

APPLICATION FOR TEMPORARY ACTIVITIES: TEMPORARY EVENT NOTICES APPLICATIONS BY: Duncan Bayles

Licensing Sub-Committee – 28th February 2017 at 11 a.m

Report Author ***Philip Bensted Regulatory Services Manager***

Portfolio Holder ***Cllr Lin Fairbrass Community Services***

Status ***For Decision***

Classification: ***Unrestricted***

Ward: ***Margate Central***

Executive Summary:

To consider these applications for temporary activities in the light of objections made by Kent Police and Environmental Health

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.
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1.0 Introduction and Background

- 1.1 Temporary event notices have been received from Duncan Bayles of the Sundowners, Albert Terrace, Margate. The events are described as 'Margate Soul Festival and Margate Gay Pride'. There will be the following licensable activities, regulated entertainment. They will take place on the 6th August between 1 p.m and 6 p.m., and on the 12th August between 12 noon and 7 p.m., on the outside Sun Terrace above the Victorian Shelter. The maximum number of people to be present will be 200 on the 6th August and 250 on the 12th August. The applicant is the holder of a personal licence.
- 1.2 Part 5 of the 2003 Licensing Act provides a system of permitted temporary activities, under which licensable activities can be carried out on a temporary basis (for a period not exceeding 7 days) without the need for a premises licence or a club premises certificate. Copies of the notices are appended at Annex 1.

2.0 General Points

- 2.1 The Act provides for periods of notice and the number of events that may be held. Notice must be given to the Licensing Authority, Police and Environmental Protection ten working days before the beginning of the event period. The Police and Environmental Protection then have three working days to lodge objections with the Licensing Authority and Applicant. A copy of the Police and Environmental Health objections are appended at Annex 2.
- 2.2 Objections must relate to the undermining of the licensing objectives, the prevention of crime and disorder, public safety, the prevention of public nuisance, the protection of children from harm.
- 2.3 A copy of the premises licence for the Sundowners with times and conditions is attached at Annex 3.

3.0 Options

- 3.1 Grant one or both of the applications.
- 3.2 Refuse one or both of the applications.
- 3.3 Grant the applications with the conditions attached to the premises licence.

Contact Officer:	Philip Bensted, Regulatory Services Manager, ext 7630
Reporting to:	Penny Button, Head of Neighbourhood Services, ext 7425

Annex List

<i>Annex 1</i>	Temporary event notices
<i>Annex 2</i>	Police and Environmental Health objections
<i>Annex 3</i>	Premises licence

Background Papers

Title	Details of where to access copy
N/A	

Corporate Consultation

Finance	N/A
Legal	N/A