



Date: 25/07/2017
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LICENSING SUB COMMITTEE

2 AUGUST 2017

A meeting of the Licensing Sub Committee will be held at **10.00 am on Wednesday, 2 August 2017** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillors: Brimm, K Coleman-Cooke and J Fairbrass

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 TEMPORARY ACTIVITIES: TEMPORARY EVENT NOTICE**
APPLICATION BY: KATARU NURU (Pages 3 - 12)

5. **APPLICATION FOR TEMPORARY ACTIVITIES: TEMPORARY EVENT NOTICE**
APPLICATION BY: HEATHER DESLANDES (Pages 13 - 20)

Declaration of Interests Form

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**APPLICATION FOR TEMPORARY ACTIVITIES:
TEMPORARY EVENT NOTICE APPLICATION
BY: Kataru Nuru**

Licensing Sub-Committee – 2nd August 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: ***Margate Central***

Executive Summary:

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

Recommendation(s):

The instructions of the Sub-Committee are requested

CORPORATE IMPLICATIONS

Financial and Value for Money	None
Legal	<p>There is a right of appeal to a Magistrates' Court within 21 days of the date of the decision of the Licensing Sub-Committee with regard to the grant/refusal of a licence or any of the conditions attached to it.</p> <p>The Licensing Sub-Committee must pay proper attention to the applicant's rights under the provisions of the Human Rights Act 1998, which gives further effect in the United Kingdom to the fundamental rights and freedoms contained in the European Convention on Human Rights. The Licensing Sub-Committee must have proper regard to the rights of the individual applicant when making decisions that affect them. However, it also has to have regard to the safety and protection of the public and therefore to ensure that the right balance is found and think hard about how it can cause the least possible harm to individuals, bearing in mind its duty to ensure the protection of the public.</p>
Corporate	None.
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p>

1.0 Introduction and Background

- 1.1 A temporary event notice has been received from Kataru Nuru of the Beet Bar, 25 High Street, Margate for The Beet Bar. The event is described as 'music and poetry and alcoholic beverages'. There will be the following licensable activities, the sale by retail of alcohol, the provision of regulated entertainment and late night refreshment. It is intended that it will take place from the 3rd to the 6th August between 10 a.m and 11 p.m. each day. The maximum number of people to be present will be 45. The applicant is not the holder of a personal licence.
- 1.2 Part 5 of the 2003 Licensing Act provides a system of permitted temporary activities, under which licensable activities can be carried out on a temporary basis (for a period not exceeding 7 days) without the need for a premises licence or a club premises certificate. A copy of the notice is appended at Annex 1.

2.0 General Points

- 2.1 The Act provides for periods of notice and the number of events that may be held. Notice must be given to the Licensing Authority, Police and Environmental Protection ten working days before the beginning of the event period. The Police and Environmental Protection then have three working days to lodge objections with the Licensing Authority and Applicant. A copy of the Police objection is appended at Annex 2. Environmental Protection have made no objection having agreed a number of conditions with the applicant.
- 2.2 Objections must relate to the undermining of the licensing objectives, the prevention of crime and disorder, public safety, the prevention of public nuisance, the protection of children from harm.

3.0 Options

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

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

Annex List

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

Background Papers

Title	Details of where to access copy
N/A	

Corporate Consultation

Finance	N/A
Legal	N/A

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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	beet bar
Street	25 high street
District	margate
City or town	kent
County or administrative area	thanet
Postcode	ct9 1dl
Country	United Kingdom

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

- Neither Premises licence Club premises certificate

Location Details

Provide further details about the location of the event

the premisis is at the back right corner of market street capr park, the building has double french doors and is 5m by 10 m it has seats for about 35-40 people inc the courtyard which has 10 seats, it has been decorated to a high standard and fixtures and fittings are of a high standard, there are no cooking facilities in the bar and no smoking, we have fire alarms and extinguisher etc

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

we intend to use inside and out

ID JUST LIKE TO STATE THAT WE ARE WAITING FOR OUR UTN AS WE ARE A NEW BUSINESS, I HAVE AN ACKNOWLEDGEMENT NUMBER FOR COMPANIES HOUSE : 58KFWJ8J2LBR1GV

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

the premises is primarily a health food bar, we serve juices, smoothies, salads etc but on this weekend we intend to provide entertainment, acoustic music, poetry recitals and some alcoholic beverages, we usually close at 4 but we intend to stay open until 11.

