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Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Thursday, 7 November 2013 at 10.21 am.

Present:

Sub-Committee:

Chairman: Councillor B W Butcher

Councillors: S R Nicholas
J M Smith

Officers:

Legal Adviser: Senior Solicitor
Licensing Officer: 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/2013/005).

9 APOLOGIES FOR ABSENCE

There were no apologies for absence.

10 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members.

11 DECLARATIONS OF INTEREST

There were no declarations of interest from members.

12 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCES IN RESPECT OF: THE LIGHTHOUSE, 50 THE STRAND, WALMER CT14 7DX

The Sub-Committee considered an application from Mrs N Hatton, in respect of the Lighthouse, 50 The Strand, Walmer, Kent CT14 7DX for the grant of a new premises licence under section 17 Licensing Act 2003 to permit the supply of alcohol for consumption on and off the premises.

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

- (a) That the issue of planning permission was a matter for the planning authority and not the Licensing Committee.
- (b) That any noise complaints relating to the previous use of the premises before its closure were not relevant to the current application in keeping with the principles of Daniel Thwaites PLC v Wirral Borough Magistrates Court 2008.

- (c) That conditions offered by the applicants following discussions with Environmental Health were sufficient to mitigate any noise issues.

The Sub-Committee by reason of the objection of the applicant refused to accept additional documentary evidence submitted at the meeting by Mrs S Upton in relation to planning permission for the premises in accordance with Section 18 of the Licensing Act 2003 (Hearing) Regulations 2005.

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

- (a) The comments of Environmental Health in respect of noise.
- (b) The Licensing Act 2003 and in particular the guidance given under Section 182 of the Act.
- (c) The Dover District Council Licensing Policy.
- (d) Article 6 of the Human Rights Act (Right to a fair trial).
- (e) Section 17 of the Crime and Disorder Act 1998 (Duty to consider crime and disorder implications).
- (f) The judgement in the case of Daniel Thwaites PLC V Wirral Magistrates Court 2008 in which it was held that speculative representations should be disregarded unless supported by previous facts as evidence.

RESOLVED: That the application for a premise licence for the Lighthouse, 50 The Strand, Walmer, Kent CT14 be granted as follows:

- (a) GRANT the premises licence for the Supply of Alcohol for Consumption On and Off the Premises from:

11:00 to 23:00	Sunday to Wednesday
11:00 to 00:00 (midnight)	Thursday
11:00 to 01:00	Friday to Saturday
11:00 to 02:00	New Years Eve, Bank Holidays and Public Holidays, Christmas Eve, Sundays immediately preceding Bank Holiday Mondays and Easter Monday, Maundy Thursday

- (b) GRANT the premises licence for the Performance of Plays (indoors) from:

08:00 to 23:00	Sunday to Wednesday
08:00 to 00:00 (midnight)	Thursday to Saturday
08:00 to 02:00	New Year's Eve
08:00 to 00:00 (midnight)	Bank Holidays and Public Holidays, Christmas Eve, Sundays immediately preceding Bank Holiday Mondays and Easter Monday, Maundy Thursday

- (c) GRANT the premises licence for the Exhibition of Films (indoors) from:

12:00 to 23:00	Sunday to Wednesday
12:00 to 00:00 (midnight)	Thursday to Saturday
12:00 to 02:00	New Years Eve, Bank Holidays and Public Holidays, Christmas Eve, Sundays immediately preceding Bank Holiday Mondays and Easter Monday, Maundy Thursday

- (d) GRANT the premises licence for Live Music (indoors) from:

10:00 to 00:00 (midnight)	Monday to Sunday
10:00 to 02:00	New Year's Eve

- (e) GRANT the premises licence for Recorded Music (indoors) from:

08:00 to 00:00 (midnight)	Sunday to Wednesday
08:00 to 01:00	Thursday
08:00 to 02:00	Friday and Saturday
08:00 to 02:00	New Years Eve, Bank Holidays and Public Holidays, Christmas Eve, Sundays immediately preceding Bank Holiday Mondays and Easter Monday, Maundy Thursday

- (f) GRANT the premises licence for Performance of Dance (indoors) from:

12:00 to 23:00	Sunday to Wednesday
12:00 to 00:00 (midnight)	Thursday to Saturday
12:00 to 02:00	New Year's Eve
12:00 to 00:00 (midnight)	Bank Holidays and Public Holidays, Christmas Eve, Sundays immediately preceding Bank Holiday Mondays and Easter Monday, Maundy Thursday

- (g) GRANT the premises licence for Late Night Refreshment from:

23:00 to 00:00 (midnight)	Sunday to Wednesday
23:00 to 01:00	Thursday
23:00 to 02:00	Friday and Saturday
23:00 to 02:00	New Year's Eve, Bank Holidays and Public Holidays, Christmas Eve, Sundays immediately preceding Bank Holiday Mondays

	and Easter Monday, Maundy Thursday
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(h) GRANT the premises licence for Opening Hours from:

08:00 to 00:00 (midnight)	Sunday to Wednesday
08:00 to 01:00	Thursday
08:00 to 02:00	Friday to Saturday
08:00 to 03:00	New Year's Eve, Bank Holidays and Public Holidays, Christmas Eve
08:00 to 02:00	Sunday's immediately preceding Bank Holiday Mondays and Easter Monday, Maundy Thursday

The meeting ended at 12.04 pm.