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Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Thursday, 21 November 2013 at 10.00 am.

Present:

Sub-Committee:

Chairman: Councillor B W Butcher

Councillors: B Gardner  
C J Smith

Officers:

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

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2013/006).

13 APOLOGIES FOR ABSENCE

There were no apologies for absence.

14 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

15 DECLARATIONS OF INTEREST

There were no declarations of interest from members.

16 LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF WEST STREET PREMIER STORE, 15 WEST STREET, DOVER, KENT CT17 0DU

The Sub-Committee considered an application from Mr Selavanathan Jeyathas and Mrs Prabalini Jeyathas, in respect of West Street Premier Store, 15 West Street, Dover, Kent CT17 0DU for the grant of a new premises licence under section 17 Licensing Act 2003 to supply alcohol for consumption 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:

- (i) That the Dover Designated Dispersal Area (DDDA) had no relevance to an application for a new premises licence as it would be speculative in the absence of any evidential history to conclude that the premises would breach one of the licensing objectives. In any event, it was noted that the DDDA did not extend to the area in which the premises was situated.

- (ii) That the applicant would be happy to accept the four conditions agreed with Kent Police and a further condition relating to CCTV.

The Sub-Committee by reason of the objection of the applicant refused to accept additional documentary evidence that Ms A Burton requested be considered in relation to the Dover Designated Dispersal Area 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:

- (i) The Licensing Act 2003 and in particular the guidance given under Section 182 of the Act.
- (ii) The Dover District Council Licensing Policy.
- (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).
- (v) The judgement in the case of Daniel Thwaites PLC v Wirral Borough 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 West Street Premier Store, 15 West Street, Dover, Kent CT17 0DU be granted as follows:

- (a) GRANT the premises licence for the supply of alcohol for consumption off the premises from 06:00 to 23:00 (Monday to Sunday).
- (b) GRANT the Opening hours from 06:00 to 23:00 (Monday to Sunday).
- (c) That signage would be displayed informing customers that alcohol would not be sold to drunk persons.
- (d) The premise operates a zero tolerance towards disorderly behaviour.
- (e) Spirits would only be displayed behind the service counter.
- (f) Staff would be trained in responsible sale of alcohol and records of this would be maintained.
- (g) CCTV must be installed on the premises and maintained in good working order. Recorded media must be retained for a minimum of 30 days and made available upon request to police and licensing authority officers.

The meeting ended at 11.08 am.