

# Public Document Pack



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## LICENSING SUB COMMITTEE

15 DECEMBER 2016

A meeting of the Licensing Sub Committee will be held at **10.00 am on Thursday, 15 December 2016** in the Pugin and Rossetti Rooms, Council Offices, Cecil Street, Margate, Kent.

### Membership:

Councillors: L Potts, Dellar and Savage

## 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 - 5-7 WEST CLIFF ROAD, RAMSGATE**  
(Pages 1 - 18)

**Declaration of Interests Form**

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**APPLICATION FOR PREMISES LICENCE – 5 – 7 WEST  
CLIFF ROAD RAMSGATE**

**Licensing Sub-Committee – 15<sup>th</sup> December 2016 at 10 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 5 – 7 West Cliff Road Ramsgate in the light of representations received.

**Recommendation(s):**

The instructions of the Sub-Committee are requested

**CORPORATE IMPLICATIONS**

<b>Financial and Value for Money</b>	None
<b>Legal</b>	<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>
<b>Corporate</b>	None.
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	<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 &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; civil partnership.</p>

## **1.0 Introduction and Background**

- 1.1 Application has been made by Navaratnam Vanitharan for a premises licence which includes the supply of alcohol off the premises.
- 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. Two public objections have been received which are appended at Annex 3.
- 2.2 The applicant is further required to give notice of the application to responsible authorities. Planning have made representations which are appended at Annex 4.
- 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 an age verification policy, 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 11<sup>th</sup> October.

## **3.0 Options**

- 3.1 Grant the application with conditions consistent with the Operating Schedule accompanying the application and the conditions mentioned at paragraphs 2.5.
- 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 Navaratnam Vanitharan.

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

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>	Operating Schedule
<i>Annex 2</i>	Map of the area
<i>Annex 3</i>	Two public objections
<i>Annex 4</i>	Planning objection

#### **Background Papers**

<b>Title</b>	<b>Details of where to access copy</b>
N/A	

#### **Corporate Consultation**

<b>Finance</b>	N/A
<b>Legal</b>	N/A



# Agenda Item 4 Annex 1

## Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
0	1	1	0	2	0	1	6

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

DD		MM		YYYY			
N	/	A					

Please give a general description of the premises (please read guidance note 1)

1. Please see attached plan with details of Situation & Layout;
2. Commercial Shop Premises;
3. No areas of premises are intended for the consumption of alcohol;
4. No music will be amplified.

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

N/A

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**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)		
Thur					
Fri					
Sat			<b><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></b> (please read guidance note 5)		
Sun					



**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)  N/A   <b>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</b> (please read guidance note 5)  I wish for the times specified to also apply on Public & Festive Holidays i.e. Bank Holidays, Christmas Eve & New Years Eve.		
Mon	06:00	23:00			
Tue	06:00	23:00			
Wed	06:00	23:00			
Thur	06:00	23:00			
Fri	06:00	23:00			
Sat	06:00	23:00			
Sun	06:00	23:00			

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

Name Navaratnam Vanitharan	
Address  Broadstairs	
Postcode	CT10 2LG
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) Ealing Council	

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

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)  N/A
Day	Start	Finish	<b>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</b> (please read guidance note 5)  I wish for the times specified to also apply on Public & Festive Holidays i.e. Bank Holidays, Christmas Eve & New Years Eve.
Mon	06:00	23:00	
Tue	06:00	23:00	
Wed	06:00	23:00	
Thur	06:00	23:00	
Fri	06:00	23:00	
Sat	06:00	23:00	
Sun	06:00	23:00	

**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)**

- Installation of CCTV Cameras to the interior & exterior of the premises
- To ensure that there will be more than one member of staff present at any given time
- Not to serve alcohol to any persons who are excessively under the influence of alcohol
- Any persons who look to be under the age of 25 must produce their ID prior to the purchase of any age restricted items i.e. alcohol

**b) The prevention of crime and disorder**

**c) Public safety**

**d) The prevention of public nuisance**

- Not to allow the consumption of alcohol on and/or immediately outside the premises

**e) The protection of children from harm**

- Any persons who look to be under the age of 25 must produce their ID prior to the purchase of any age restricted items i.e. alcohol

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 11).  
**If signing on behalf of the applicant, please state in what capacity.**

