

Public Document Pack

Date: 20/06/2016
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LICENSING SUB COMMITTEE

28 JUNE 2016

A meeting of the Licensing Sub Committee will be held at **10.00 am on Tuesday, 28 June 2016** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillors: Connor, Rogers and K Coleman-Cooke

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 PREMISES LICENCE** (Pages 1 - 14)

Declaration of Interests Form

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APPLICATION FOR PREMISES LICENCE – URCHIN WINES 160 NORTHDOWN ROAD MARGATE

To: **Licensing Sub-Committee – 28th June 2016 at 10 am**

Portfolio Area: **Regulatory Services**

By: **Regulatory Services Manager**

Classification: **Unrestricted**

Ward: **Cliftonville West**

Summary **To consider this application for a Premises licence in the light of objections which have been received.**

For decision

1.0 Introduction and Background

- 1.1 Application has been made by Orson Marmion-Warr for a premises licence which includes the supply of alcohol.
- 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.

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. No public objections have been received.
- 2.2 The applicant is further required to give notice of the application to responsible authorities. Planning have made representations which can be found at Annex 3.
- 2.3 The Police and Environmental Protection had made representations which have been withdrawn. They have agreed times and conditions with the applicant. The agreed times for the supply of alcohol are 12 noon to 10 p.m daily, opening times 12 noon to 10.30 p.m daily. The conditions agreed include internal lobby entrance doors to be fitted with automatic self-closers, beverages purchased must leave the premises in a sealed container, signage to be positioned at exits requesting patrons to make as little noise as possible, persons under 18 years to be accompanied by a parent or guardian, CCTV shall be installed and recording at the premises.

- 2.4 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.
- 2.5 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.
- 2.6 Where a premises licence is granted mandatory conditions will apply under Sections 19 – 21 of the Act. These refer to films, Security Industry Authority licensed staff, 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.
- 2.7 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 May.

3.0 **Options**

- 3.1 Grant the application with conditions consistent with the Operating Schedule accompanying the application and the conditions mentioned at paragraphs 2.3 and 2.6.
- 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 Orson Marmion-Warr.
- 3.5 Grant the application subject to different conditions in respect of different parts of the premises or different licensable activities.

4.0 **Corporate Implications**

4.1 **Financial**

- 4.1.1 None.

4.2 **Legal**

- 4.2.1 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.
- 4.2.2 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.

4.3. Corporate

4.3.1 None.

4.4 Equity and Equalities

4.4.1 Not relevant.

5.0 Recommendation

5.1 The instructions of the Sub-Committee are requested.

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

Annex List

Annex 1	Operating Schedule
Annex 2	Map of the area
Annex 3	Planning representations

Background Papers

Title	Where to Access Document
None	N/A

Corporate Consultation Undertaken

Legal	N/A
Finance	N/A

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Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	06	2016

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
160 Northdown Road is currently an unused premises and has been for sometime. We are hoping to open a wine and craft beer shop once obtaining a licence todoss. The specialist shop will sell wine from the 'Old world' and 'New world' and we want to sell and promote british local beer/ales. Tastings in the evening will be a big part of our business and will educate the local community. Most products will be consumed off site but we would like to offer customers a chance to drink small

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- 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 late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) FOR PEAK SUMMER MONTHS AND THE CHRISTMAS PERIOD (DECEMBER)		
Mon	12:00	23:00			
Tue	12:00	00:00			
Wed	12:00	00:00			
Thur	12:00	01:00			
Fri	12:00	02:00			
Sat	12:00	02:00			
Sun	12:00	23:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur	12:00	01:00			
Fri	12:00	02:00			
Sat	12:00	02:00			
Sun	12:00	23:00			
Mon	12:00	23:00			
Tue	12:00	00:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	ORSON MARMION-WARR
Address	
Postcode	E9 6DU
Personal licence number (if known)	
Issuing licensing authority (if known)	HACKNEY

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	12:00	23:00	<p>EXTENDED HOURS (STATED IN) TO ALLOW FOR PEAK TRADING MONTHS AND ALSO AN EVENING TASTINGS THAT WILL OCCUR.</p> <p>FOR THE MAJORITY OF TIME I.E NOT HOLDING TASTINGS WE INTEND TO OPEN AT 12:00 AND CLOSE AT 22:00 EACH NIGHT</p>
Tue	12:00	00:00	
Wed	12:00	01:00	
Thur	12:00	01:00	
Fri	12:00	01:00	
Sat	12:00	01:00	
Sun	13:00	23:00	
			<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>TUES-SUNDAY 1/2 hrs- extended opening to allow for peak trading months.</p>

M Describe the steps you intend to take to promote the four licensing objectives:

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

b) The prevention of crime and disorder

A limited amount of alcohol can be consumed on the premises. Constant awareness of sobriety.
we will go through all invoices to check duty has been paid on all items purchased.

c) Public safety

Events to be contained within the shop and to be a limited amount of people at any time.

d) The prevention of public nuisance

Noise control will be a priority, we will make sure customers when leaving are respectful of our neighbours. All music played will be in agreed licenced hours and agreeable level with our neighbours.

e) The protection of children from harm

children must be accompanied by a responsible adult. we will have a challenge 21 policy if we are unsure.

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Urchin Wines 160 Northdown Road Margate
Application for premises licence

The Planning Department makes representations on the following grounds:-

Grounds

Prevention of crime and disorder/public nuisance/public safety

1. The site needs a change of use to operate as a Bar/off licence. An application for change of use has been submitted but has yet to be determined.
2. Paragraph 1.14 of the Thanet statement of licensing policy states that 'it will be expected in general that the grant or variation of planning permission would be resolved before a licence application is made.'



Iain Livingstone
Planning Applications Manager
3.5.16

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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 £100 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.