

Public Document Pack

Minutes of the meeting of the **LICENSING SUB-COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 11 December 2013 at 2.00 pm.

Present:

Sub-Committee:

Chairman: Councillor A R Smith

Councillors: M J Ovenden
P Walker

Officers:

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

Persons attending in connection with the Hearing

As shown on the Notice of Determination (NOD/2013/009).

25 APOLOGIES FOR ABSENCE

There were no apologies for absence.

26 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

27 DECLARATIONS OF INTEREST

There were no declarations of interest from Members.

28 LICENSING ACT 2003 - APPLICATION FOR GRANT OF A PREMISES LICENCE IN RESPECT OF KT CONVENIENCE STORE, 9 HIGH STREET, DEAL, KENT CT14 7AA

The Sub-Committee considered an application from Mr K Amirthalingam in respect of the KT Convenience Store, 9 High Street, Deal, Kent CT14 7AA for the grant of a new premises licence under Section 17 of the Licensing Act 2003, to permit the supply of alcohol for consumption off the premises and the opening hours.

On the basis of the representations submitted by the applicant, the applicant's representative and other persons, the Sub-Committee found the following facts to be established:

- (i) That, following representations, the applicant had worked flexibly with the Licensing Authority and this had resulted in two amendments being made to the terminal opening hour as originally submitted.
- (ii) That the applicant's representative stated that the applicant had co-operated with the Police who were satisfied with the additional measures the applicant had taken in relation to CCTV systems at the premises.

- (iii) That the concerns relating to anti-social behaviour and crime and disorder raised by other persons were not linked directly to the proposed operations of the premises.
- (iv) The Sub-Committee had regard to the fact that the Police had not made representations, and had submitted no evidence relating to potential problems regarding crime and disorder.

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

- (i) The Licensing Act 2003 and in particular Section 18 and the guidance given under Section 182.
- (ii) The Dover District Council Licensing Policy.
- (iii) Article 6 of the Human Rights Act 1998 (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 R (on the application 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 premises licence for the KT Convenience Store, 9 High Street, Deal, Kent CT14 7AA be granted as follows:

- (a) GRANT the premises licence for the Supply of Alcohol (for consumption off the premises) from:

Every Day including Sundays and Public Holidays	09:00 to 22:00 hours
---	----------------------

- (b) GRANT the hours the premises is open to the public from:

Every Day including Sundays and Public Holidays	09:00 to 22:00 hours
---	----------------------

Subject to conditions consistent with the operating schedule.

The meeting ended at 2.25 pm.