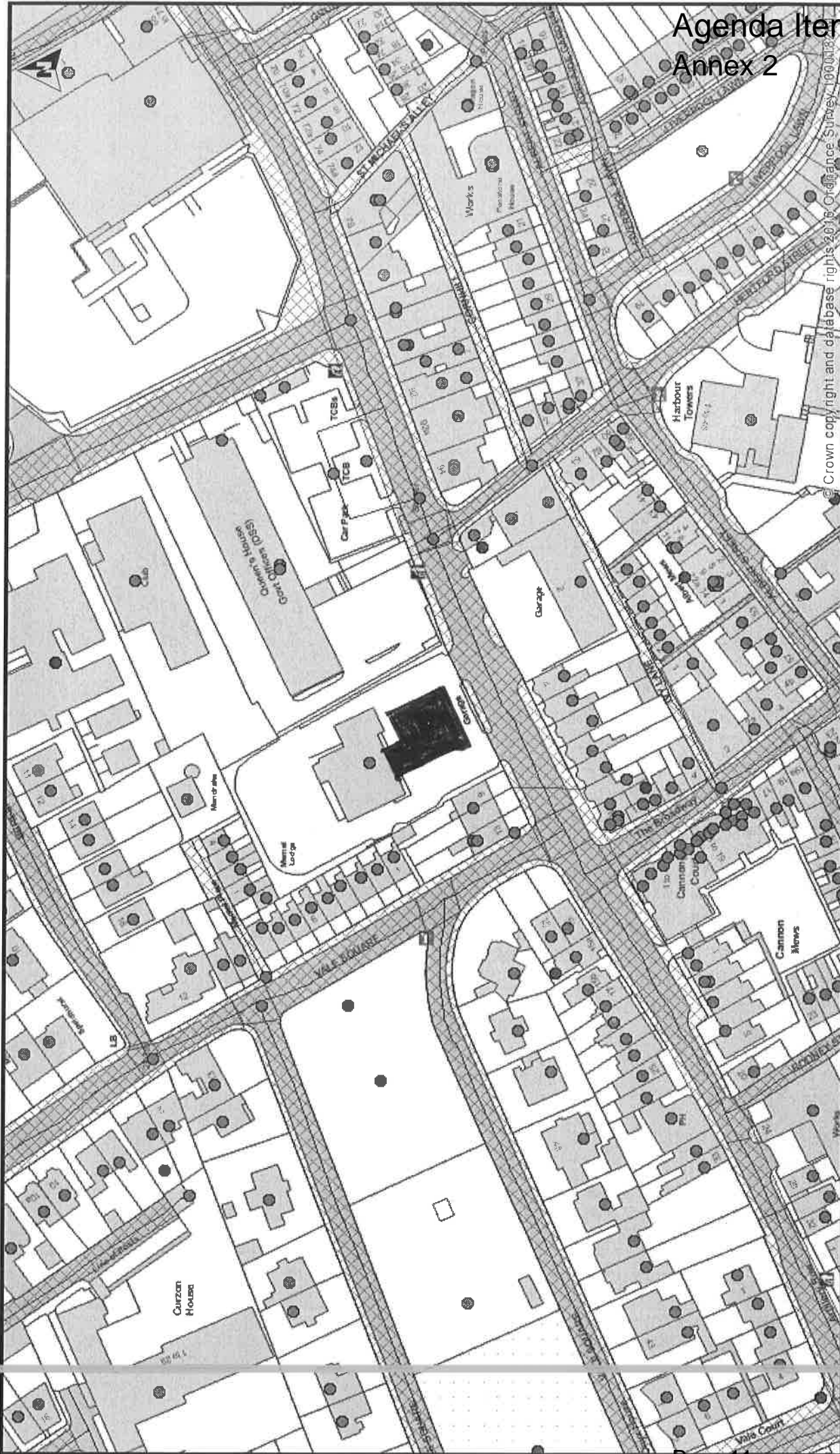
Signature	<i>B. S. - [handwritten signature]</i>
Date	<i>2.09.2016</i>
Capacity	Applicant’s solicitor

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	



Thanet District Council  
Cecil Street  
Margate  
Kent  
CT19 1XZ



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Title: Thanet District Council  
Author: Thanet District Council  
Scale: 1:250  
Date: 13/10/2016

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Jane Bennett

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**From:** [REDACTED]@btinternet.com>  
**Sent:** 06 October 2016 08:05  
**To:** TDC Licensing  
**Subject:** Re Objection to An Application for New Premises Licence - 5-7 West Cliff Road CT11 9JW

Dear Sir or Madam

The site notice fails to state that the applicant is requesting permission to sell alcohol during the hours 6.00 am to 11.00 pm.

West Cliff Road is a relatively quiet road for much of the day. There is an increase in the volume of both vehicular and pedestrian traffic during the periods when people are travelling to and from work or school i.e. between the hours of 8.00 am and 6.00 pm. Acceleration and deceleration from the garage between 6.00 - 8.00 am and between 8.00 - 11.00 pm would constitute a nuisance to residents of properties adjacent to and facing the site.

