



Date: 30 June 2017  
Ask For: Emily Kennedy  
Direct Dial: (01843) 577046  
Email: emily.kennedy@thanet.gov.uk

## LICENSING SUB COMMITTEE

11 JULY 2017

A meeting of the Licensing Sub Committee will be held at **10.00 am on Tuesday, 11 July 2017** in the Pugin & Rossetti Rooms, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillors: R Potts, Curran and Matterface

## 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 - CHICKEN KING, 47 NORTHDOWN ROAD, MARGATE** (Pages 3 - 22)

5. **APPLICATION FOR REVIEW OF PREMISES LICENCE - THE GALLERY, 15 CECIL SQUARE, MARGATE** (Pages 23 - 56)

6. **APPLICATION FOR TEMPORARY ACTIVITIES: TEMPORARY EVENT NOTICE APPLICATION BY: NICHOLAS PANTELI** (Pages 57 - 70)

**Declaration of Interests Form**

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**APPLICATION FOR PREMISES LICENCE – CHICKEN KING  
47 NORTHDOWN ROAD MARGATE**

**Licensing Sub-Committee – 11<sup>th</sup> July 2017 at 10 a.m**

Report Author **Philip Bensted Regulatory Services Manager**

Portfolio Holder **Cllr Lin Fairbrass Community Services**

Status **For Decision**

Classification: **Unrestricted**

Ward: **Cliftonville West**

**Executive Summary:**

To consider this application for a premises licence in respect of 47 Northdown Road Margate 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 Rajamohan Chandrakala for a premises licence which includes late night refreshment.
- 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 are appended at Annex 3. Environmental Protection have made representations which are appended at Annex 4. The Police have made representations which are appended at Annex 5.
- 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 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 14<sup>th</sup> June.

## 3.0 Options

- 3.1 Grant the application with conditions consistent with the Operating Schedule accompanying the application.
- 3.2 Refuse the application.
- 3.3 Grant the application subject to different conditions.

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
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## Agenda Item 4

<i>Annex 2</i>	Map of the area
<i>Annex 3</i>	Planning objection
<i>Annex 4</i>	Environmental Protection objection
<i>Annex 5</i>	Police 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



continued from previous page...

**Current Residential Address**

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

Yes  No

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.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Applicant Contact Details**

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

Yes  No

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.

E-mail

Telephone number

Other telephone number

Date of birth  /  /   
dd mm yyyy

Nationality

Documents that demonstrate entitlement to work in the UK

**Section 5 of 21**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

THE PREMISES IS AN A5 HOT FOOD TAKEAWAY SHOP. THERE WILL NOT BE ANY SALES OF ALCOHOL ON THE PREMISES.

Continued from previous page...

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

Section 6 of 21

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

- Yes  No

Section 7 of 21

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

- Yes  No

Section 8 of 21

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- Yes  No

Section 9 of 21

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- Yes  No

Section 10 of 21

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

- Yes  No

Section 11 of 21

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

- Yes  No

Section 12 of 21

**PROVISION OF PERFORMANCES OF DANCE**



continued from previous page...

See guidance on regulated entertainment

Will you be providing performances of dance?

- Yes  No

**Section 13 of 21**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the day  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

HERE WILL NOT BE ANY MUSIC ON THE PREMISES

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

NONE

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NONE

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes       No

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor  
 As an attachment to this application

Reference number for consent form (if known)

*Continued from previous page...*

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NO ADULT ENTERTAINMENT WILL TAKE PLACE AT THIS PREMISES.

**Section 17 of 21**

**OURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the day of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start 10:00

End 02:00

Start 10:00

End 02:00

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

NONE

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NONE

## Section 18 of 21

### LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

TO PROMOTE ALL FOUR LICENSING OBJECTIVES WE WILL KEEP:

Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:

/ no selling of alcohol on the premises

/ no drunk and disorderly behavior on the premises area

/ vigilance in preventing the use and sale of illegal drugs at the retail area

/ no violent and anti-social behaviour

/ no any harm to children

Operating Schedule providing the hours of operation and licensable activities during those hours.

Designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good training for staff on the Licensing Act (Training Record), to make or authorize each sale

CCTV system installed with recording option available

Roller metal exterior window shutter will be fixed to ensure that shop front is safe and secure at all times

b) The prevention of crime and disorder

CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective.

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.

Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.

Not selling of alcohol on the premises

Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.

*Continued from previous page...*

Prevention and vigilance in illegal drug use at the retail unit area.

Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the retail unit (ex. canned or bottled beer).

c) Public safety

Internal and external lighting fixed to promote the public safety objective.

Well trained staff adherence to environmental health requirements.

A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition

d) The prevention of public nuisance

Noise reduction measures to address the public nuisance objective.

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

Customers will be asked not to stand around loudly talking in the street outside the premises.

Customers will not be admitted to premises above opening hours.

The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.

Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

Adequate waste receptacles for use by customers will be provided in the local vicinity.

e) The protection of children from harm

Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID. This prevents under age children coming into the premises without an accompanying adult.

Well trained staff about requirement for persons' identification, age establishment etc.

All the details provided in Training Record Book available the retail unit.

Log Book will be kept upon the premises all the time.

Nothing beyond existing Health & Safety requirements

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

### **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

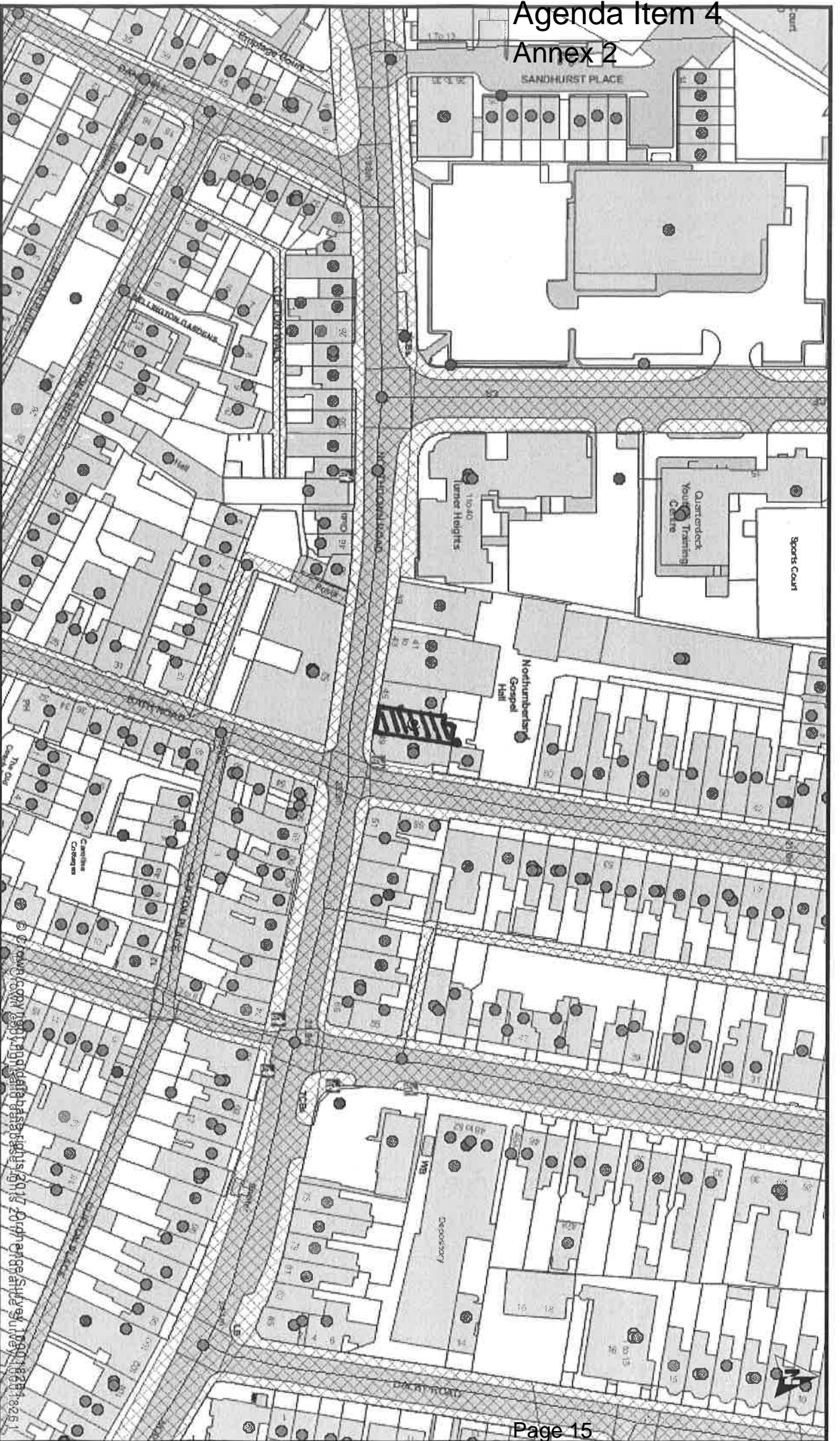
Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

