



Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

Telephone: (01304) 821199
Fax: (01304) 872300
DX: 6312
Minicom: (01304) 820115
Website: www.dover.gov.uk
e-mail: democraticservices@dover.gov.uk

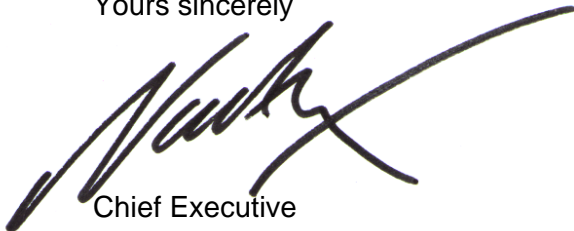
1 February 2010

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **LICENSING** Committee will be held at these Offices on Thursday 9 February 2010 at 9.30 am when the following business will be transacted.

Members of the public who require further information are asked to contact Pauline Hodding on (01304) 872305 or by e-mail at paulinehodding@dover.gov.uk.

Yours sincerely



Chief Executive

Licensing Committee Membership:

Councillor P S Le Chevalier	(Chairman)	Councillor V J Revell
Councillor B W Butcher	(Vice-Chairman)	Councillor D G Smallwood
Councillor C M Edwards		Councillor A R Smith
Councillor R Frayne		Councillor C J Smith
Councillor A Friend		Councillor J M Smith
Councillor C E Kirby		Councillor R J Thompson
Councillor P A Lodge		Councillor R S Walkden
Councillor S C Manion		

DECLARATIONS OF INTEREST

Members are required to disclose the existence and nature of a personal interest at the commencement of the item of business to which the interest relates or when the interest becomes apparent. An explanation in general terms of the interest should also be given to the meeting. If the interest is also a prejudicial interest, the Member should then withdraw from the room or chamber.



AGENDA

1. **APOLOGIES**

2. **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

3. **MINUTES** (Pages 3-5)

To consider the attached Minutes of the meeting of the Committee held on 10 and 25 November 2009.

4. **LICENSING SUB-COMMITTEE MINUTES** (Pages 6-16)

To receive the Minutes of the meetings of the Licensing Sub-Committee held on 10 November, 12 November, 25 November, 10 December, 21 December and 23 December 2009 and 19 January 2010, copies of which are attached.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes are normally published within five working days of each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting. Basic translations of specific reports and the Minutes are available on request in 12 different languages.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Pauline Hodding, Senior Democratic Support Officer, telephone: (01304) 872305 or email: paulinehodding@dovery.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Minutes of the meeting of the **LICENSING** Committee held at the Council Offices, Whitfield on Tuesday 10 November 2009 at 9.30 am.

Present:

Chairman: Councillor P S Le Chevalier

Councillors: B W Butcher
A Friend
C E Kirby
P A Lodge
S C Manion
D G Smallwood
A R Smith
J M Smith
R J Thompson

Officers: Licensing Manager
Senior Democratic Support Officer

Apologies for absence were received from Councillors C M Edwards, R Frayne, V J Revell, C J Smith and R S Walkden.

267 MINUTES

The Minutes of the meeting of Committee held on 4 August 2009 were approved as a correct record and signed by the Chairman.

268 MINUTES OF LICENSING SUB-COMMITTEES

RESOLVED: That the Minutes of the Licensing Sub-Committees held on 4 August, 26 August, 28 October and 29 October 2009 be received.

269 LICENSING ACT 2003 – EXPEDITED/SUMMARY LICENCE REVIEWS GUIDANCE

The Committee considered Guidance issued by the Department for Culture, Media and Sport on Expedited/Summary Licence reviews under the Licensing Act 2003 which had been inserted in the Act by the Violent Crime Reduction Act 2006 with the object of assisting police forces and licensing authorities. Members were advised that the powers applied only where a premises licence authorised the sale of alcohol and were aimed at tackling serious crime and serious disorder such as the use of guns or knives. The Guidance set out a 'fast track' approach which could be taken to review a premises licence where the police believe that the premises were associated with serious crime or disorder.

While it was hoped that this procedure would not be necessary, the Licensing Manager recommended that members of the Licensing Committee should be aware of it and understand the implications of an expedited review.

