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LICENSING SUB COMMITTEE

19 DECEMBER 2017

A meeting of the Licensing Sub Committee will be held at **10.00 am on Tuesday, 19 December 2017** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillors: Crow-Brown, K Coleman-Cooke and Matterface

A G E N D A

Item
No

Subject

4. **APPLICATION FOR TEMPORARY EVENT NOTICE BY: DEVON GRACE FARLEY**
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**APPLICATION FOR TEMPORARY ACTIVITIES:
TEMPORARY EVENT NOTICE BY: Devon
Grace Farley**

Licensing Sub-Committee – 19th December 2017 at 10.30 a.m

Report Author **Philip Bensted Regulatory Services Manager**

Portfolio Holder **Cllr Lin Fairbrass Community Services**

Status **For Decision**

Classification: **Unrestricted**

Ward: **Eastcliff**

Executive Summary:

To consider this notice for temporary activities in the light of objections made by Kent Police

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 aim (i) of the Duty applies to Marriage & civil partnership.</p>

1.0 Introduction and Background

- 1.1 A temporary event notice has been received from Devon Grace Farley of Harbour Street, Ramsgate. The event is at The Goose, 34-40 Harbour Street, Ramsgate and is described in the notice which is appended at Annex 1 as 'Christmas celebrations'. There will be the following licensable activities, the sale by retail of alcohol, regulated entertainment and late night refreshment. The dates and times are referred to in the notice. The maximum number of people to be present will be 250. 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.

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 objection is 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 Goose with times and conditions is attached at Annex 3.

3.0 Options

- 3.1 Grant the notice.
- 3.2 Refuse the notice.
- 3.3 Grant the notice with the conditions attached to the premises licence.

Contact Officer:	Philip Bensted, Regulatory Services Manager, ext 57630
Reporting to:	Penny Button, Head of Neighbourhood Services, ext 57425

Annex List

<i>Annex 1</i>	Temporary event notice
<i>Annex 2</i>	Police objection
<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

Agenda Item 4

Annex 1

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)

Whole of premises.

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

Licensed Premises

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

Christmas Celebrations

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

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)

From 02:00 hours until 03:00 hours, early hours on 24/12/17.
From 01:00 hours until 02:00 hours, early hours on 25/12/17.

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 (see also guidance on completing the form, note 10)

250

Note that the maximum number of people cannot exceed 499.

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

N/A

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

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy



**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	24th December 2017 0200 – 0300 25 th December 2017 0100 - 0200
Licensable activities proposed	The Provision of regulated entertainment. The sale by retail of alcohol The provisions of late night refreshment
Hours of licensable activities	24th December 2017 0200 – 0300 25th December 2017 0100 - 0200
Name of Premises:	The Goose
Address of premises:	34 - 40 Harbour Street Ramsgate Kent CT11 8HA
Date and time TEN received by police	06/12/2017
Date and time objection notice given to Licensing Authority and the premises user	08/12/2017

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 not support the TENs application for this event.

Agenda Item 4 Annex 2

Due to the time being requested for this TENS, the Police cannot support it. The premises are in a residential area with many calls for antisocial behaviour and crime commonly linked to this immediate area.

The Premises licence already allows specific conditions for extensions during key holiday times. However the premises want to extend the already extended hours. This will have a significant impact on local residents.

At this stage the Police cannot support this TENS.

Please use separate sheets where necessary

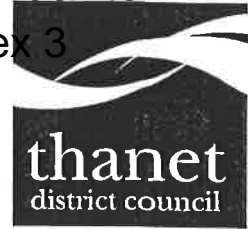
Suggested modifications that could be added to the temporary event notice to remedy the objection or other suggestions the Licensing Sub Committee may take into account:

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

Due to the licence already allowing extensions in hours the police cannot support further extensions on these.

Signed:
Print name: PC Darren Dennett

Date: 08/12/2017
Force Number: [REDACTED]



**Thanet District Council
Part A
Premises Licence**

Premises licence number

LN/200700349

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
The Goose 34-40 Harbour Street	
Post town Ramsgate, Kent	Post code CT11 8HA
Telephone number 01843 [REDACTED]	

Where the licence is time limited the dates
None

Licensable activities authorised by the licence
<ul style="list-style-type: none"> 1) Recorded music (indoors), dancing (indoors) 2) Late night refreshment (indoors) 3) Supply of alcohol (on and off the premises) 4) Films (indoors)