### **Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Agenda Item 4  
Annex 2



Title: Thanet District Council

Author: Thanet District Council

Scale 1:1,250

Date: 14/06/2017

Thanet District Council

Cecil Street

Margate

Kent

CT19 1XZ



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Jane Bennett

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**From:** Brenda Henderson  
**Sent:** 24 May 2017 11:13  
**To:** Philip Bensted; Jane Bennett  
**Cc:** Rosemary Bullivant  
**Subject:** re Chicken King 47 northdown Road, Margate

Change of use of retail (use class A1) to hot food takeaway (use class A5).

Following receipt of the licensing papers dated 15 May 2017, this is to inform you that Rosemary Bullivant currently has a live planning application for the above site, which is not due for a decision until 11 July 2017.

Thank you

Brenda

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# Memo



Date: 7<sup>th</sup> June 2017  
To: Philip Bensted, Thanet District Council Licensing Department  
Ref: WK/201721718  
Re: Premises Licence Application – Chicken king, 47 Northdown Road Margate

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This is an application for a premises licence for a take away chicken shop on Northdown Road Margate. I have also commented on the planning application that has been submitted.

I note that the applicant has put forward hours of operation at 10:00am to 02:00am seven days a week. As I have stated in the planning application I feel these are excessive in nature. The current use of the shop is retail in nature. This historic operation would have been predominantly undertaken during the daytime. On the opposite side of the road on the ground and first floors are residential properties. The separation distance is only 11 metres from door to window. The planned operation will be a late night take away possibly serving the late night economy through collections by patrons from the premises and deliveries to other premises. It is my opinion that operating hours of **10:00am to 00:00 (Midnight) seven days a week** is much more acceptable. If the applicant was able to operate the premises for a period of time without issue then this position could be reviewed.

I note from the planning application that the front of the shop will be changed with a service area and seating added. I would be concerned over mainly noise but possibly also odour transfer if the door was left open so I request a condition that the front door is fitted with a slow closure device.

- 1) The main entrance door used by the public shall be fitted with a slow closure device. The device shall ensure that the door closes unaided. The device shall be maintained and operated for the life of the licence. The main door shall not be propped open at any time other than for emergency situations.

Kind regards,

Christopher Brown - **Environmental Protection Officer**  
On behalf of **ENVIRONMENTAL HEALTH**

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**Kent  
Police**

**Chief Officer of Police Representation** in relation to an application for **grant** of premises licence made under Part 3 **Section 17** Licensing Act 2003 (S18 Licensing Act 2003)

<b>Details of person making representation</b>	
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-████████

<b>Details of premises representation is about</b>	
Name of Premises:	Chicken King 47 Northdown Road Margate Kent CT9 2RN
Date application received by police	23/05/2017
Date representation sent to Licensing Authority	14/06/2017

**The Chief Officer of Police has received an application for the grant of a premises licence made under the provisions of Section 17 Licensing Act 2003, and under Section 18 of that Act, asks the Licensing Authority to consider these representations in respect of: -**

*Please tick one or more of the licensing objectives that the representation relates to:*

Prevention of crime and disorder	X
Public Safety	X
Prevention of public nuisance	X
Protection of children from harm	X

**Is this a representation regarding the Designation of Premises Supervisor under S18 (9) Licensing Act 2003? /NO**

If yes, complete the following statement: -

The relevant representation within the meaning of S.18(6) of the Licensing Act satisfy the requirements of S.18(9) of that Act and are as follows:

*Please use separate sheets where necessary*

## Agenda Item 4 Annex 5

The relevant representations within the meaning of S.18(6) of the Licensing Act satisfy the requirements of S.18(7) of that Act and are as follows:

### **Please give the reason for the representation and detail the evidence supporting it:**

This application is not being supported by the Police.

The issue that the Police have is the application is the hours to 0200 hours. The Police feel that these hours will not support the licensing objectives.

The Police still have some questions regarding the application. It says that CCTV is installed and has a record function. No indication if this is going to be used. The Police would expect a minimum of a 30 day record function during all trading hours. This will help support the licensing objectives.

The premises will not be selling alcohol yet will enforce challenge 25. Why would the premises feel the need to support this action to challenge people's age to purchase hot food?

The premises are in a residential area and allowing the premises to remain open to 0200 hours could have a detrimental effect on the residents. Also if a delivery option is available the constant stopping / starting of vehicles will add to the noise. Potentially engines could be left running. These will not support the licensing objectives.

The Police do not support this application.

### **Suggested conditions that could be added to the licence to remedy the representation or other suggestions the Licensing Sub Committee may take into account:**

*Please use separate sheets where necessary*

The applicant has been contacted and hopefully to arrange a meeting to possibly discuss agreed conditions that support the direction of this application

The following conditions to be considered

1. CCTV installed working and maintained, 30 day record function and copies to be made upon request of the Police or Local Authority.
2. At least one member of staff trained during opening hours that can work and download CCTV.
3. Delivery vehicle to be parks and engine turned off at all times when collecting food. No engine to be left running.
4. Premises to be closed by 0000 hours.

*It should be noted that paragraph [insert number] of the {insert name} Council Statement of Licensing Policy deals with the prevention of Crime and Disorder.*

**APPLICATION FOR REVIEW OF PREMISES LICENCE – THE GALLERY 15 CECIL SQUARE MARGATE**

**Licensing Sub-Committee – 11<sup>th</sup> July 2017 at 10.15 a.m**

Report Author **Jane Bennett Licensing Team Leader**  
 Portfolio Holder **Cllr Lin Fairbrass Community Services**  
 Status **For Decision**  
 Classification: **Unrestricted**  
 Ward: **Margate Central**

**Executive Summary:**

To consider this application to review the premises licence made by Morgan Sproates Environmental Protection Manager.

**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.</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 An application has been received for the review of the premises licence held by Dayne Stephen Gooding, in respect of the premises known as the Gallery, 15 Cecil Square, Margate from Morgan Sproates, Environmental Protection Manager.
- 1.2 These premises were granted a premises licence in November 2005. The designated premises supervisor is Dayne Stephen Gooding. A copy of the premises licence is appended at Annex 1. A map of the area showing the location of these premises is at Annex 2.
- 1.3 Licensable activities are shown on that premises licence and the times can be found at Annex 1, together with the conditions attached to the licence.
- 1.4 The grounds for review of the licence are set out in the application, which is appended at Annex 3.

## **2.0 General Points**

- 2.1 Applicants for review of a premises licence are required, as part of the licensing procedure, to send copies of the application to other responsible authorities. The Licensing Authority must advertise the review for twenty eight days, giving interested parties the opportunity to make representations. Representations have been received from two members of the public which are appended at Annex 4. The Police have made representations which are appended at Annex 5. No further representations have been received. The application was advertised by notice on the premises and on the public notice board in the Gateway, the main Council Offices.
- 2.2 On the 8<sup>th</sup> June last applications to transfer the premises licence and to vary the designated premises supervisor to Gary Ryan were lodged with the Licensing Department.
- 2.3 Before determining the application, the Licensing Authority must hold a hearing to consider it and any relevant representations. The Authority must, having regard to the application and any relevant representations, take such steps, if any, mentioned under 'options' at paragraph 3, it considers appropriate for the promotion of the licensing objectives. The Guidance issued by the Home Office should also be considered.
- 2.4 The licensing objectives are the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm. Reasons must be given for any decision made by the Sub-Committee.