RESOLVED: That the Guidance in respect of Expedited/Summary Licence Reviews under Section 53A of the Licensing Act 2003 be noted.

270 ROLE OF THE CHAIRMAN OF THE LICENSING COMMITTEE

The Committee was reminded that role descriptions for all Members had been circulated at the request of the Governance Committee and that, in addition to individual comments being sought, the views of specific Committees on the role of their respective Chairman were needed.

RESOLVED: That the Governance Committee be informed that the duties and responsibilities of both the Chairman of the Licensing Committee and the Chairman of the Regulatory Committee should be amended at point (i) to refer to acting in the interests of the Licensing Authority rather than the Council.

The meeting ended at 9.45 am.

Minutes of the meeting of the **LICENSING** Committee held at the Council Offices, Whitfield on Wednesday 25 November 2009 at 5.30 pm.

Present:

Chairman: Councillor P S Le Chevalier

Councillors: B W Butcher
C M Edwards
A Friend
C E Kirby
D G Smallwood
A R Smith
J M Smith

Officers: Solicitor to the Council
Licensing Manager
Senior Democratic Support Officer

Apologies for absence were received from Councillors R Frayne, P A Lodge, V J Revell and R J Thompson.

301 LICENSING ACT 2003 – FEES AND CHARGES 2008/09

The Committee considered the report of the Head of Governance which set out the fees and charges relevant to the Licensing Authority.

- RESOLVED: (a) That the schedule of fees and charges in respect of the Licensing Authority as set out in Annexe 2 to the report of the Head of Governance be approved for 2010/11.
- (b) That the general principle that fees are set at an appropriate inclusive level, irrespective of VAT status, and that the VAT element within the overall fee level is then determined be approved.
- (c) That adoption by officers of fees at or close to government directed levels, without the need for further reporting, be approved in cases where the Council is waiting for Government guidance and it has not been possible to set a fee at this stage.

The meeting ended at 5.37 pm.

Minutes of the meeting of the **LICENSING** Sub-Committee held at the Council Offices, Whitfield on Tuesday 10 November 2009 at 12.00 noon.

Present:

Sub-Committee

Chairman: Councillor P S Le Chevalier

Councillors: C E Kirby
P A Lodge

Officers

Legal Advisor: Solicitor to the Council
Licensing Officer: Licensing Manager
Administrator: Senior Democratic Support Officer

Persons attending in connection with the Hearing

As detailed in the Notice of Determination.

22 LICENSING ACT 2003 – APPLICATION FOR REVIEW OF THE PREMISES LICENCE IN RESPECT OF THE RED COW PUBLIC HOUSE, 12 MOAT SOLE, SANDWICH CT13 9AU

The Sub-Committee opened the hearing of an application for review of the premises licence in respect of the Red Cow Public House, Sandwich which had been brought by the Responsible Authority – Public Health. A request was made by the licence holder to adjourn the hearing to allow for evidence to be considered.

RESOLVED: That consideration of the review of the premises licence in respect of the Red Cow Public House, Sandwich be adjourned to 19 November 2009 in order to allow all parties to view the original colour photographs which had been reproduced in the agenda in black and white.

The meeting ended at 1.30 pm.

Minutes of the meeting of the **LICENSING** Sub-Committee held at the Council Offices, Whitfield on Thursday 12 November 2009 at 12.00 noon.

Present:

Sub-Committee

Councillors: P S Le Chevalier
C E Kirby
R J Thompson

Officers

Legal Advisor: Solicitor (Litigation and Regulation)
Licensing Officer: Licensing Manager
Administrator: Senior Democratic Support Officer

Persons attending in connection with the Hearing

As detailed in the Notice of Determination.

23 ELECTION OF CHAIRMAN

RESOLVED: That Councillor P S Le Chevalier be elected Chairman for the meeting.

24 LICENSING ACT 2003 – APPLICATION FOR REVIEW OF THE PREMISES LICENCE IN RESPECT OF THE DOG INN, CANTERBURY ROAD, WINGHAM CT3 1BB

The Sub-Committee considered an application for review of the premises licence in respect of the Dog Inn, Wingham which had been requested by persons living in the vicinity.

