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Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 13 August 2013 at 9.37 am.

Present:

Sub-Committee:

Chairman: Councillor B W Butcher

Councillors: S R Nicholas
J M Smith

Officers:

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

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2013/003).

1 APOLOGIES FOR ABSENCE

There were no apologies for absence received from members.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members.

3 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

4 LICENSING ACT 2003 - APPLICATION FOR THE VARIATION OF A PREMISES LICENCE IN RESPECT OF WALMER CASTLE PUBLIC HOUSE, 4 SOUTH STREET, DEAL CT14 7AW

The Sub-Committee considered an application for a variation of an existing premises licence from the applicant, Mr B Carrick, in respect of an existing premises licence for the Walmer Castle Public House, 4 South Street, Deal, Kent CT14 7AW.

The application was for a variation of the existing premises licence to:

- (a) EXTEND the terminal hour for the use of the garden from 22:00 hours (Sunday to Wednesday) and 23:00 hours (Thursday to Saturday) to 'midnight' 00:00 hours (Monday to Sunday).
- (b) EXTEND the hours of licensable activities in respect of the supply of alcohol (for consumption on and off the premises) from 07:30 to 01:00 hours (Thursdays) to 07:30 to 02:00 hours (Thursdays).
- (c) EXTEND the hours the premises is open to the public from 07:30 to 01:30 hours (Thursdays) to 07:30 to 02:30 hours (Thursdays).

- (d) REPLACE condition (ii) of the conditions imposed following a Review of the premises licence on 20 January 2011 which currently states:

"From 20:00 hours until close of trading on Thursday, Friday and Saturday evenings or whenever there is live entertainment, there shall be at least one door supervisor on duty at the front entrance to the premises to control ingress and egress of patrons to and from the premises. The door supervisor shall be a person other than the licence holder, and shall be a professionally qualified and experienced SIA registered door supervisor capable of ensuring the promotion of the four licensing objectives, in particular the prevention of crime and disorder objective."

With the following new condition:

"From 22:00 hours until close of trading on Thursday, Friday and Saturday evenings, there shall be at least one door supervisor on duty at the front entrance to the premises to control ingress and egress of patrons to and from the premises".

- (e) REPLACE condition (iii) of the conditions imposed with following a Review of the premises licence on 20 January 2011 which currently states:

"A member of staff shall be positioned in the garden area to control the noise of patrons in the garden between 22:00 hours and 23:00 hours and shall direct customers who continue to create noise nuisance into the building as soon as practicable".

With the following new condition:

"A member of staff shall be positioned in the garden area to control the noise of patrons in the garden between 22.00 hours and close of the garden and shall direct customers who continue to create noise nuisance into the building as soon as practicable".

- (f) REPLACE condition (iv) of the conditions imposed following a Review of the premises licence on 20 January 2011 which currently states:

"From 20.00 hours until close of trading on Thursday, Friday and Saturday evenings or whenever there is live entertainment all drinks, including drinks from bottles will be served in Polycarbonate or similar "glassware".

With the following new condition:

"From 22.00 hours until the close of trading on Thursday, Friday and Saturday if there is live entertainment all drinks, including drinks from bottles will be served in Polycarbonate or similar "glassware".

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

- (i) That the Sub-Committee was only able to consider the application to vary the premises licence and could not amend the existing premises licence except in the context of the variation.

- (ii) That the conditions applied by the Licensing Sub-Committee at its meeting held on 20 November 2011 (NOD/004/2011) had proven to be effective given the lack of objections from Environmental Health or Kent Police.
- (iii) That the surrounding area of Blenheim Road and Wellington Road was predominantly residential.
- (iv) That the Walmer Castle Public House was primarily a late night venue.
- (v) That on nights when the Walmer Castle Public House had live entertainment present, customers were more lively and therefore at a greater risk in respect of glassware than on nights where there was no live entertainment present.

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

- (i) The Council's statement of licensing policy.
- (ii) The case of Daniel Thwaites PLC -v- Wirral BC.

RESOLVED: That the application for a variation in the premises licence of Walmer Castle Public House, 4 South Street, Deal, Kent CT14 7AW be determined as follows:

- (a) REFUSE to extend the terminal hour for the supply of alcohol (for consumption on and off the premises) by one hour on Thursdays from 01:00 to 02:00 and to REFUSE to extend the terminal hour the premises was open to the public for one hour on Thursdays from 01:30 to 02:30 on the grounds that on balance the Committee did not feel that it was an appropriate measure consistent with the licensing objectives of preventing crime and disorder and preventing nuisance given that for many of the residents in the surrounding area Friday was still a working/school day.
- (b) REFUSE to extend the terminal hours for use of the garden to midnight (00:00 hours) on the same grounds as (a) above.
- (c) GRANT a variation to condition (ii) of the conditions imposed following a Review of the premises licence on 20 January 2011, subject to a condition being imposed in respect of the retention of an SIA registered door supervisor in pursuit of the promotion of all four licensing objectives as follows:

"From 22:00 hours until close of trading on Thursday, Friday and Saturday evenings, there shall be at least one door supervisor on duty at the front entrance to the premises to control ingress and egress of patrons to and from the premises. The door supervisor shall be a person other than the licence holder, and shall be a professionally qualified and experienced SIA

registered door supervisor capable of ensuring the promotion of the four licensing objectives, in particular the prevention of crime and disorder objective."

- (d) REFUSE to vary condition (iii) of the conditions imposed following a Review of the premises licence on 20 January 2011 as it becomes irrelevant given the decision to refuse to change the terminal hours for the use of the garden.
- (e) GRANT the variation to condition (iv) of the conditions imposed following a Review of the premises licence on 20 January 2011. subject to a condition in respect of live entertainment in pursuit of the public safety licensing objective as follows:

"From 22:00 hours until the close of trading on Thursday, Friday and Saturday or any other day where live entertainment is present all drinks, including drinks from bottles will be served in Polycarbonate or similar "glassware".

The meeting ended at 11.07 am.