## **3.0 Options**

- 3.1 To modify the conditions of the licence (for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added).
- 3.2 To exclude a licensable activity from the scope of the licence.
- 3.3 To remove the designated premises supervisor.
- 3.4 To suspend the licence for a period not exceeding three months.
- 3.5 To revoke the licence.



# Agenda Item 5

3.6 To take none of these steps and take no action, or, take informal action such as a warning or guidance.

Contact Officer:	Jane Bennett, Licensing Team Leader, ext 7413
Reporting to:	Penny Button, Head of Neighbourhood Services, ext 7425

## Annex List

<i>Annex 1</i>	<i>Premises licence</i>
<i>Annex 2</i>	<i>Map of the area</i>
<i>Annex 3</i>	<i>Review application</i>
<i>Annex 4</i>	<i>Public representations</i>
<i>Annex 5</i>	<i>Police representations</i>

## 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





**Thanet District Council  
Part A  
Premises Licence**

**Premises licence number**

LN/200501506

**Part 1 – Premises details**

Postal address of premises, or if none, ordnance survey map reference or description	
The Gallery 15 Cecil Square	
Post town Margate, Kent	Post code CT9 1BT
Telephone number 01843 [REDACTED]	

Where the licence is time limited the dates
None

Licensable activities authorised by the licence
<ol style="list-style-type: none"> <li>1) Films (indoors)</li> <li>2) Live music (indoors)</li> <li>3) Facilities for dancing (indoors)</li> <li>4) Recorded music (indoors)</li> <li>5) Late night refreshment (indoors)</li> <li>6) Supply of alcohol (on and off the premises)</li> </ol>

The times the licence authorises the carrying out of licensable activities
<ol style="list-style-type: none"> <li>1) Mon – Wed 10am to 11.30pm, Thurs – Sat 10am to 2.30am, Sun – 12noon to 1am Easter, May, Spring, August Bank Holiday Saturdays, Christmas Eve, Boxing Day and New Year’s Day extended to 2.30am Easter, May, Spring, August Bank Holiday Sundays extended to 12.30am</li> <li>2) Mon – Wed 10am to 11pm, Thurs 10am to 2am, Fri/Sat 9am to 3.30am, Sun 12noon to 12.30am, Easter, May, Spring, August Bank Holiday Mondays extended to 12.30am, Bank Holiday Sundays extended to 2am, Christmas Eve, Boxing Day and New Year’s Day extended to 2.30am</li> <li>3) Mon – Wed 10am to 11pm, Thurs – Sat 10am to 2am, Sun – 12 noon to 12.30am, Easter, May, Spring, August Bank Holiday Mondays extended to 12.30am Bank Holiday Sundays extended to 2am, Christmas Eve, Boxing Day and New Year’s Day extended to 2.30am</li> <li>4) Mon – Wed 10am to 11.30pm, Thurs 10am to 2.30am, Fri/Sat 9am to 3.30am, Sun 10am to 1am</li> </ol>



# Agenda Item 5

## Annex 1

Non-standard days and times as at 3) above, except Bank Holiday Sundays extended to 2.30am

5) Thurs – Sat 9am to 3.30am

Non-standard days and times as at 3) above, excluding Bank Holiday Sundays

6) Mon – Wed 10am to 11pm, Thurs 10am to 2am, Fri/Sat 9am to 3.30am, Sun 12noon to 12.30am, Easter, May, Spring, August Bank Holiday Mondays extended to midnight, Christmas Eve, Boxing Day, New Year's Day and Bank Holiday Sundays extended to 2am  
New Year's Eve by order of Secretary of State

The opening hours of the premises

Mon – Wed 10am to 11.30pm

Thurs 10am to 2.30am

Fri/Sat 9am to 4am, Sun – 10am to 1am

Non-standard days and times as at 3) above

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

On and off subject to mandatory conditions

### Part 2

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

Mr Dayne Stephen Gooding

Wallwood Road, Ramsgate, Kent CT11 8AS

01843 [REDACTED]

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

None

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Dayne Stephen Gooding

Wallwood Road, Ramsgate, Kent CT11 8AS

01843 [REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

LN/ [REDACTED]

Thanet District Council

**Issued on the 03 June 2016**

**To commence on the 24 November 2005**

**Regulatory Services Manager \_\_\_\_\_**

**Annex 1 – Mandatory conditions**

**No supply of alcohol may be made under the premises licence: -**

**At a time when there is no designated premises supervisor in respect of the premises licence, or**

**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.**

**The admission of children (persons under 18 years) to the exhibition of any film is restricted in accordance with any recommendation of the British Board of Film Classification (BBFC) or the Licensing Authority.**

**Where a film exhibition has not been classified, the licence holder will certify to the Licensing Authority that an assessment of the suitability of the film for exhibition to children, in accordance with the BBFC Guidelines has been carried out, and that this has been confirmed by the Licensing Authority, in writing, prior to public viewing.**

**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.

**Regulated Entertainment (see below and following pages)**

**Maximum number of persons admitted: -  
Ground Floor 300**

1. All doors and windows shall be kept closed, except for access and egress, when operating under this licence.
2. The noise from any entertainment must not be audible in any neighbouring or adjoining premises.
3. Dancing will only be allowed on the designated dance floor.

**THANET DISTRICT COUNCIL**  
**CONDITIONS UPON WHICH THE ATTACHED**  
**LICENCE IS GRANTED**

**WARNING**

Failure to comply fully may result in legal proceedings being instituted and the Licence being reviewed.

**CONTROL AND CONDUCT OF PREMISES**

1. The licensed premises shall only be kept or used for regulated entertainment between the hours as shown on the premises licence.
2. The Designated Premises Supervisor (DPS) shall take all due precautions for the safety of the audience, the performers and the employees, and, except with the consent of the Council in writing, shall retain control over all parts of the premises.
3. The DPS/Licence Holder shall comply with any reasonable fire prevention or safety measure that may be required of them by the Kent Fire Brigade or Council.

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## Annex 1

4. The maximum numbers of persons admitted to the licensed area of the premises shall not exceed those shown on the attached Schedule. Having regard to the part of the premises subject to the Licence, if the public are allowed access to that area via more than one entrance, or the licensed area consists of more than one floor level, then the DPS must make and maintain suitable provision to ensure that the above maximum permitted number are not exceeded.
  5. The DPS shall ensure, when letting the premises, hall or room for any function, that the hirer is aware of all the conditions attached to the Licence and complies with them.
  6.
    - (a) The DPS, or the person in charge nominated by the DPS and being a responsible person, shall throughout the whole time the premises are open to the public be present and be assisted by a sufficient staff of competent attendants on the basis of at least one attendant for every 100 persons or part thereof. If the number exceeds 100 on any floor, a minimum of two attendants is required on that floor. In the case of regulated entertainment wholly or mainly for children, the number of attendants shall be at least four for every 100 persons or part thereof. All attendants shall be instructed by the DPS or the person in charge as to their duties in the event of a fire or panic.
    - (b) The DPS, the person in charge and all such attendants shall take due precautions for the prevention of accidents, and shall abstain from any act whatever which tends to cause fire.
    - (c) The DPS, the person in charge of the premises and all such attendants shall be properly instructed in the protection of the premises from fire, the use of the fire appliances provided and the method of summoning the Fire Brigade.
  7. Authorised Officers of the Thanet District Council, Kent County Council, Police Officers on duty and Officers of the Fire Brigade on duty shall be admitted immediately at all reasonable times to all parts of the premises.
  8. The DPS shall, having regard to the licensed premises, ensure that:
    - (a) no special effects, such as foam, smoke producing equipment, pyrotechnics of any description or lasers, shall be used or introduced; and
    - (b) no structural or other alterations or change of use to any part of the premises affecting fire precautions or safety shall be made; and
    - (c) no exhibition, demonstration or performance of hypnotism (as defined in Section 6 of the Hypnotism Act 1952) shall be given on any person;
- unless:-
- (i) An application in writing for approval has been submitted to the Council with such details as the Council may require, and
  - (ii) The Council is given at least 28 days prior notice to consider any such application, and
  - (iii) If written approval is subsequently given by the Council, there is full compliance with such terms, restrictions and conditions as the Council may reasonably attach.
9. A notice stating the position of the nearest telephone which would be available whilst the premises are in use under the Licence shall be prominently displayed in a

# Agenda Item 5

## Annex 1

conspicuous position adjacent to each fire extinguisher. The Fire Brigade shall be called to any outbreak of fire, no matter how small it may appear.