The proposed hours of operation would constitute a public nuisance not just for occupants of nearby houses but for other residents of West Cliff Road and adjoining roads, particularly those where Ramsgate's tunnel system exacerbates noise from road traffic. The presence of two pedestrian crossings within a short distance of each other indicates the level of pedestrian traffic and highlights road safety concerns around the existing levels of road traffic.

The site lies within Central Harbour ward, one of the areas with very high levels of anti-social behaviour. It is on a route used by a large number of both primary and secondary school children every weekday, both those walking to and from school and those using the bus service. Levels of staffing outlined in planning application F/TH/16/0908 give rise to concern about how well the sale of alcohol could be controlled. The surrounding area is already troubled by problem drinkers. Ivy Lane, an alleyway parallel to West Cliff Road and close to the site, is much used for substance abuse.

I have already lodged an objection to with the Planning Department. A copy is attached below.

[REDACTED]  
[REDACTED] West Cliff Road CT11 9JW

**From:** [REDACTED]  
**To:** TDC Planning Services <[planning.services@thanet.gov.uk](mailto:planning.services@thanet.gov.uk)>  
**Sent:** Tuesday, 23 August 2016, 10:28  
**Subject:** F/TH/16/0908 5-7 West Cliff Road CT11 9JW

Dear Sir or Madam

The applicant has either failed to answer some of the questions or responded misleadingly.

#### Q3 Description of the Proposal

The applicant claims work has not started. Work actually started before the application was submitted and now looks close to completion.

#### Q20 Hours of Opening

None shown.

This is of particular concern to anyone living close to the site. West Cliff Road carries local traffic. Through traffic is routed along the B2054 to the east. While it can be reasonably busy during normal working hours (8.00-18.00), outside these hours it is quiet.

Any increase in either vehicular or pedestrian traffic resulting from a filling station and shop operating outside normal working hours would constitute a considerable nuisance, not just for residents adjacent to or opposite the site but for anyone living in West Cliff Road.

For residents adjacent to and opposite the site, light pollution would also constitute a nuisance outside the normal working day.

The proposed layout for the shop suggests extended opening hours and gives rise to concern. I would strenuously object to a proposal for a filling station and shop operating late into the evening. This would most certainly constitute a considerable nuisance for those of us living close to the site and cause disturbance for other residents of West Cliff Road.

#### Q23 Hazardous Substances

The applicant has indicated that no hazardous waste is involved in the proposal and has not completed part C.

Petrol is a hazardous substance.

I understand special regulations relate to the licensing of filling stations and that there are technical requirements concerning installations, drainage etc. No technical information has been supplied.

In conclusion I would point out that there is no evidence of local demand for either a filling station or convenience store. A 24-hour shop in Queen Street, a few hundred yards from this site, opened recently and closed after only a few months of trading. Ramsgate is well served by out-of town filling stations and by existing sites on Canterbury Road East (A299), High Street St Lawrence (A255) and Hereson Road (A255).

  
● West Cliff Road CT11 9JW



**Jane Bennett**

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**From:** [REDACTED].com>  
**Sent:** 30 September 2016 17:37  
**To:** TDC Licensing  
**Subject:** Petrol Filling Station 5- 7 West Cliff Road Ramsgate Kent CT11 9JW

Dear Mr Bensted,

Further to a recent telephone call to your department I was made aware that the premises at 5- 7 West Cliff Road Ramsgate CT11 9JW are applying to be open from 0600 – 2300 daily. While this is still subject to planning approval, and it should be noted that no hours of trading were included in said planning application, I must strenuously object to the proposed hours of business .

A 12 Hour day, such as from 0800 - 2000 is a long enough day for any unit on the edge of residential areas such as this is.

There is already a significant problem within this area of drinking and drug taking in some of the alleys and public spaces close to the proposed place of business. Inevitably this unit will be selling alcohol and as is common at all of the shop/petrol stores through out the district it will be "cut price". I have concerns that this will serve to exacerbate what is already a well documented problem within Thanet.

Previously when this site was occupied by a Petrol Forecourt/Convenience store it had that effect upon the area, and it was noticeable, when the unit closed as to what a difference in terms of litter and street drinking that it made. Despite the local constabulary turning a blind eye to casual drug taking on the streets it is still illegal, the most popular places where street drinking is prevalent end up littered with empty can of cheap European lager and discarded drug paraphernalia

I feel the only way to avoid escalating this situation would be limit the hours of opening.

Yours Faithfully

[REDACTED]  
West Cliff Road  
Ramsgate  
Kent  
CT11 9JW  
T: [REDACTED]

[REDACTED]  
Skype: [REDACTED]



**5-7 West Cliff Road, Ramsgate**  
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 planning consent. An application 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  
11.10.16

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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 £25 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.