following day
Sunday	10:00 to 23:00
New Years Eve and Christmas Eve	10:00 to 01:00 the following day

On the basis of the representations of the applicant, Mr B Short and Mrs V Short, the responsible authorities and other persons the Sub-Committee found the following facts to be established:

- (i) That many of the objections raised by Other Parties relate to the general licensing situation of the town.
- (ii) The good character of the applicant.
- (iii) The agreement between the Applicant and Environmental Health of four conditions relating to the licensing objectives.
- (iv) The absence of any objections from Responsible Authorities following the withdrawal of the objection from Environmental Health.
- (v) That Kent Fire and Rescue were due to inspect before the premises opens with a view to granting a fire safety certificate for the premises.
- (vi) That a separate application would be needed under the Highways Act 1980 for any use of tables and chairs outside the curtilage of the premises and further that the current application was for supply of alcohol on the premises only.

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

- (i) The Council's statement of licensing policy.
- (ii) The case of R (on the application of Daniel Thwaites PLC) v Wirral Borough Magistrates' Court (2008).
- (iii) The Licensing Act 2003, section 18, as the section has direct bearing on the application for premises licence and the steps set out under subsection 4 in respect of the determining the application.

RESOLVED: (a) That the application for the grant of a new premises licence be approved, subject to the conditions set out at (b), for the following licensable activities:

- (i) The supply of alcohol (On the premises):

Monday to Thursday	10:00 to 00:00 midnight
Friday to Saturday	10:00 to 01:00 the

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|--|------------------------------------|-------------------------------------|
| | Sunday | following day
10:00 to 23:00 |
| | New Years Eve and
Christmas Eve | 10:00 to 01:00 the
following day |
- (ii) The provision of live music (Indoors):
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|--|--------------------|-------------------------|
| | Sunday to Thursday | 10:00 to 23:00 |
| | Friday to Saturday | 10:00 to 00:00 midnight |
- (iii) The provision of recorded music (indoor) and the provision of facilities for dancing (indoors):
- | | | |
|--|------------------------------------|-------------------------------------|
| | Monday to Thursday | 10:00 to 00:00 midnight |
| | Friday to Saturday | 10:00 to 01:00 the
following day |
| | Sunday | 10:00 to 23:00 |
| | New Years Eve and
Christmas Eve | 10:00 to 01:00 the
following day |
- (iv) The opening hours of:
- | | | |
|--|------------------------------------|-------------------------------------|
| | Monday to Thursday | 10:00 to 00:00 midnight |
| | Friday to Saturday | 10:00 to 01:00 the
following day |
| | Sunday | 10:00 to 23:00 |
| | New Years Eve and
Christmas Eve | 10:00 to 01:00 the
following day |
- (b) That the grant of a premises license be subject to the following conditions:
- (i) That during regulated entertainment events, in the form of live/recorded music, all the doors and windows of the premises shall remain closed after 22:00hrs except for ingress and egress.
- (ii) That a sign shall be clearly displayed at all public entrances/exits to the premises requesting that customers leaving the premises or congregating outside the premises shall do so quietly and respect the needs of the local community.
- (iii) That two CCTV cameras will be installed covering the area immediately outside the premises, facing each way along the alleyway that forms South Court to enable the area to be monitored.
- (iv) That regular inspections of the area shall be undertaken by staff to ensure that the area is clean.

The meeting ended at 1.38 pm.