10. The licensed premises shall not be open for the purposes for which this Licence is granted on any occasion when the Council shall have signified their desire in writing to the occupier or other person having at the time the care and management of such premises that the same should not be open.
11. The DPS shall, to the best of his ability, maintain and keep good order and decent behaviour in the building during the permitted hours of entertainment.
12. (Paragraph deleted).

### MEANS OF ESCAPE IN CASE OF FIRE

13. Where drinks are supplied to persons attending the entertainment in glasses or bottles, the DPS should ensure that empty glasses and bottles are collected regularly and that no person is permitted to take a glass or bottle from the premises.
14. All gangways shall be at least 1070 mm in width, and all gangways and exits shall be maintained clear of obstruction during the whole time the premises are used for licensed purposes. Persons shall not be permitted to sit or stand in gangways unless prior approval has been obtained from the Council.
15. Exit doors, if fastened during the time persons are on the premises, should be secured only by a form of fastening which will allow the doors to open immediately upon slight pressure being applied from within. Where panic bars or latches are fitted, the words "PUSH BAR TO OPEN" shall be indicated on the doors in bold block lettering of a conspicuous colour above the operating bar.
16. All exit doors approved by the Council for the purpose of egress from the premises shall be clearly indicated by a "FIRE EXIT" and if required "TO FIRE EXIT" signs. The sign shall be clearly visible from the access route to the door at all times.
17. All exits shall be instantly available for free egress during the whole time the public are on the premises.
18. Persons awaiting admission to the premises shall not be allowed to congregate in any position which will cause an obstruction to any persons leaving the building.
19. Only such parts of the premises as have been approved by the Council shall be used as retiring rooms, or cloakrooms, and provision for hanging hats or coats shall not be made in corridors, passages, gangways or exit ways used by the public.
20. Where collapsible gates or roll-up shutters are used these shall be locked in the open position whilst the public are present. Revolving doors shall not be used as exit doors.
21. The edges of the treads of steps and stairways shall be made conspicuous. All gangways, exit ways and the treads of steps and stairways shall be maintained with a non-slip surface.
22. The hangings or curtains over exit doors or across gangways shall be made to part in the centre, to hang so as to be readily drawn aside and not to trail on the floor, and be arranged so as not to conceal notices.

CONDITION OF PREMISES

Seating

23. In premises where seating is permitted for more than 200 persons, in the case of any entertainment for a close-seated audience, all chairs shall be clipped or battened together in units of not less than four, nor more than twelve.
24. The premises shall not be used for a closely-seated audience except in accordance with seating plans previously submitted to, and approved by, the Council in writing.

Electrical Installation and Equipment

25. All electricity supply controls to the electrical services or to any provision of main or primary lighting on the premises to be such that they are not able to be operated by any unauthorised person.
26. All electrical wiring, fittings, switches etc and appliances shall be properly maintained. Any alterations to the electrical installations shall comply with the current IEE Wiring Regulations.
27. All temporary electrical fittings are to be correctly wired and powered via recognised standard electrical outlets. Electrical leads to such fittings are to be run out of reach of the public.
28. Electric lamps and other electrical appliances used within the stage area shall be sited so that they are not liable to come into contact with drapes, scenery or properties.
29. All electric lampholders within reach of the public shall be kept fitted with lamps or otherwise protected and shall be so sited or protected to prevent burns.
30. A Certificate in accordance with the current edition of the IEE Wiring Regulations, issued by a Certificate holder of the National Inspection Council for Electrical Installation Contracting or a member of the Electrical Contractors' Association or a professionally qualified electrical engineer, confirming that the electrical installations have been examined and tested and are in a safe working condition, shall be submitted to the Council. This Certificate shall be provided at least once every year, or if a shorter time is recommended on the current Certificate within that time, or on completion of any alteration to the electrical installation.
31. The DPS shall ensure that socket outlets for use with temporary or portable electrical equipment on or in the vicinity of any stage area, and any circuits associated with spotlights or other stage lighting equipment, shall be protected by one or more Residual Current Devices, as necessary, having an adequate load current rating and a 30mA tripping current.
32. Any Residual Current Device provided shall be correctly installed as an integral part of the fixed electrical installation and not be of the "plug-in" or portable type.

Gas Installation and Fittings

33. All mains gas installations and flues to gas appliances shall be properly maintained to the satisfaction of the Council who may require from time to time the testing and certification of the installation by a person considered suitably competent by the Council i.e. CORGI registered at the expense of the Licence Holder/DPS.

34. All gas supply controls to the gas services or to any gas appliance on the premises to be such that they are not able to be operated by any unauthorised person.

Fire Extinguishing Equipment

35. Fire appliances and equipment compatible with the nature and use of the premises shall be provided to the satisfaction of the Council and Kent Fire Brigade, with a minimum of 2 x 13A rating (9-litre capacity) extinguishers being provided within the premises.
36. All fire appliances and equipment provided within the premises shall be maintained in efficient working order at all times. The DPS shall submit to the Council together with the application for renewal a current certificate issued by a competent fire engineering organisation or body to the effect that each of the appliances and equipment provided in the premises has been inspected and tested in accordance with the current British Standard and is in good working order.

Toilets and Hand washing Facilities

37. Conveniently accessible sanitary conveniences and hand washing facilities shall be provided to the satisfaction of the Council.

These shall be at all times kept in good order and repair and be properly and effectively cleansed, ventilated, disinfected and supplied with hot and cold water, and the doors leading thereto shall be suitably marked. Adequate and separate sanitary conveniences shall be provided for person of each sex. Regard shall be had to British Standard 6465: Part 1: 1994 for cinemas, concert halls and theatres.

General

38. All stage scenery, drapes and curtains on stage shall be either of inherently flame-resisting material or be treated with a flame-retardant solution and maintained in this condition to the satisfaction of the Council and Kent Fire Brigade.
39. Accepted temporary decorations associated with festive occasions shall be confined to the main body of the hall. Such temporary decorations shall not be displayed on escape routes and shall be so hung that there is no danger of them coming into contact with a source of ignition. More extensive decorations of a combustible nature shall not be used without the prior consent of the Council.
40. No rubbish or waste paper shall be stored or allowed to accumulate in any part of the licensed premises. Storage of necessary combustible materials shall be in such positions as may be approved by the Council. Rubbish or waste paper receptacles shall be of non-combustible material so as to minimise risk of fire. The licensed premises shall be maintained in a clean condition free of vermin.
41. All parts of the premises and fittings therein, including the seating, door fastenings and notices, shall be maintained at all times in good order and condition.
42. All floors, floor coverings and upholstery in the licensed premises shall be maintained in proper repair and in a clean condition.
43. Mats, matting and other floor coverings shall be secured and maintained so that they will not ruck or be in any way a source of danger.
44. A report shall be provided at the Licence Holder/DPS's expense, at any time when reasonably required to do so by the Council, from a competent qualified surveyor (accompanied during his inspection by a representative of the Council) regarding the structural safety and suitability of the premises for regulated entertainment.

