

Public Document Pack



Date: 22/08/2016
Ask For: Emily Kennedy
Direct Dial: (01843) 577046
Email: emily.kennedy@thanet.gov.uk

LICENSING SUB COMMITTEE

30 AUGUST 2016

A meeting of the Licensing Sub Committee will be held at **10.00 am on Tuesday, 30 August 2016** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor ; Councillors: Rogers, M Saunders and Tomlinson

A G E N D A

Item
No

Subject

1. **ELECTION OF CHAIRMAN**

2. **APOLOGIES FOR ABSENCE**

3. **DECLARATIONS OF INTEREST**

'To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest Form attached at the back of this Agenda. If a Member declares an interest, they should complete that form and hand it to the Officer clerking the meeting and then take the prescribed course of action.'

4. **APPLICATION FOR VARIATION OF PREMISES LICENCE** (Pages 1 - 30)

Declaration of Interests Form

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**APPLICATION FOR VARIATION OF PREMISES LICENCE –
CLIQUE 58-60 HARBOUR PARADE
RAMSGATE**

Licensing Sub-Committee – 30th August 2016 at 10 a.m

Report Author **Jane Bennett Licensing Team Leader**
 Portfolio Holder **Cllr Lin Fairbrass Community Services**
 Status **For Decision**
 Classification: **Unrestricted**
 Ward: **Eastcliff**

Executive Summary:

To consider this application for variation of a premises licence by Clique Ramsgate in the light of representations received.

Recommendation(s):

The instructions of the Sub-Committee are requested

CORPORATE IMPLICATIONS

Financial and Value for Money	None
Legal	<p>There is a right of appeal to a Magistrates' Court within 21 days of the date of the decision of the Licensing Sub-Committee with regard to the grant/refusal of a licence or any of the conditions attached to it.</p> <p>The Licensing Sub-Committee must pay proper attention to the applicant's rights under the provisions of the Human Rights Act 1998, which gives further effect in the United Kingdom to the fundamental rights and freedoms contained in the European Convention on Human Rights. The Licensing Sub-Committee must have proper regard to the rights of the individual applicant when making decisions that affect them. However, it also has to have regard to the safety and protection of the public and therefore to ensure that the right balance is found and think hard about how it can cause the least possible harm to individuals, bearing in mind its duty to ensure the protection of the public.</p>
Corporate	None.
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only</p>

1.0 Introduction and Background

- 1.1 Application has been made by Andrew and Linda Florides for variation of a premises licence described as 'to extend the hours for regulated entertainment (live and recorded music) from 2 a.m on Thursdays, Fridays and Saturdays to 3 a.m, all other hours to remain the same'.
- 1.2 The Operating Schedule, showing the proposed variation to hours is appended at Annex 1.
- 1.3 These premises were granted a premises licence in June 2008 which remains in force. This licence was last varied in March 2015. A copy of that licence and conditions are appended at Annex 2. The designated premises supervisor is Andrew Florides.

2.0 General Points

- 2.1 Applicants for variation of a premises licence are required, as part of the licensing procedure, to display a public notice which provides information to the public regarding the manner in which objection may be made. Similarly, public notice of the application should be published in a local newspaper circulating in the vicinity of the premises. These requirements appear to have been complied with. One public objection has been received which is appended at Annex 3.
- 2.2 The applicant is further required to give notice of the application to responsible authorities. Environmental Health and Planning have made representations which are appended at Annex's 4 and 5.
- 2.3 The Licensing Sub-Committee will be aware that it must carry out its functions under the 2003 Licensing Act to take steps which are appropriate for the promotion of the licensing objectives. The Licensing objectives are:- the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm. In carrying out its licensing functions, the Licensing Sub-Committee must also have regard to its statement of licensing policy and the Guidance issued under the Act.
- 2.4 The four licensing objectives are the matters the Licensing Sub-Committee must address when considering whether to grant or refuse the application. Each application should be considered on its merits. Reasons must be given for any decision made by the Sub-Committee.
- 2.5 The application should be determined within twenty working days beginning with the day after the end of the period during which representations may be made. Representations had to be made by the 13th August.

