APPLICATION FOR PREMISES LICENCE – VINYL HEAD CAFÉ 2-3 THE BROADWAY ADDINGTON STREET RAMSGATE

Licensing Sub-Committee – 28th February 2017 at 10.45 a.m

Report Author	***Philip Bensted Regulatory Services Manager***
Portfolio Holder	***Cllr Lin Fairbrass Community Services***
Status	***For Decision***
Classification:	***Unrestricted***
Ward:	***Central Harbour***

Executive Summary:

To consider this application for a premises licence in respect of the Vinyl Head Cafe 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	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. 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.
Corporate	None.
Equalities Act 2010 & Public Sector Equality Duty	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. Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only

	aim (i) of the Duty applies to Marriage & civil partnership.

1.0 Introduction and Background

1.1 Application has been made by Humberto Pena Sanjurjo for a premises licence which includes regulated entertainment and the supply of alcohol on the premises. These premises were granted a premises licence in December 2014.

1.2 The Operating Schedule, showing the proposed licensable activities and hours are appended at Annex 1. A map of the area showing the location of these premises is at Annex 2. A copy of the existing premises licence is appended at Annex 3.

2.0 General Points

2.1 Applicants for 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 4.

2.2 The applicant is further required to give notice of the application to responsible authorities. The Police and Environmental Health have agreed times and a number of conditions with the applicant which are appended at Annex's 5 and 6.

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 Where a premises licence is granted mandatory conditions will apply under Sections 19- 21 of the Act. These refer to irresponsible drinks promotions, provision of free tap water, an age verification policy, availability of small measures, the sale of alcohol below cost, and, designated premises supervisor.

2.6 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 31st January.

3.0 Options

3.1 Grant the application with conditions consistent with the Operating Schedule accompanying the application and the times and conditions mentioned at paragraphs 2.2 and 2.5.

3.2 Exclude from the scope of the licence any of the licensable activities to which the application relates.

3.3 Refuse the application.

3.4 Refuse to specify a person in the licence as the designated premises supervisor. The proposed designated premises supervisor is Humberto Pena Sanjurjo.

3.5 Grant the application subject to different conditions in respect of different parts of the premises or different licensable activities.

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Annex List

Annex 1	Operating Schedule
Annex 2	Map of the area
Annex 3	Premises licence
Annex 4	Public objection
Annex 5	Agreed Police conditions
Annex 6	Agreed Environmental Health conditions

Background Papers

Title	**Details of where to access copy**
N/A	

Corporate Consultation

Finance	N/A
Legal	N/A