45. The DPS shall ensure at any time when the public are present, and the premises are being used for dancing and anything of a similar description, that the playing of darts or similar are not permitted in the dance area. Also any raised oche or similar potential trip hazard on the floor surface must not be present.

#### HEATING VENTILATION AND LIGHTING

##### Heating

46. Every heating appliance used in the premises, which is so situated as to be within reach of any member of the public, shall be fitted with guards which comply to the standards of construction and fitting required by any regulations for the time being in force applying to heating appliances of a type, which are so designed that they are suitable for use in places of public assembly; and every heating appliance used in the premises shall be situated sufficiently far from woodwork, hangings or other materials, or substances liable to catch fire so that there shall be no likelihood of fire by reason of their proximity to the heating appliance. Combustible hangings are not to be placed over any heating appliance.
47. Every heating appliance situated in a part of the premises to which the public are admitted shall be fixed in position in such a manner as to prevent it being knocked over.
48. Liquid petroleum installations (portable or fixed) of any kind or gas, oil or candle lamps shall not be installed or used within the premises without the prior approval of the Council.

##### Ventilation

49. The public parts of the premises shall be kept effectively ventilated, whilst occupied by members of the public, by means of the circulation of adequate supplies of fresh or artificially purified air.

##### Lighting

50. All parts of the premises accessible to persons, including circulation spaces, stairs, passages and egress routes within the building or in the open, which may be used to lead to or from the public street or other approved open place of safety, shall be adequately illuminated for safe use by general mains electric lighting when they are not adequately illuminated by natural light. This lighting may be reduced or extinguished only:
- (a) within any room where entertainment is provided; and
  - (b) when essential for the purpose of that entertainment; and
  - (c) when the system of safety lighting is kept illuminated at all times; and
  - (d) where control over the general lighting is such that full illumination can be restored quickly.
51. Emergency lighting, supplied from a source entirely independent of the general lighting, shall be provided to the satisfaction of the Council. The degree of lighting available shall be sufficient to allow persons to leave the premises in safety should be adequately illuminated by the general lighting and/or emergency lighting.

PREVENTION OF NUISANCE AND NOISE

52. (a) The DPS shall cause to be exercised such effective control over the volume of sound produced from within the licensed premises so that no nuisance from noise from any public performance, entertainment or rehearsal or use of a public address system or other use of sound amplifying equipment, is caused to the occupier or occupiers of any immediately adjoining or neighbouring property.
- (b) The DPS shall cause to be displayed in a conspicuous position at or near all main exits from the premises a notice in a clearly legible form requesting patrons to leave the premises in a quiet orderly fashion.

Noise Level Guidelines

The following guideline for noise control does not form part of the conditions attached to this Licence but is a basis upon which the Council, on receiving a complaint, would, together with a purely subjective assessment, judge the reasonableness of the complaint:

- (1) Regulated entertainment noise does not need to be of a high volume to be extremely intrusive and annoying to neighbours, this is particularly so in regard to low frequency noise. Soundproofing of premises can prove to be very expensive and the most effective means of preventing nuisance is to exercise proper control over the level of amplification.
- (2) You should take effective measures to ensure that no noise from regulated entertainment etc, provided on your premises, is audible within any adjoining or neighbouring property. In order to give you the degree of control necessary to prevent nuisance it may be necessary for you to obtain and have installed a noise level control system.

Environmental Health Officers employed by the Council will be pleased to discuss the content of these guidelines and to provide further information on noise control systems should you consider that this might be of assistance to you.

Door Supervisors

53. N.B. In these conditions door supervisor is defined as any person employed primarily to vet customers and maintain order.
- (a) No door supervisor shall be employed at the premises unless currently licensed with the Security Industry Authority (SIA).
- (b) Door supervisors shall at all times when the licensed premises is in operation wear conspicuously the identity badge provided by the SIA
- (c) The DPS shall maintain a bound register of all door supervisors employed (on payment or otherwise) showing:-
- (i) their full name
  - (ii) their SIA badge number
  - (iii) their agency address (if applicable)
  - (iv) the date they commenced their duties



- (v) their signature at the time of commencement of their duties

The register shall be available on the premises for inspection by an authorised officer of the Council, Fire Brigade or Police at all reasonable times.

**NOTES**

1. This Licence is without prejudice to the requirements of other legislation, such as the Health and Safety at Work Act, etc. For example, your attention is drawn to the Children and Young Persons Act 1933/63 which make special provision for entertainment which children attend or in which children participate.
2. Additional conditions are applicable for close seated audiences exceeding 300 persons, or may be required in the particular circumstances of the case.
3. Any enquiries regarding these conditions should be made to the Council's Licensing Department.

**Annex 2 – Conditions consistent with the operating Schedule**

- 1. CCTV shall be installed at the premises. The number and location 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, servicing 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 arrangements can be made for the repairs within 48 hours if possible, any major repairs affecting the covering of the CCTV not able to be repaired within 48 hours to be reported to the Licensing Officer. 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. CCTV shall be operational at all times that members of the public and/or staff are on the premises.
5. Images will be retained for a period of at least one calendar month by whatever means the licence holder deems appropriate.
6. The Police or Local Authority will have access to these images at any reasonable time.
7. All drinks shall be served in toughened glass/polycarbonate glasses from midnight every Thursday, Friday and Saturday. This shall also include Sunday when the following day is a Bank Holiday. The following to also be applied on all Bank Holidays, Temporary Event Notices and ticketed events with the exception of champagne and wine bottles.
8. No glasses or glass bottles allowed outside after 10pm any evening.

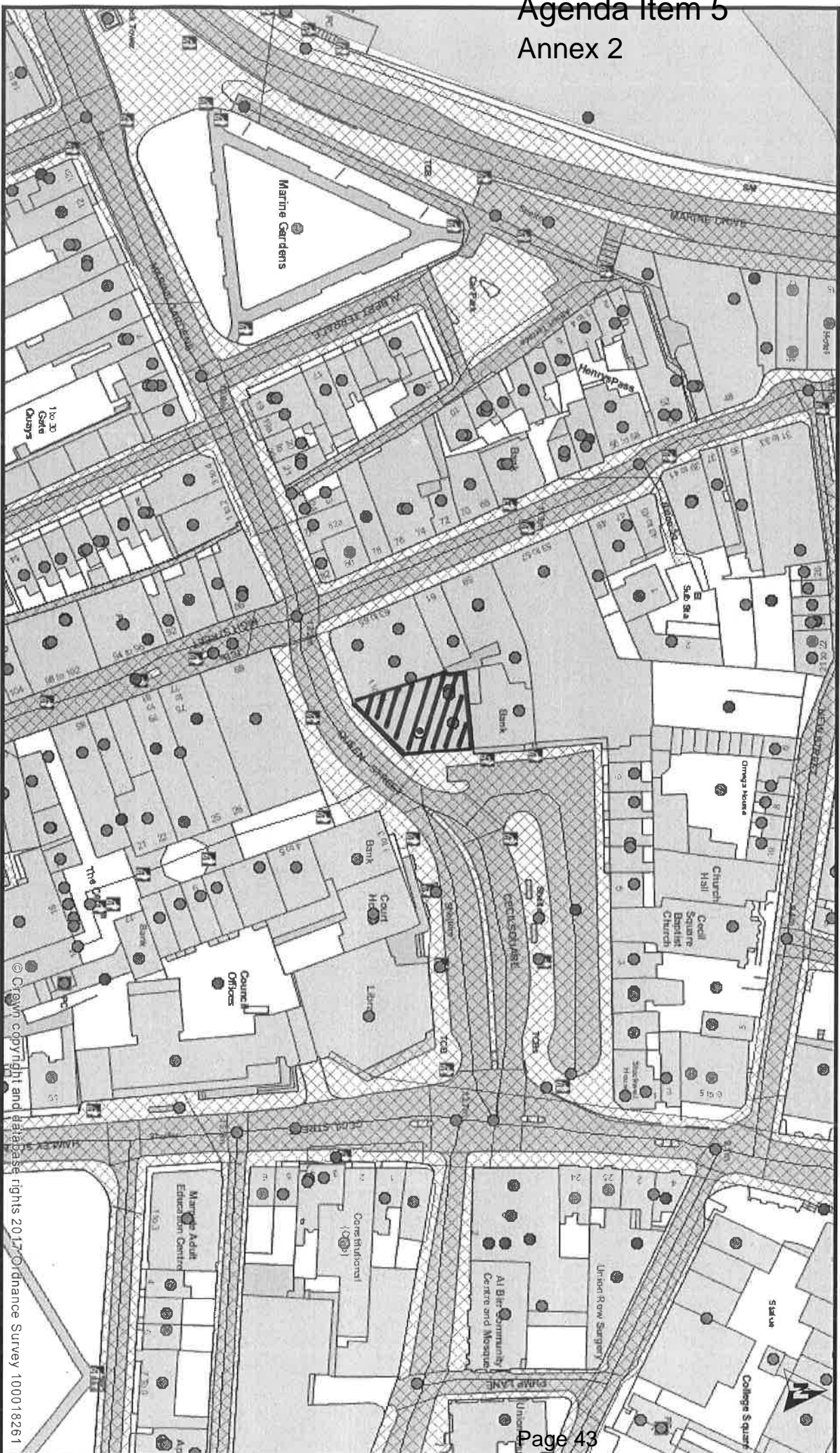
**Annex 3 – Conditions attached after a hearing by the licensing Authority**