3.0 Options

- 3.1 Grant the application with conditions consistent with the Operating Schedule accompanying the application.
- 3.2 Grant the application with different conditions.
- 3.3 Refuse the application.

Contact Officer:	Jane Bennett, Licensing Team Leader, ext 7413
Reporting to:	Philip Bensted, Regulatory Services Manager, ext 7630

Annex List

<i>Annex 1</i>	Operating Schedule
<i>Annex 2</i>	Premises licence
<i>Annex 3</i>	Public objection
<i>Annex 4</i>	Environmental Health representations
<i>Annex 5</i>	Planning representations

Background Papers

Title	Details of where to access copy
N/A	

Corporate Consultation

Finance	N/A
Legal	N/A

Agenda Item 4

Annex 1

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day		Month			Year	

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
To extend the hours for regulated entertainment (live and recorded music) from 02:00 on Thursday's, Friday's and Saturday's to 03:00, all other hours to remain the same.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	19:00	23:00	Please give further details here (please read guidance note 3)		
Tue	19:00	23:00			
Wed	19:00	23:00	State any seasonal variations for the performance of live music (please read guidance note 4) EXTENDED TO THE LAST HOUR FOR THE SALE OF ALCOHOL CHRISTMAS EVE AND NEW YEAR'S EVE AND BANK HOLIDAY SUNDAYS AND MONDAYS UNTIL 3AM AS SET OUT ON THE ORIGINAL LICENCE when those events fall otherwise than on a Thursday, Friday, or Saturday		
Thur	19:00	03:00			
Fri	19:00	03:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	19:00	03:00			
Sun	19:00	23:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	09:00	01:00	Please give further details here (please read guidance note 3)		
Tue	09:00	01:00			
Wed	09:00	01:00	State any seasonal variations for the playing of recorded music (please read guidance note 4) EXTENDED TO THE LAST HOUR FOR THE SALE OF ALCOHOL CHRISTMAS EVE AND NEW YEAR'S EVE AND BANK HOLIDAY SUNDAYS AND MONDAYS UNTIL 3AM AS SET OUT ON THE ORIGINAL LICENCE when those events fall otherwise than on a Thursday, Friday, or Saturday		
Thur	09:00	03:00			
Fri	09:00	03:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	09:00	03:00			
Sun	09:00	01:00			

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

The premises are already licensed to 03:00 on Thursday's, Friday's and Saturday's but music is limited to 02:00. The licence holders wish to increase the hours of regulated entertainment to 03:00, the premises closing half an hour later. All existing measures including sound limiters etc. and other conditions will remain in place and continue to operate during the extended period.

b) The prevention of crime and disorder

The premises employ doormen on those days and no additional measures are foreseen as being necessary.

c) Public safety

The existing arrangements will continue to apply.

d) The prevention of public nuisance

The existing arrangements will continue to apply.

e) The protection of children from harm

The existing arrangements will continue to apply, a challenge 25 system is in force and there are posters to that effect. Exclusions of persons under 18 as the evening grows later will be at the discretion of the management.

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**Thanet District Council
Part A
Premises Licence**

Premises licence number

LN/200800178

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Clique Bar 58-60 Harbour Parade	
Post town Ramsgate, Kent	Post code CT11 8LN
Telephone number 01843 [REDACTED]	

Where the licence is time limited the dates
None

Licensable activities authorised by the licence
<ol style="list-style-type: none"> 1) Live music (indoors) 2) Recorded music (indoors) 3) Performances of dance (indoors), anything of a similar description (indoors), making music (indoors), dancing (indoors), entertainment of a similar description (indoors), supply of alcohol (on and off the premises) 4) Late night refreshment (indoors/outdoors)