In accordance with the approved procedure evidence was heard from the applicant for the review, the Responsible Authority – Environmental Health, the licence holder's representative and the licence holder.

RESOLVED: That the application for review of the premises licence in respect of the Dog Inn, Canterbury Road, Wingham be upheld and the licence amended as set out in Notice of Determination No 013/2009.

The meeting ended at 2.04 pm.

Minutes of the meeting of the **LICENSING** Sub-Committee held at the Council Offices, Whitfield on Thursday 12 November 2009 at 2.30 pm.

Present:

Sub-Committee

Councillors: A R Smith
 J M Smith
 R J Thompson

Officers

Legal Advisor: Solicitor (Litigation and Regulation)
Licensing Officer: Licensing Manager
Administrator: Senior Democratic Support Officer

Persons attending in connection with the Hearing

As detailed in the Notice of Determination.

25 ELECTION OF CHAIRMAN

RESOLVED: That Councillor J M Smith be elected Chairman for the meeting.

26 LICENSING ACT 2003 – APPLICATION FOR VARIATION OF THE PREMISES LICENCE IN RESPECT OF THE FORRESTER INN, 15 THE MARINA, DEAL CT14 6NG

The Sub-Committee considered an application by Mrs M Moran for variation of the premises licence in respect of the Forrester Inn, Deal to increase the hours of operation.

In accordance with the approved procedure evidence was heard from the applicant's representative, the Responsible Authority – Environmental Health and interested parties.

RESOLVED: That the application for variation of the premises licence in respect of the Forrester Inn, 15 The Marina, Deal be approved subject to terms and conditions as set out in Notice of Determination No 014/2009.

The meeting ended at 3.50 pm.

Minutes of the meeting of the **LICENSING** Sub-Committee held at the Council Offices, Whitfield on Thursday 19 November 2009 at 9.30 am.

Present:

Sub-Committee

Chairman Councillor P S Le Chevalier

Councillors: C E Kirby
 P A Lodge

Officers

Legal Advisor: Solicitor (Litigation and Regulation)
Licensing Officer: Licensing Manager
Administrator: Senior Democratic Support Officer

Persons attending in connection with the Hearing

As detailed in the Notice of Determination.

27 LICENSING ACT 2003 – APPLICATION FOR REVIEW OF THE PREMISES LICENCE IN RESPECT OF THE RED COW PUBLIC HOUSE, 12 MOAT SOLE, SANDWICH CT13 9AU

The Sub-Committee resumed the hearing of the application for review of the premises licence in respect of the Red Cow Public House, Sandwich which had been brought by the Responsible Authority – Public Health and adjourned on 10 November 2009. In the intervening period copies of the original colour photographs which had been reproduced in the agenda in black and white had been circulated to all parties together with a letter from Mr Hopkins to the Licensing Manager.

In accordance with the approved procedure evidence was heard from the applicant for the review, the Interested Parties, the Relevant Authority, the Licence Holder's representative and the Licence Holder.

RESOLVED: That the application for review of the premises licence in respect of the Red Cow Public House, 12 Moat Sole, Sandwich be upheld and the licence amended as set out in Notice of Determination No 15/2009.

The meeting ended at 2.40 pm.

Minutes of the meeting of the **LICENSING** Sub-Committee held at the Council Offices, Whitfield on Wednesday 25 November 2009 at 9.30 am.

Present:

Sub-Committee

Councillors: A Friend
 J M Smith
 R J Thompson

Officers

Legal Advisor: Barrister (Litigation and Regulation)
Licensing Officer: Licensing Manager
Administrator: Senior Democratic Support Officer

Persons attending in connection with the Hearing

As detailed in the Notice of Determination.

28 ELECTION OF CHAIRMAN

RESOLVED: That Councillor A Friend be elected Chairman for the meeting.

29 LICENSING ACT 2003 – APPLICATION FOR VARIATION OF THE PREMISES LICENCE IN RESPECT OF THE ACADEMY & RIVALS, QUEEN STREET, DEAL CT14 6EY

The Sub-Committee considered an application by Mr S Watson, FS Leisure, for variation of the premises licence in respect of the Academy & Rivals, Deal to increase the hours of operation.