None

**Annex 4 - Plans**

**Plans considered May 2005**

Agenda Item 5  
Annex 2



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Title: Thanet District Council

Author: Thanet District Council

Scale 1:1,250

Date: 14/06/2017

Thanet District Council

Cecil Street

Margate

Kent

CT19 1XZ



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(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Annex 3

Name and address Mr Morgan Sproates Environmental Protection Manager Environmental Health Thanet District Council Council Offices Cecil Street Margate Kent CT9 1XZ
Telephone number (if any) 01843 [REDACTED]
E-mail address (optional) [REDACTED]@thanet.gov.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please state the ground(s) for review (please read guidance note 1)**

I am calling for a review of the premises licence for The Gallery. The review is called under section 51 of the Licensing Act 2003. Our request for review is based on a breach of condition and that the use of the external area of the premises by patrons is causing a nuisance to surrounding premises.

Under the regulated entertainment section in the conditions of the premises licence, Condition 2 states: 'The noise from any entertainment must not be audible in any neighbouring or adjoining premises.' During a visit by noise officers on Saturday 29th April into Sunday 30th April music from The Gallery was clearly audible in a neighbouring residential premises. This breaches the condition as stated in the premises licence.

Our records show that the Police have witnessed a previous breach of condition in 2014 involving the playing of music beyond licenced hours.

We are receiving regular complaints concerning noise from the front of the Gallery reportedly involving patrons of The Gallery.

Please provide as much information as possible to support the application (please read guidance note 2)

From a review of our records I note we have a history of complaints against the premises.

- In 2012 we received 2 complaints from the same household concerning amplified music. Neither complaint was progressed.
- In 2013 we received 4 complaints, 3 from different households concerning amplified music. None of the complaints were progressed.
- In 2014 we received 6 complaints from 2 different complainants. These covered a period from March to May. Their complaints covered music and patron noise. Our records show that on 31/3/14 my colleague (Ms Amanda Berry) spoke with the licence holder concerning noise. During the conversation my colleague raised with the premises licence holder a report by the Police concerning their attendance on 29/3/14. They had reported music still playing at 04:00 am when music should cease at 03:30 am. The reason given was that staff may have been confused on the clocks going back. It appears that the case was forwarded to Licensing for breach of condition. For the remaining complaints from 2014 no action was taken due to a lack of evidence.
- In 2015 we received one complaint which appeared spurious in nature.
- In 2016 we received 3 complaints from 2 households concerning music and patron noise. None of the complaints were progressed.
- During 2017 we have received 1 complaint. The complainant also made 2 of the complaints in 2016 and states that they are regularly affected by predominantly patron noise but also music. The 2017 case is being progressed and investigated as statutory nuisance.

While the majority of the historical complaints have not been acted on it does infer that music is audible in surrounding premises.

In regards to the investigation of our current case. On 24/02/17 Christopher Brown (CB) (Environmental Protection Officer) took part in a multi-agency enforcement night. During that evening Multi-agency Officers entered The Gallery. Prior to entering officers (Jade Malyn, Darren Dennett & another Police Officer) stood outside the premises, to the side, opposite the side of Boots High Street Store. The music was loud and clearly audible in the street. On completing the enforcement night CB walked up Hawley Street and across the traffic lights to proceed towards Cecil Street. On walking across Cecil Square and across the traffic lights opposite Union Crescent at approximately 22:00pm, patron noise and music was clearly audible at a distance of 75 metres from The Gallery. Following this visit CB and colleagues Jade Malyn (Licensing Officer) Darren Dennett (Police Licensing Officer) asked for a meeting with the licensee. This took place on Tuesday 28th February 2017 at the Council Offices. At the meeting the complaints Environmental Health had received were highlighted to the licensee and a brief discussion on 1) how The Gallery monitors noise from music and 2) the control of patron noise. The Licensee inferred that he would look at their practices.

On 27/03/2017 CB installed noise monitoring equipment in the home of the complainant. CB removed the equipment on 03/04/2017. On review of the recordings CB found 8 recordings from 31/3/17 at 22:49pm until 1/4/17 02:55am. CB stated that two of the recordings are clearly with windows open. Music can be heard at times

with the main source being patron noise. The local authority cannot confirm that the noise recorded is from The Gallery but are confident that the noise is from the Cecil Square area. The complainant confirmed that they operated the equipment on each occasion because of noise from The Gallery.

Following this installation CB wrote to The Gallery Premises Licence holder (Annex 1) concerning the installation of noise monitoring equipment. At the end of the letter CB stated that 'At this stage I would welcome a concerted effort to control patron noise in the external areas of your premises.'

As part of the complaint the complainant was given access to our out of hours service. On 29/04/2017 into 30/04/2017 Council Noise Officers visited a residential property within the Cecil Square area (Annex 2). During the visit they noted that music and patron noise was audible within a bedroom of the property. For music to be audible in the property is a clear breach of the premises licence conditions. The patron noise was reported as being audible in the property and came from patrons shouting.

During our investigation we have also been sent two videos by the complainant. CB has reviewed these videos and provided the following comments. The first video we received shows a disturbance on 19/03/17 outside The Gallery. The video contains a female voice shouting outside the gallery with the wooden tables and chairs being turned over by a male. It is unclear what attempts the staff at the Gallery are undertaking to resolve the matter other than putting the tables back in place. The second video shows the external area of the premises with patrons standing in a sectioned off area. From CB's review of the video, amplified voice and music is clearly audible which appears to emanate from the Gallery. There is also loud patron noise recorded from persons at the front of The Gallery. The video is taken from a residential property. It appears that the door staff at the Gallery are not taking any action to reduce noise. They do appear to engage in conversation with patrons but there is no reduction in noise. The videos are available to be reviewed by the licensee upon request.

Based on the evidence gathered to date it is my opinion that a specific licensing condition has been breached on a number of occasions and that patron noise from the front of the premises is an issue that requires control.

Clearly the current conditions and permitted times are not controlling noise from the premises.

# Agenda Item 5

## Annex 3 Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year  

--	--	--	--	--	--	--	--

**If you have made representations before relating to this premises please state what they were and when you made them**



Date 25<sup>th</sup> April 2017  
Ref WK/201704698



Mr Dayne Gooding  
Premises Licence Holder of  
The Gallery  
15 Cecil Square  
Margate  
Kent  
CT9 1BD

Dear Mr Gooding,

**Environmental Protection Act 1990 – Section 79(1)**  
**Complaint of nuisance from music and patron noise at The Gallery, 15 Cecil Square, Margate, Kent**

I write further to my letter of 06/02/17.