The times the licence authorises the carrying out of licensable activities
<ul style="list-style-type: none"> 1) Sun–Wed 10am to 12.30am, Thurs–Sat 10am to 2.30am <ul style="list-style-type: none"> (a) St Patricks Day, Christmas Eve, Boxing Day, (if they fall on a Sunday, Monday, Tuesday or Wednesday), Easter Sunday, Easter Monday, Sunday before May Day Bank Holiday, May Day Bank Holiday Sunday before Spring Bank Holiday, Spring Bank Holiday, Sunday before August Bank Holiday, August Bank Holiday Monday, extended to 1.30am (b) St Patricks Day, Christmas Eve, Boxing Day, (if they fall on a Thursday, Friday or Saturday), Easter Thursday, Good Friday, Easter Saturday, Friday and Saturday before May Day Bank Holiday, Friday and Saturday before Spring/August Bank Holiday, extended to 3.30am New Year’s Eve until close New Year’s Day

- 2) Sun-Wed 11pm to 12.30am, Thurs-Sat 11pm to 2.30am
Non-standard timings as at 1) a) and b) above
- 3) Sun-Wed 10am to midnight, Thurs-Sat 10am to 2am
Non-standard timings – days mentioned at :-
 - a) above extended to 1am
 - b) above extended to 3amNew Year's Eve until close New Year's Day
- 4) Sun-Wed 7am to 12.30am, Thurs-Sat 7am to 2.30am
Non-standard timings as at 1) a) and b) extended by one hour
New Year's Eve until close New Year's Day
To preserve the permitted hours for all licensable activities and opening hours on the morning that British Summertime commences

The opening hours of the premises

Sun-Wed 7am to 12.30am, Thurs-Sat 7am to 2.30am
Non-standard timings extended as at 1) a) and b) above
New Year's Eve until close New Year's Day

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

On and off the premises

Part 2

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

Stonegate Pub Company Limited
Porter Tun House, 500 Capability Green, Luton LU1 3LS
0207 [REDACTED]

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

FC [REDACTED]

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.

Annex 2 – Conditions consistent with the operating Schedule

1. CCTV shall be installed at the premises. The number and locations of the cameras/monitors and recording equipment to be agreed with the police.
2. CCTV to be fitted to a standard agreed to by the Police that complies with the CCTV Code of Practice (2008 edition) produced by the Information Commissioners Office, with all public areas including all access and egress points covered. The CCTV system will be maintained and serviced on a regular basis and records kept to that effect. Save for periods of maintenance, serving or breakdown, it shall be operational at all times that members of the public and/or staff are on the premises and images will be retained for a period of at least one calendar month by whatever means the licence holder deems appropriate.

In instances of breakdown the premises shall ensure that the fault is reported to the appropriate persons so that arrangements can be made to repair the system within 12 hours of identifying the fault. The management shall maintain written details of the steps taken to affect any repair and make such details available to the Police or Local Authority for inspection upon request.

The Police or Local Authority will have access to these images at any reasonable time and in any case within 48 hours of the request for the image being made. The Police or Local Authority will be allowed to take a recording by way of tape, CD Rom or any other means of the image within 48 hours of the initial request being made either by the Police or Local Authority.

3. The system shall be maintained and images stored in accordance with the Data Protection Act and any other relevant legislation relating to the use of the systems.
4. The requirement for door supervisors will be determined by a management risk assessment. Any door supervisor employed by the company will be licensed under the Private Security Industry Act 2001.
5. A drugs policy will be agreed with the police and implemented.
6. Toughened glass will be used at the premises where available.

7. All lagers, beers and ciders to be served in toughened glass from 8pm until close on Thursday, Friday and Saturday.
8. Drinks promotions will not be permitted allowing unlimited supply of alcohol for a set price.
9. A representative of the premises licence holder will actively participate in a Pub Watch Scheme where such a scheme exists.
10. Notices asking patrons to leave quietly shall be displayed at the premises.
11. Except for access and egress, doors and windows to the premises shall be kept closed during times when regulated entertainment is taking place at the premises.
12. The premises shall operate "Challenge 21".
13. No person under the age of 18 shall be allowed on the premises after 22.00 on Friday and Saturday.
14. No customers of the premises shall be allowed to remove any alcohol products in open vessels for consumption on the terraces or outside the premises after 21.00 on Friday and Saturday nights.
15. The external designated smoking area shall be supervised by a member of door staff on Friday and Saturday from 20.00 until close.

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

None

Annex 4 - Plans

Plans considered April 2014