The times the licence authorises the carrying out of licensable activities
<ol style="list-style-type: none"> 1) 7pm to 11pm daily. Extended to 1.30am Christmas Eve and New Year's Eve 2) Sun – Wed 9am to 1am. Thurs – Sat 9am to 2am. Bank Holiday Sundays and Mondays extended to 2am. New Year's Eve into New Year's Day until 3am 3) Mon – Wed 9am to 1am. Thurs – Sat 9am to 3am. Sundays 9am to 1am Bank holiday Sundays and Mondays extended to 3am. New Year's Eve into New Year's Day until 3am 4) Mon – Wed 11pm to 1.30am. Thurs – Sat 11pm to 3am. Sundays 11pm to 1.30am.

The opening hours of the premises

Mon – Wed 7am to 1.30am. Thurs – Sat 7am to 3.30am. Sundays 7am – 1.30am.
Bank holiday Sundays and Mondays extended to 3.30am. New Year's Eve into New
Year's Day until 3.30am

Where the licence authorises supplies of alcohol whether these are on and/or off
supplies

On and off subject to mandatory conditions

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of
premises licence

Mr Andrew & Mrs Linda Florides
[REDACTED], Margate, Kent CT9 3JS
[REDACTED]

Registered number of holder, for example company number, charity number (where
applicable)

None

Name, address and telephone number of designated premises supervisor where the
premises licence authorises the supply of alcohol

Mr Andrew Florides
[REDACTED], Margate, Kent CT9 3JS
[REDACTED]

Personal licence number and issuing authority of personal licence held by designated
premises supervisor where the premises licence authorises for the supply of alcohol

LN/200500932

Thanet District Council

Issued on the 20 May 2015

To commence on the 13 June 2008

Regulatory Services Manager _____

P. O. Beston

Annex 1 – Mandatory conditions

No supply of alcohol may be made under the premises licence:-

- a) At a time when there is no designated premises supervisor in respect of the premises licence, or
- b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-

social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

5. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph 1 –

- a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

where -

- i. P is the permitted price,
 - ii. D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
- i. The holder of the premises licence,
 - ii. The designated premises supervisor (if any) in respect of such a licence, or
 - iii. The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

Any Door Supervisor employed at the premises will be licensed under the Private Security Industry Act 2001.

Annex 2 – Conditions consistent with the operating Schedule

- 1. Live amplified music shall be played in the licensed area only and restricted to no more than two performers. There shall be no more than twelve live music events per calendar year (1st January to 31st December).**
- 2. Only polycarbonate glasses will be used outside when major events are taking place in Ramsgate and when required by Police.**
- 3. No speakers to be located externally at the premises.**
- 4. Speakers should be permanently fixed and not be positioned near to openings such as doors or windows. The position of speakers to be agreed with Environmental Health.**
- 5. Doors and windows to be kept closed during regulated entertainment, except for access and egress, and all other doors should be fitted with door closures.**
- 6. Signs advising patrons and staff to be quiet when leaving premises should be displayed.**
- 7. All music (recorded and live) shall be played through the noise limiter at the site. The noise limiter shall be in a locked enclosure only accessed by the licence holder. The licence holder shall ensure that the noise limiter is maintained to the manufacturer's specification and ensure that there is no drift in noise levels previously agreed by Environmental Health.**
- 8. CCTV shall be installed, maintained and working with a thirty day rolling record function. Recordings shall be made and available upon request to the Police and TDC Licensing Officers.**
- 9. There shall be two SIA licensed door staff on Thursdays, Fridays and Saturdays (to include Sundays where the following Monday is a Bank holiday and New Year's Eve) from 10pm to 3.30am.**

Annex 3 – Conditions attached after a hearing by the licensing Authority

None

Annex 4 – Plans

Plans considered March 2015

Philip Bensted

From: [REDACTED] <[REDACTED]@[REDACTED].com>
Sent: 25 July 2016 22:32
To: TDC Licensing
Subject: Application in the names of Andrew and Linda Florides

Dear Sirs

We wish to strongly object to the application made by the above to extend their opening hours.