On 20/3/17 we received a video from the complainant concerning a disturbance outside The Gallery in the early hours of 19/3/17. The video shows a group of individuals turning over the tables outside the Gallery and causing a disturbance through shouting.

Subsequently I installed noise monitoring equipment in their property on 27/03/17 for a seven day period. I have now reviewed the recording and found 8 recordings covering a period from 22:49pm on 31/3/17 until 02:55am on 01/04/17. The recordings show a disturbance from shouting and some audible music from Cecil Square. While I cannot confirm myself that these recordings were associated with The Gallery and its patrons the complainant is adamant that the recordings are representative of what they are experiencing.

Based on the evidence to date I am concerned that patron noise from outside The Gallery in the late hours of Friday and Saturday and the early hours of Saturday Morning and Sunday morning is causing a disturbance to a neighbouring residential property. If we were to gather further evidence we may have to consider formal action through service of an abatement notice and / or calling for a review of the premises licence.

At this stage I would welcome a concerted effort to control patron noise in the external areas of your premises.

If you wish to discuss this matter further please contact me on the details below.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Christopher Brown".

**Mr Christopher Brown - Environmental Protection Officer**  
01843 [REDACTED]  
[REDACTED]@thanet.gov.uk

Thanet District Council  
PO Box 9  
Cecil Street  
Margate  
Kent  
CT9 1XZ

01843 577000  
www.thanet.gov.uk

## OUT OF HOURS NUISANCE CONTROL SERVICE – Record Sheet



## OFFICER DETAILS

Name	<del>XXXXXXXXXX</del>	Date	29/4/17	SAT	day	AM	PM
Time Call Received	23.57	Call from	Complainant / Police / Standby				
Time Departure	00.05	Total Time Out	0.51				
Time Arrived at Site	00.20	Hours / Part Hours	1.00				
Time Left Site	00.46	Authorised by					
Time Returned Home	00.56						

## DETAILS OF CALL

Complaint of:	AMPLIFIED MUSIC / ALARM / VEHICLE ALARM / ODOUR / SMOKE / OTHER	PATRON
Details of Complainant	<del>XXXXXXXXXX</del>	
Source of Complaint	THE CRAWLEY IS NEXT TO MARGATE.	

## REPORT OF OFFICER

Description of Visit: ARRIVED BEFORE 5.0, SO OBSERVED THE CRAWLEY, APPROX 10/15 PATRONS SEATED + STANDING AROUND. V LOUD + SHOUTING/LAUGHING. MUSIC COULD BE HEARD, EVEN LOUDER WHEN PREMISES DOORS OPENED. ON ENTRY TO ~~XXXXXX~~. WE WENT UP 1<sup>st</sup> FLIGHT OF STAIRS TO LOUNGE, MUSIC/PATRON COULD BE HEARD. KOTU/RADIO ON + SINGLE CHAISED WINDOWS. ~~XXXXXX~~ SAID IT GETS WORSE AROUND 3/4am. I OBSERVED CARS COMING + GOING. WENT UP ANOTHER FLIGHT OF STAIRS TO MAIN BEDROOM EXACTLY THE SAME, DIRECTLY ABOVE LOUNGE AT FRONT. MOST NOISE CAME FROM PATRONS, BUT MUSIC COULD BE HEARD CONSTANTLY. ~~XXXXXX~~ IS MAKING NOTES + HAS SOME CCTV.

ACTION TAKEN Tick

WITNESSED		NOTICE SERVED	
Completion Code		Pollution Case Office:	CB
Complaint No.	WK	Entered by:	LE

Admin: 1 copy (white) to House File

1 copy (pink) to Payroll

# Agenda Item 5

## Annex 3

### Premises Licence Review for The Gallery

#### Supporting information

Ref – 201420351

Telephone conversation – Amanda Berry & Mr Dayne Gooding on 31/3/17

Spoke with Mr Dayne Gooding (0[REDACTED]). Matter was also raised at the Margate Task Force meeting today by PC Phil Morley as officers were called there Saturday night (29/3/14) at around 04:00 am - licence allows music until 03.30 am. DG said that his member of staff working at the time may have been confused about the clocks moving forward. He checked his CCTV and there were periods when the front doors were held open by patrons. I suggested he consider installing a lobby door. He offered to pass his number onto the complainant.





Cecil Square  
Margate  
CT9 1BD

Saturday 10<sup>th</sup> June, 2017

To Whom It May Concern:

I am writing in regards to The Gallery on Cecil Square, whose license is currently under review.

I live on the same square as The Gallery and have been regularly disturbed by their activity for over a year. Disturbances range from being kept awake by extremely loud music, to being woken frequently throughout the night by fights and rowdy patrons spilling into the road. These disturbances are particularly pertinent at around 3 to 3.30am, when patrons are leaving the premises, but frequently continue throughout the whole period The Gallery is open. There are tables permanently outside the premises, where patrons are permitted to sit and drink until closing time. No effort is seemingly made by staff to keep noise to a minimum whilst patrons are drinking and smoking in this area, outside of the building. Weekends are no longer a time for me and my family to rest and recharge; my heart sinks when I see the bouncers putting up the barriers on a Friday or Saturday night as I know we are in for a night of being woken at least three or four times.

I write this letter on the complete understanding that I live on a busy, centrally located town square. Cecil Square is a bustling hub of the community. That is something that should be recognised and celebrated. The Gallery, however, negates that community - particularly after 11pm - with a wanton disregard for their neighbours. They frequently and consistently flout their licensing conditions, ultimately going against TDC's licensing objectives.

I understand that a condition of The Gallery's license is that "The noise from any entertainment must not be audible in any neighbouring or adjoining premises". Music from The Gallery is frequently clearly audible from inside my house, even when all doors and windows are closed. The Gallery has huge glass windows that do not seem to be soundproofed. Even with all windows and doors closed I can still often hear exactly what they are playing. This is reiterated later in the conditions of the Gallery's license: "The DPS shall be caused to be exercised such effective control over the volume of sound produced from within the licensed premises that no nuisance from noise from any public performance, entertainment or rehearsal or use of a public address system or other use of sound amplifying equipment, is caused to the occupier or occupiers of any immediately adjoining or neighbouring property." They are not taking responsibility for this.

It is also a condition of their license that "The DPS shall, to the best of his ability, maintain and keep good order and decent behaviour in the building during the permitted hours of entertainment." The number of times I have been woken by brawling and shouting by Gallery customers suggests that this is not the case.

Ultimately, The Gallery's disregard for their own licensing conditions go against three of TDC's four licensing objectives, specifically:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance

I look forward to these matters being addressed.

Kind Regards,

# Agenda Item 5

## Annex 4

[REDACTED]  
Cecil Square  
Margate  
CT9 1BD

14/6/17

Dear Sir or Madam:

I understand The Gallery on Cecil Square's license is under review. I live on Cecil Square and am keen to voice my views on the matter.

My wife and I are routinely kept awake, or woken, by noise from The Gallery and have been for over a year. My wife is now heavily pregnant, making the disturbance all the more problematic. The disturbances range from extremely loud music (completely unsuitable considering the building is essentially glass fronted), to rowdy patrons shouting outside until the early hours (there are tables outside that patrons are permitted to drink and smoke at until closing time). 3-3.30am is often the worst time, when the patrons leave. There are frequently fights, rowdiness, shouting and screaming.

I fully appreciate that we live on a busy town square and have absolutely no issue with living near a bar. I do however, have issue with the irresponsible and antisocial manner with which the Gallery conducts itself. Their behaviour negates the majority of TDC's licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance) and break specific conditions of their license ("the noise from any entertainment must not be audible in any neighbouring or adjoining premises").

Please do not hesitate to contact me should you need anymore information.