In accordance with the approved procedure evidence was heard from the applicant's representative and written evidence from the Planning Authority and an Interested Party was considered.

RESOLVED: That the application for variation of the premises licence in respect of the Academy & Rivals, Queen Street, Deal be approved as set out in Notice of Determination No 017/2009.

The meeting ended at 10.15 am.

Minutes of the meeting of the **LICENSING** Sub-Committee held at the Council Offices, Whitfield on Thursday 10 December 2009 at 9.30 am.

Present:

Sub-Committee

Chairman: Councillor P S Le Chevalier

Councillors: A Friend
S C Manion

Officers

Legal Advisor: Barrister (Litigation and Regulation)
Licensing Officer: Licensing Manager (Minute Nos 30 and 32)
Democratic Services Manager (Minute No 30)
Administrator: Senior Democratic Support Officer

Persons attending in connection with the Hearing

As detailed in the Notice of Determination.

30 LICENSING ACT 2003 – APPLICATION FOR REVIEW OF THE PREMISES LICENCE IN RESPECT OF SUTTON VALE COUNTRY CLUB, SUTTON BY DOVER, CT15 5DH – REQUEST FOR ADJOURNMENT OF HEARING

The Sub-Committee was advised that a request had been received from the Licence Holder to postpone the hearing to a later date as they would be abroad at the time scheduled for the hearing.

RESOLVED: That the hearing in respect of Sutton Vale Country Club be re-arranged in January 2010 and all parties advised accordingly.

(Councillors A Friend, P S Le Chevalier and S C Manion declared a personal interest for the reason that they knew the owner of the premises and frequently attended the premises for charitable events.)

31 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED: That in accordance with Section 14 of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the meeting during consideration of the following item for the reason that the public interest in so doing outweighs the public interest in this part of the hearing taking place in public.

32 LICENSING ACT 2003 – APPLICATION FOR A PERSONAL LICENCE IN RESPECT OF REFERENCE NO 2009/PL001

The Sub-Committee considered an application for grant of a Personal Licence together with details of a conviction for a relevant offence under the provisions of Section 113 of the Licensing Act 2003. The applicant, who was present at the hearing, explained the circumstances surrounding the conviction and answered

questions, and evidence was heard from the Responsible Authority Kent Police who had objected to grant of the licence.

RESOLVED: That the application for a Personal Licence be refused as set out in Notice of Determination No 17/2009.

(The press and public were re-admitted to the meeting at this point.)

33 LICENSING ACT 2003 – APPLICATION FOR VARIATION OF THE PREMISES LICENCE IN RESPECT OF CLUB KARMA, 1 ADRIAN STREET, DOVER CT17 9AT

The Sub-Committee considered an application by Mr S Gupta for variation of the premises licence in respect of the Club Karma, Dover to approve the new layout of the premises following refurbishment; to increase the hours of operation of the club for non-standard times; and to attach conditions.

In accordance with the approved procedure evidence was heard from the applicant's representative, the applicant and witnesses, and the interested party. Information was also sought from the representative of the Fire & Rescue Service who attended the meeting as an observer.

RESOLVED: That the application for variation of the premises licence in respect of Club Karma, 1 Adrian Street, Dover be approved subject to terms and conditions as set out in Notice of Determination No 018/2009.

The meeting ended at 1.17 pm.

Minutes of the meeting of the **LICENSING** Sub-Committee held at the Council Offices, Whitfield on Monday 21 December 2009 at 2.00 pm.

Present:

Sub-Committee

Chairman: Councillor B W Butcher

Councillors: S C Manion
C J Smith

Officers

Legal Advisor: Solicitor to the Council
Licensing Officer: Licensing Manager
Administrator: Senior Democratic Support Officer

Persons attending in connection with the Hearing

As detailed in the Notice of Determination.

