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Date: 10/05/2017
Ask For: Emily Kennedy
Direct Dial: (01843) 577046
Email: emily.kennedy@thanet.gov.uk

LICENSING SUB COMMITTEE

17 MAY 2017

A meeting of the Licensing Sub Committee will be held at **10.30 am on Wednesday, 17 May 2017** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillors: K Coleman-Cooke, L Potts and Crow-Brown

SUPPLEMENTARY AGENDA

Item
No

Subject

6. **APPLICATIONS FOR TEMPORARY ACTIVITIES: TEMPORARY EVENT NOTICE**
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**APPLICATIONS FOR TEMPORARY ACTIVITIES:
TEMPORARY EVENT NOTICE
APPLICATIONS BY: Jodie Ellena**

Licensing Sub-Committee – 17th May 2017 at 11.30 a.m

Report Author **Philip Bensted Regulatory Services Manager**

Portfolio Holder **Cllr Lin Fairbrass Community Services**

Status **For Decision**

Classification: **Unrestricted**

Ward: **Westbrook**

Executive Summary:

To consider this application for temporary activities in the light of objections made by Kent Police and Environmental Protection

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>

	aim (i) of the Duty applies to Marriage & civil partnership.
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1.0 Introduction and Background

- 1.1 A temporary event notice has been received from Jodie Ellena of Grotto Road Margate. The event is described as ‘Bank Holiday weekend. Also we are hosting a live music event on the site on the 27th May 2017’. There will be the following licensable activities, the sale by retail of alcohol, regulated entertainment and late night refreshment. It is intended that they will take place between 26th and 29th May between 9 a.m and 11 p.m. The maximum number of people to be present will be 400. The applicant is not 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. A copy of the notice is 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. Copies of the Police and Environmental Protection objections are appended at Annex’s 2 and 3.

- 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.

3.0 Options

- 3.1 Grant the application.

- 3.2 Refuse the application.

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

Annex List

Annex 1	Temporary event notice
Annex 2	Police objections
Annex 3	Environmental Protection objections

Background Papers

Title	Details of where to access copy
N/A	

Corporate Consultation

Agenda Item 6

Finance	N/A
Legal	N/A

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Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes No

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)

Does the premises have an address?

- Yes No

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes No

Building number or name

Street

District

City/Town

County or administrative area

Postcode

Country

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

- Neither Premises licence Club premises certificate

Location Details

Provide further details about the location of the event

The site is approximately 45m x 10m and is situated below the Nayland Rock Hotel. The Bus Cafe business runs from this plot of land, which is privately owned by The Sands Hotel. There is A3 planning on this site.

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

The area is confined and gated. We intend to use the whole site. The Bus Cafe operates as a cafe from this whole site. There is

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A3 planning already on the site.

Describe the nature of the premises below (see also guidance on completing the form, note 4)

Describe the nature of the event below (see also guidance on completing the form, note 5)

Bank holiday weekend. Also we are hosting a live music event on the site on the 27th May 2017.

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.
(See also guidance on completing the form, note 7).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 8)

Event start date

/ /
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

/ /
dd mm yyyy

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State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

see also guidance on completing the form, note 9)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

Note that the maximum number of people cannot exceed 499.

see also guidance on completing the form, note 10)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

see also guidance on completing the form, note 11):

- On the premises only
- Off the premises only
- Both

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 12)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

14:00-23:00

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 13)

Do you currently hold a valid personal licence? Yes No

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 14)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? Yes No

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Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 15)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?



**Kent
Police**

Chief Officer of Police Objection Notice in relation to a
Temporary Event Notice given under Part 5 Section 100
Licensing Act 2003 (S104 Licensing Act 2003)

Details of person making objection	
Name of Chief Officer of Police	Sharon Adley
Postal Address: (Area Headquarters)	Margate Police Station Fort Hill Margate CT9 1HL
E-mail address	██████████@kent.pnn.police.uk
Telephone Number:	01843-██████████

The Chief Officer of Police has received a Temporary Event Notice under Section 100 Licensing Act 2003, and under Section 104 of that Act, asks the Licensing Authority to consider this objection in respect of the prevention of crime and disorder objective.

Details of Temporary Event	
Date(s) of event	26 th May – 29 st May 2017
Licensable activities proposed	The Sale by retail of alcohol The provisions of late night refreshment The provisions of regulated entertainment
Hours of licensable activities	0900 - 2300
Name of Premises:	On the Rocks
Address of premises:	Royal Crescent Promenade Margate Kent
Date and time TEN received by police	08/05/2017
Date and time objection notice given to Licensing Authority and the premises user	10/05/2017

Due to the circumstances of this case, I am satisfied that allowing the premises to be used in accordance with the notice would undermine the crime prevention objective because

The Police are objecting to the TENs application for this four day event. On The Rocks, Royal Crescent Promenade, Margate. The information provided does give a full picture of the event.

There is not enough for the Police to make a fair decision on potentially supporting this planned event. They event is planned for 400 patrons.

1. Is this a free to enter or ticketed event?
2. Are SIA going to be employed? How many?
3. What type of music event is this going to be?
4. How are numbers going to be controlled?
5. Why do you require both on and off sales?
6. Is there sufficient safety access in case of emergency in the gated area?
7. Why does sale of alcohol and closing time end at the same time?
8. Why are you applying for late night refreshments?
9. What is the full program over the dates requested?
10. What noise policy do you have in place?

These points need to be addressed before the Police can decide to support this TENS.

Due to the information provided the Police cannot support this TENS.

Please use separate sheets where necessary

Suggested modifications that could be added to the temporary event notice to remedy the objection or other suggestions the Licensing Sub Committee may take into account:

Please use separate sheets where necessary. Consider s106 Licensing Act 2003.

The TENS does not offer enough information about this event.

A clear outline of how this event is going to be managed and detail of what is planned for the event.

Signed:
Print name: PC Darren Dennett

Date: 13/05/2017
Force Number: [REDACTED]

Memo



Date: 10th May 2017
To: Philip Bensted, Thanet District Council Licensing Department
Ref: WK/201719830
Re: TEN application – On the Rocks – Nayland Café, Westbrook Promenade

On review this is an application for a music event over four days from 26/5/17 until 29/5/17. The event is planned for 400 people from 09:00am until 23:00pm.

Environmental Health objects to the event on the grounds of the prevention of public nuisance. Our objection is based on the lack of information within the application, the description of the event, the times of operation and the proximity to surrounding residential and commercial premises. This event has the opportunity to cause significant disturbance to the surrounding area.

Kind regards,

Christopher Brown - **Environmental Protection Officer**

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