Kind Regards,

[REDACTED]

[REDACTED]

TRAFALGAR SQUARE COUNCIL		FILE/NO
ATTENTION	DATE	
	14 JUN 2017	

Philip Bensted

---

**From:** Darren Dennett PC [REDACTED] <[REDACTED]@kent.pnn.police.uk>  
**Sent:** 14 June 2017 11:13  
**To:** Philip Bensted; Morgan Sproates  
**Cc:** Paul Diment [REDACTED]  
**Subject:** The Gallery  
**Attachments:** ATT00001.txt

Philip,

The following is the Police representations regarding the review called by Environmental Health v The Gallery, Cecil Sq, Margate.

The Police and EHO have previously help a meeting with the outgoing DPS about concerns at the premises mostly due to noise. So the premises had been informed about the concerns. However the noise issues continued.

The Gallery has one of the latest hours in terms of licensable activity in Thanet. The noise complaints are in the early hours of the morning. The staff appear at times not to be in control of the number of patrons outside. SIA and management are unable to control the patrons in trying to reduce the impact on residents in this immediate area.

On Friday 12 may 2017 a Police Officer was leaving the Council building when music could be heard. It was quickly found that the music was coming from The Gallery. Body Worn Video was used to secure evidence of how loud the noise was. It just before midnight and was excessive of which the premises was allowed. A walk of the area highlights how the music could be heard some distance from the premises. It is a residential area and this is why the Police are supporting the review called by Environmental Health.

The Police would question if there are enough SIA at the premises, should the outside area be reduced and the hours of the premises reduced. All of these recommendations would fully support the premises going forward and also the Licensing objectives.

Kind regards

Darren

PC [REDACTED] DENNETT  
Police Licensing Enforcement Officer  
CSU – Thanet  
01843 [REDACTED]  
07 [REDACTED]  
[REDACTED]@kent.pnn.police.uk

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**APPLICATION FOR TEMPORARY ACTIVITIES:  
TEMPORARY EVENT NOTICE APPLICATION  
BY: Nicholas Panteli**

**Licensing Sub-Committee – 11<sup>th</sup> July 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: **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

<b>CORPORATE IMPLICATIONS</b>	
<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 A temporary event notice has been received from Nicholas Panteli of Harbour Parade, Ramsgate. The event is described as ‘August Bank Holiday – Special Guest DJ’S’. 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 on the 26<sup>th</sup>, 27<sup>th</sup> and 28<sup>th</sup> August between 3 a.m and 4.30 a.m. 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. 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 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 Rokka with times and conditions is attached at Annex 3.

## 3.0 Options

- 3.1 Grant the application.
- 3.2 Refuse the application.
- 3.3 Grant the application 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 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

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



# Agenda Item 6 Annex 1

Post town	Post code
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

<b>2. The premises</b>	
Please 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) (Please read note 2)	
ROKKA 64 HARBOUR PARADE RAMSGATE CT11 8LN	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	LN/200501196
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
CAFÉ / BAR	
Please describe the nature of the event below. (Please read note 5)	
AUGUST BANK HOLIDAY – SPECIAL GUEST DJ'S	

# Agenda Item 6

## Annex 1

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
SATURDAY 26 <sup>TH</sup> , SUNDAY 27 <sup>TH</sup> & MONDAY 28 <sup>TH</sup> AUGUST	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24-hour clock). (Please read note 9)	
<p>EXTEND SALE BY RETAIL OF ALCOHOL AND REGULATED ENTERTAINMENT BY ONE HOUR FROM 0300 TO 0400 ON EACH DAY</p> <p>EXTEND LATE NIGHT REFRESHMENT AND OPENING HOURS BY ONE HOUR FROM 0330 TO 0430 ON EACH DAY</p> <p>ONE EXTRA SIA DOOR SUPERVISOR FROM 0300 UNTIL CLOSE ON EACH NIGHT</p> <p>BODY WORN CAMERAS IN USE AT THE PREMISES</p>	
Please 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. (Please read note 10)	250
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only <input checked="" type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>

4. Personal licence holders (Please read note 12)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	LEWISHAM	



**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)

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

**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.**

<b>Details of Temporary Event</b>	
Date(s) of event	26 <sup>th</sup> , 27 <sup>th</sup> and 28 <sup>th</sup> August 2017
Licensable activities proposed	The provisions of regulated entertainment The sale by retail of alcohol. The Provisions of late night refreshments
Hours of licensable activities	0300 - 0430
Name of Premises:	Rokka
Address of premises:	64 Harbour Parade Ramsgate Kent CT11 8LN
Date and time TEN received by police	07/06/2017
Date and time objection notice given to Licensing Authority and the premises user	08/06/2017

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 event. Under the grounds of Public safety and crime and disorder.

## Agenda Item 6 Annex 2

The Police have serious concerns due the violent affray that took place outside of many premises during the hours being asked for.

The incident was caused by alcohol and every premise had furniture in the street beyond its licensed foot print. None of which had been applied for and had been approached about removing furniture from the street at 2200 hours.

It is not known at this time if the local authority is supporting the event or the road closure. As a result of this the Police cannot support this event until this is known.

If this was granted then the area in the road needs to be applied for to be used for licensable activity. In light that this is difficult to confirm the Police will not support any TENS past the hours on the premises licence. If the road is closed and furniture remain then this hours will not be supported.

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 event in the area this is being applied for is not confirmed. There will need to significant measure to ensure that any furniture is removed by 2200 hours without exception. For all premises.

If furniture is going to be outside the original hours to remain.

**Signed:**  
**Print name: PC Darren Dennett**

**Date: 08/06/2017**  
**Force Number: [REDACTED]**





**Thanet District Council  
Part A  
Premises Licence**

**Premises licence number**

LN/200501196

**Part 1 – Premises details**

Postal address of premises, or if none, ordnance survey map reference or description	
Rokka 64 Harbour Parade	
Post town	Post code
Ramsgate, Kent	CT11 8LN
Telephone number	
01843 [REDACTED]	

Where the licence is time limited the dates

None

Licensable activities authorised by the licence

- 1) Live music (indoors)
- 2) Recorded music (indoors)
- 3) Late night refreshment (indoors/outdoors)
- 4) Supply of alcohol (on and off the premises)

The times the licence authorises the carrying out of licensable activities

- 1) Fridays and Saturdays only between 7.00pm and midnight
- 2) 7.00am to 3.00am – daily
- 3) 11.00pm to 3.30am – daily
- 4) 10.00am to 3.00am – daily

The opening hours of the premises

7.00am to 3.30am – daily

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

On and off only subject to mandatory conditions

**Part 2**

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

Mr Nicholas Panteli  
[REDACTED], [REDACTED] Harbour Parade, Ramsgate, Kent CT11 8LN  
01843 [REDACTED]

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

None

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Nicholas Panteli  
[REDACTED] Harbour Parade, Ramsgate, Kent CT11 8LN  
01843 [REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol


LEW [REDACTED]

Lewisham Borough Council

**Issued on the 12 March 2012**

**To commence on the 24 November 2005**

**Regulatory Services Manager** \_\_\_\_\_



**Annex 1 – Mandatory conditions**

**No supply of alcohol may be made under the premises licence: -**

**At a time when there is no designated premises supervisor in respect of the premises licence, or**

**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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—**

**(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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);**

(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;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) 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.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

#### **Annex 2 – Conditions consistent with the operating Schedule**

None

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

1. A sound limiter should be fitted and set by a fully qualified sound engineer, at a level agreed in consultation with the Council's Environmental Health Department. The limiter should be secured so that the levels are not altered. All sound amplification systems should be played through this limiting device.

2. Windows and doors should be kept closed, during regulated entertainment, other than for access or egress and all doors should be fitted with door closures.

## Agenda Item 6 Annex 3

- 3. Speakers should not be positioned near to openings such as doors or windows and ensure that anti-vibration mountings for speakers are used. The position of speakers to be agreed with Environmental Health Officers.**
- 4. Signs to advise patrons and staff to be quiet when leaving the premises should be displayed.**
- 5. Doors and windows should be kept closed, in any event, except for access and egress, after 2am until close at 3.30am**

### **Annex 4 - Plans**

**Plans considered February 2009**



## 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.