We live on the [REDACTED] and do not consider that this is the right type of business to have on Harbour Parade. It attracts very noisy, drunk clients who spill out onto the street shouting and swearing. It is not an area suitable for a 'night club'

There are many residential premises above and either side of the Clique premises and we do not consider that any consideration is being shown to the residents in this area.

When we first moved into Harbour Parade we were above a few well run cafes and restaurants and the noise and clientele at night, and especially late at night, were quiet and well behaved. We are sorry to report that this is definitely not the case now and we strongly object to the fact that you could possibly consider extending the hours for this rowdy behaviour to be extended.

What can possibly be gained by allowing more alcohol to be sold to people who are already drunk and then even more capable of making more trouble and noise in what is otherwise such a lovely peaceful area at this time of night.

Yours faithfully

[REDACTED]
[REDACTED] Harbour Parade
Ramsgate CT11 8LN

Sent from my iPad

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Memo



Date: 18th July 2016
To: Philip Bensted, Licensing and Land Charges Manager.
Re: Premises Licence – Clique, 58-60 Harbour Parade Ramsgate
From: Amanda Berry, Environmental Health Officer

Background

- 1.1 Following a complaint that Clique were operating regulated entertainment beyond the permitted hours and a visit from by the Police Licensing Officer, Mr & Mrs Florides wanted to discuss a proposal to regularise the premise licence and extend regulated entertainment with Environmental Health at a meeting on 21st June. Environmental Health raised concerns about the potential noise impact given that we have received a recent complaint from residents living in close proximity to the venue. The complaint resulted in Environment Health carrying out a sound limiter compliance check at the venue on 4th February 2016.
- 1.2 The following condition is attached to the premise licence:
- All music (recorded and live) shall be played through the noise limiter at the site. The noise limiter shall be in a locked enclosure only accessed by the licence holder. The licence holder shall ensure that the noise limiter is maintained to the manufacturer's specification and ensure that there is no drift in noise levels previously agreed by Environmental Health.**
- The condition requires that the limiter is set to a level recommended by Environmental Health. This had previously been recommended at 88dB. During the assessment the limiter was checked and was set to 88dB. At the same time an Officer also took a measurement within the complainant's property for reference. It was noted that even at 88dB at source the bass beat was still plainly audible within the complainant's bedroom (Appendix 1). Notwithstanding compliance with the licensing condition any extension to regulated entertainment will be audible in the complainant's home. The noise recordings are available to Members.
- 1.3 There was a previous instance of non-compliance with regulated entertainment exceeding permitted hours leading to complaint and subsequent advice was given at the time by Environmental Health (Appendix 2). In November 2012 Environmental Health brought a review of the premises licence because of breaches of licence conditions and public nuisance. A licensing sub-committee modified the hours at the premises. In May 2013 Magistrates allowed an appeal by the licence holder. No costs were ordered against TDC, the Magistrates stating that 'the licence holders were warned early on of the possibility of Court for breaches of conditions and that the local authority were justified in bringing the action'. Why were they again operating beyond their permitted hours in June 2016?
- 1.4 Environmental Health concerns also relate to noise outbreak and from patrons causing a public nuisance to residents in the local vicinity. Any increase in regulated entertainment will encourage patrons to stay longer at the venue. The music noise level will encourage patrons to talk in raised voices which will be extended to 3am, three nights per week and bank holiday Sundays and Mondays, directly impacting on the flats above.
- 1.5 Planning permission was sought and granted for the change of use of first floor from restaurant to 2 x 2 bedroom flats and change of use of second and third floors to 2 x 1 bedroom flats

(TH14/0391). Therefore new sensitive receptors have been introduced that are even closer to the premises that will be directly impacted as in closest proximity to the premises.