34 LICENSING ACT 2003 – NOTIFICATION OF TEMPORARY EVENTS – DEAL KEBAB & PIZZA HOUSE, 144 HIGH STREET, DEAL CT14 6BE

The Sub-Committee considered Objection Notices given by Kent Police in response to two Temporary Event Notices (TENS) given by Mr M Gurbuz in respect of the Deal Kebab & Pizza House, Deal during the Christmas and New Year period 2009-2010.

In accordance with the approved procedure evidence was heard from the applicant for the Temporary Events, his representative and the representative of Kent Police.

RESOLVED: That a Counter Notice not be given and the Temporary Events be allowed as set out in Notice of Determination No 019/2009.

The meeting ended at 4.15 pm.

Minutes of the meeting of the **LICENSING** Sub-Committee held at the Council Offices, Whitfield on Wednesday 23 December 2009 at 9.30 am.

Present:

Sub-Committee

Councillors: A R Smith
 R J Thompson
 R S Walkden

Officers

Legal Advisor: Barrister (Litigation and Regulation)
Licensing Officer: Licensing Manager
Administrator: Senior Democratic Support Officer

Persons attending in connection with the Hearing

As detailed in the Notice of Determination.

35 ELECTION OF CHAIRMAN

RESOLVED: That Councillor A R Smith be elected Chairman for the meeting.

36 LICENSING ACT 2003 – APPLICATION FOR REVIEW OF THE PREMISES LICENCE IN RESPECT OF THE DEAL WELFARE CLUB, COWDRAY SQUARE, DEAL CT14 9EU

The Sub-Committee considered an application for review of the premises licence in respect of the Deal Welfare Club which had been requested the Responsible Authority Kent Police.

In accordance with the approved procedure the meeting was adjourned at an early stage to allow the applicant for the review and the licence holder to discuss conditions. On being reconvened evidence was heard from the applicant for the review, the Responsible Authority – Kent Police and the licence holder.

RESOLVED: That the conditions agreed between the premises licence holder of the Deal Welfare Club, Cowdray Square, Deal be approved and the premises licence amended as set out in Notice of Determination No 020/2009.

The meeting ended at 10.47 am.

Minutes of the meeting of the **LICENSING** Sub-Committee held at the Council Offices, Whitfield on Tuesday 19 January 2010 at 10.00 am.

Present:

Sub-Committee

Councillors: J M Smith
V J Revell
R J Thompson

Officers

Legal Advisor: Barrister (Litigation and Regulation)
Licensing Officer: Licensing Manager
Administrator: Senior Democratic Support Officer

Persons attending in connection with the Hearing

As detailed in the Notice of Determination.

37 ELECTION OF CHAIRMAN

RESOLVED: That Councillor J M Smith be elected Chairman for the meeting.

38 LICENSING ACT 2003 – APPLICATION FOR REVIEW OF THE PREMISES LICENCE IN RESPECT OF THE SUTTON VALE COUNTRY CLUB, VALE ROAD, SUTTON, DOVER CT15 5DH

The Sub-Committee considered an application for review of the premises licence in respect of the Sutton Vale Country Club which had been requested the Responsible Authority Kent Police.

In accordance with the approved procedure evidence was heard from the applicant for the review, the Responsible Authority – Kent Police, the licence holder's legal representative and the licence holder.

RESOLVED: That the conditions agreed between the premises licence holder of the Sutton Vale Club, Vale Road, Sutton, Dover and the Responsible Authority Kent Police be approved and the premises licence amended as set out in Notice of Determination No 001/2010.

39 LICENSING ACT 2003 – APPLICATION FOR VARIATION OF THE PREMISES LICENCE IN RESPECT OF THE WALMER NEWS, 15 THE STRAND, WALMER, DEAL CT14 7DX

The Sub-Committee considered an application for variation of the premises licence in respect of the Walmer News, The Strand, Walmer seeking to extend the permitted hours for the sale of alcohol. An objection had been made by an interested party.

In accordance with the approved procedure evidence was heard from the applicant for the variation and the applicant's legal representative who were present at the

hearing. The documentary evidence submitted by the interested party was also considered in their absence.

RESOLVED: That the premises licence in respect of the Walmer News, 15 The Strand, Walmer, Deal CT14 7DX be varied as requested as set out in Notice of Determination No 002/2010.

The meeting ended at 12.33 pm.