1.6 Ramsgate seafront has 11 licensed premises, all of which are licensed to supply alcohol after midnight (Appendix 3) contributing to a vibrant night time economy. This brings benefits to our local economy but at the same time generates additional costs for the council, police and other partners. Environmental Health is mindful of the balance between the competing needs of our residents and those of our business community. However it is essential to ensure our residents are not unreasonably impacted by public nuisance and can enjoy their homes and environment. As there is little separation of commercial and residential areas in much of Ramsgate, this often means that our residents suffer the impacts of the late night economy, particularly in the radiating residential roads which take the brunt of local residents returning home from a night out. Also there are 21 residential boats residing within the harbour and they benefit from very little sound insulation or separating distance.

Summary

1.7 Environmental Health would not support any extension that would increase the potential for public nuisance and noise transmission to residential dwellings and particularly where there are many other licensed premises in the vicinity.

Appendix 1

Date: 8th February 2016
Our Ref: WK/201557899



Mr Florides
Clique Bar
58-60 Harbour Parade
Ramsgate
Kent
CT11 8LN

Dear Mr Florides

Complaint No: WK/201557899
Complaint of loud music from Clique Bar, 58-60 Harbour Parade, Ramsgate, Kent, CT11 8LN

Further to our meeting last week I am writing to confirm that at the time of my inspection the sound limiter (AADTT SL2000) was set to 88dB and complied with condition 7, Annex 2 of remises licence LN/200800178.

Please find enclosed measurement details and note that the lower frequencies, particularly 63Hz were travelling through the structure of the building into the complainant's home. Advice given to you at the time remains, that it is, ensuring all four speakers are only suspended to the structure if they are on anti-vibration mounts and consider reducing the low frequency bass element. I would recommend further advice is sought from sound engineer in this regard.

Yours sincerely

A handwritten signature in black ink, appearing to read "AB" followed by a flourish.

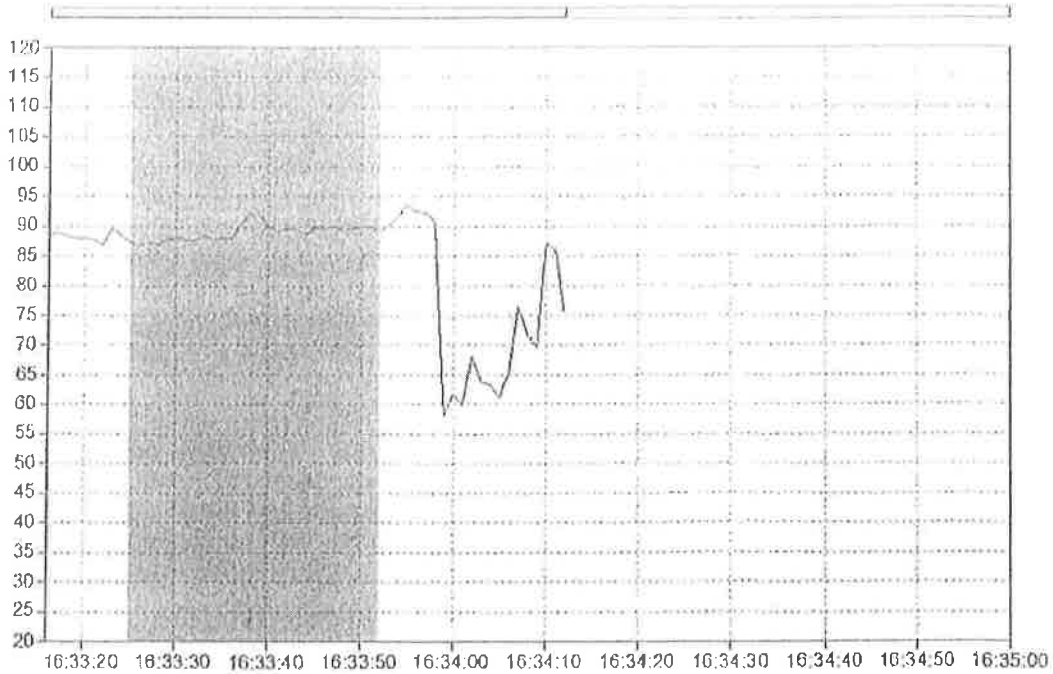
Miss A Berry
Environmental Health Officer
01843 577422
amanda.berry@thanet.gov.uk

c.c. Licensing Unit, Thanet Police
Licensing Team

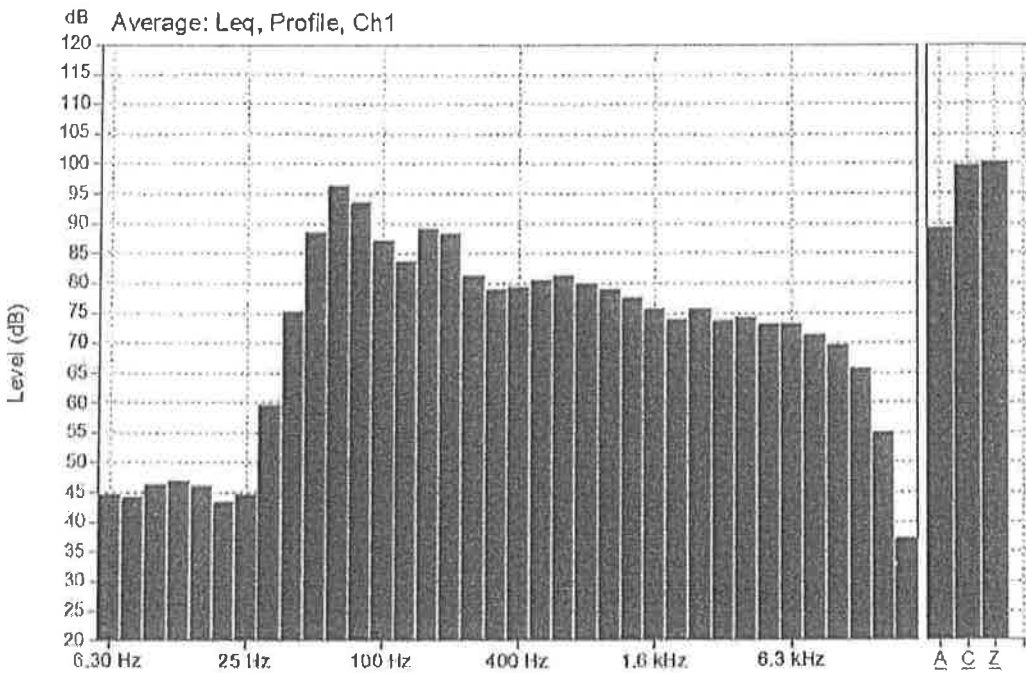
Thanet District Council
PO Box 9
Cecll Street
Margate
Kent
CT9 1XZ

01843 577000
www.thanet.gov.uk

Measurement within Clique Bar



SLM reading BST



Date: 23 September 2011
Our Ref: WK/201135897
Your Ref: LN/200800178



Mr. Florides
Licensee
Vista Bar
60 Harbour Parade
Ramsgate
Kent
CT11 8LN

Dear Mr. Florides

AMPLIFIED MUISC AT VISTA 60 HARBOUR PARADE RAMSGATE KENT

Thank you for attending at the Council Offices today.

On the evening of Friday 16th September last into the early hours of Saturday 17th September visits were made to Harbour Parade, Ramsgate by Council officers.

At approximately 12.30 a.m you were spoken to by Philip Bensted, Regulatory Services Manager and a Licensing Officer, about the level of recorded music from your premises and licence conditions. The doors were open so that the music could be heard from some considerable distance away. As a result of the conversation, music levels were reduced and the doors of your premises closed in order for you to comply with your licence conditions.

At approximately 1.45 a.m the same evening I received a complaint about your premises. At 2.30 a.m I witnessed the level of noise from recorded music from your premises, which was again too loud. The doors were open. I spoke to you and noise levels were reduced.

There are a number of conditions attached to your licence that were not being complied with. Namely, recorded music should cease at 2 a.m on Friday nights, doors and windows should be shut except for access and egress.

In addition, if anything other than background music levels are to be played then this should be directed through a sound limiting device, to be installed and set by a qualified engineer, levels to be agreed by Environmental Health. Please contact this office to arrange a site visit so that these levels can be set. You will need to ensure that a qualified sound engineer is present during this visit. Please contact me on 01843 577400 to arrange.

Continued.....



INVESTOR IN PEOPLE

Thanet District Council
PO Box 9
Cecil Street
Margate
Kent
CT9 1XZ

01843 577000
www.thanet.gov.uk

I have taken into consideration the letter dated the 16th May 2011 sent to you about loud music, and the events of the 16th/17th September, together with your explanation. No further warnings will be given to you and are duly advised that should there be witnessed any further problems with your premises a review will be brought under the 2003 Licensing Act.

Any review could lead to hours being reduced at the premises, suspension or revocation of the licence. This was explained to you at our meeting, should you require further advice you may wish to speak to a Solicitor.

Yours sincerely

Zoe Fennell
Environmental Protection Officer
01843 577400
zoe.fennell@thanet.gov.uk

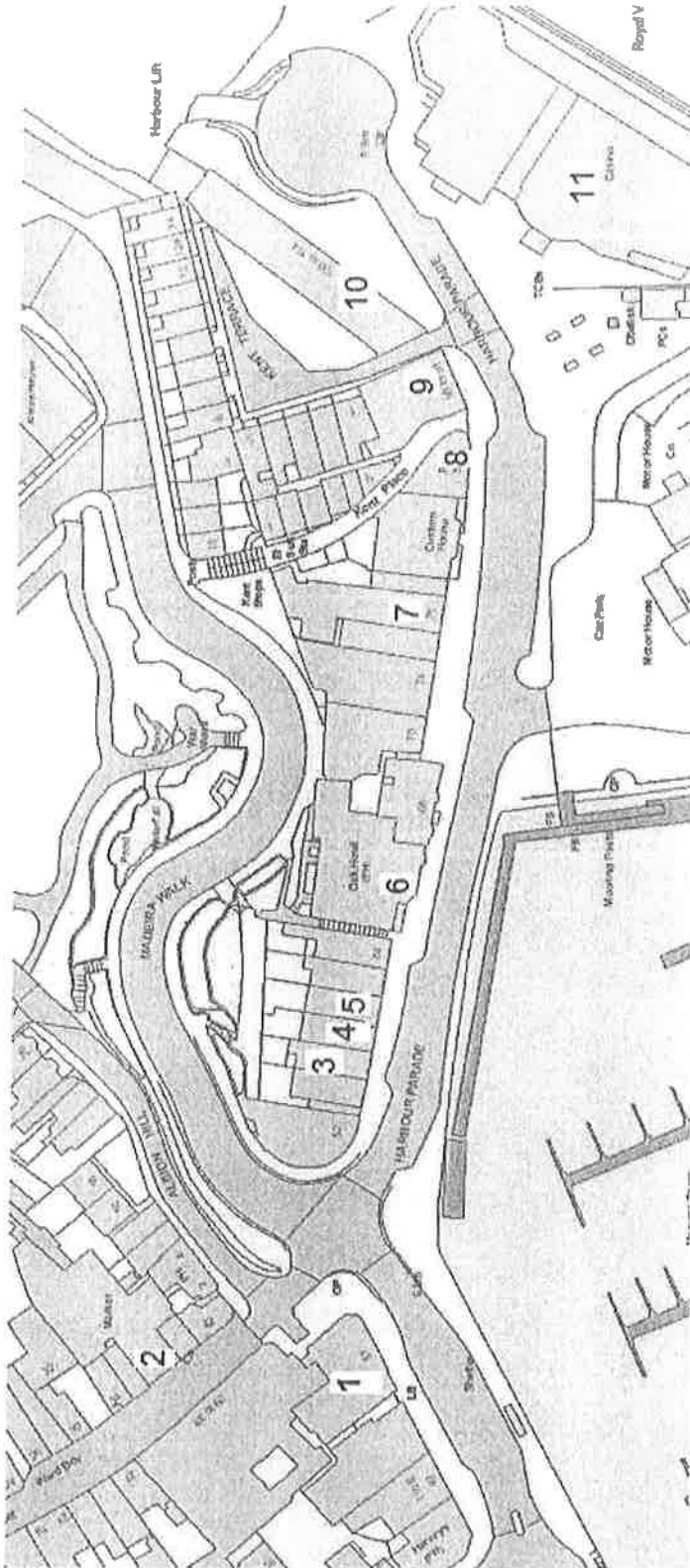


INVESTOR IN PEOPLE

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PO Box 9
Cecil Street
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Closing times



- | | | | |
|---------------|--|-------------------|--|
| 1. The Royal | 4:30am daily | 6. Oak Hotel | 1:30am |
| 2. The Goose | Sun-Wed 12:30am Thurs – Sat 2:30am | 7. Queens Head | Mon – Sat 1:30am & Sun 12:30am |
| 3. Miles Café | Sun – Wed 2am | 8. The Waterfront | Sun-Wed 2am, Thurs 3am & Fri / Sat 4am |
| 4. Clique Bar | Mon -Wed 1:30am, Thurs-Sat 3:30am & Sun 1:30am | 9. Bench Wine Bar | Sun-Thurs Midnight, Fri / Sat 2am |
| 5. Enoteca | 2:30am | 10. Wetherspoons | Sun – Wed 12:30am, Thurs – Sat 1:30am |

Philip Bensted

From: Zoe Dobson
Sent: 29 July 2016 16:48
To: Philip Bensted; TDC Licensing
Cc: TDC Planning Enforcement
Subject: Clique, 58-60 Harbour Parade, Ramsgate

Philip,

RE: Clique, 58-60 Harbour Parade, Ramsgate

Following receipt of the licensing papers dated 15 July 2016, according to our records 58-60 Harbour Parade, Ramsgate has planning permission for use as a restaurant/café (see below).

Planning application F/TH/14/0391 for Change of use of ground floor from drinking establishment and shop to restaurant/cafe; change of use of first floor from restaurant to 2No. 2 bed flats; change of use of second and third floor to 2No. 1 bed flats together with installation of balcony to first and second floors together with new doors and windows to second and third floor front elevation and erection of third floor rear extension. You can view the electronic file at the following link; <https://planning.thanet.gov.uk/online-applications/>

From the information provided it would appear that a further change of use has occurred at the premises from the approved restaurant/café (A3 use class) to Drinking Establishment (A4 use class), as such a full planning application would be required.

Therefore the planning department currently object to the licensing application until this is resolved. I have copied planning enforcement into this email for further investigation.

Kind Regards,
Zoe

Mrs Z Dobson
Planning Assistant
Planning Department
Thanet District Council
Direct Dial: 01843 577 128

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THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the

matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Democratic Services and Scrutiny Manager well in advance of the meeting.

DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS, SIGNIFICANT INTERESTS AND GIFTS, BENEFITS AND HOSPITALITY

MEETING

DATE..... **AGENDA ITEM**

DISCRETIONARY PECUNIARY INTEREST

SIGNIFICANT INTEREST

GIFTS, BENEFITS AND HOSPITALITY

THE NATURE OF THE INTEREST, GIFT, BENEFITS OR HOSPITALITY:

.....
.....
.....

NAME (PRINT):

SIGNATURE:

Please detach and hand this form to the Democratic Services Officer when you are asked to declare any interests.