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

the even will be music and poetry and alcoholic beverages closing at 11

Continued from previous page...

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LICENSABLE ACTIVITIES

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

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

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

(See also guidance on completing the form, note 7).

Event Dates

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

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

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

Event start date / /
 dd mm yyyy

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

Event end date : / /
 dd mm yyyy

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

(see also guidance on completing the form, note 9)

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

Note that the maximum number of people cannot exceed 499.

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

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If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both
(see also guidance on completing the form, note 11):

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

Section 5 of 9

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

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

12am-9pm

Section 6 of 9

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

Do you currently hold a valid personal licence? Yes No

Section 7 of 9

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

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

State the number of temporary event notices you have given for events in that same calendar year

Have you already given a temporary event notice for the same premises in which the event period:
a) Ends 24 hours or less before; or Yes No
b) Begins 24 hours or less after the event period proposed in this notice?

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



**Kent
Police**

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

Details of person making objection	
Name of Chief Officer of Police	Sharon Adley
Postal Address: (Area Headquarters)	Margate Police Station Fort Hill Margate CT9 1HL
E-mail address	[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.

Details of Temporary Event	
Date(s) of event	3 rd to 6 th August 2017
Licensable activities proposed	The sale by retail of alcohol. The Provision of regulated entertainment. The Provisions of late night refreshments.
Hours of licensable activities	1000 - 2300
Name of Premises:	Beet Bar
Address of premises:	25 High Street Margate Kent CT9 1DL
Date and time TEN received by police	19/07/2017
Date and time objection notice given to Licensing Authority and the premises user	21/07/2017

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.

The event is planned for Margate Soul Festival and is one of the official bars for this

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event. This event attracts thousands of people to attend. From information from the event organiser Market Street Car Park is the only place for extra toilet facilities. So this could cause more people to attend this location than they normally would during this event.

I understand that the event they are planning is going to be small in the numbers that they are applying for. However if the music is going to be loud enough to be heard outside then this could cause serious problems and create another venue in the car park that could attract large numbers of people.

There is no mention of marshals or SIA staff.

As a result of these concerns the Police feel that the licensing objective will not be supported.

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

Please use separate sheets where necessary

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

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

The TENs does not offer enough information about this event.

I would suggest that there is suitable SIA employed for the duration of this event and that any entertainment cannot be heard outside. This will reduce the risk of large gatherings in the car park.

Signed:
Print name: PC Darren Dennett

Date: 21/07/2017
Force Number: [REDACTED]

**APPLICATION FOR TEMPORARY ACTIVITIES:
TEMPORARY EVENT NOTICE APPLICATION
BY: Heather Deslandes**

Licensing Sub-Committee – 2nd August 2017 at 10.15 a.m

Report Author ***Philip Bensted Regulatory Services Manager***
 Portfolio Holder ***Cllr Lin Fairbrass Community Services***
 Status ***For Decision***
 Classification: ***Unrestricted***
 Ward: ***Margate Central***

Executive Summary:

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

Recommendation(s):

The instructions of the Sub-Committee are requested

CORPORATE IMPLICATIONS

Financial and Value for Money	None
Legal	<p>There is a right of appeal to a Magistrates' Court within 21 days of the date of the decision of the Licensing Sub-Committee with regard to the grant/refusal of a licence or any of the conditions attached to it.</p> <p>The Licensing Sub-Committee must pay proper attention to the applicant's rights under the provisions of the Human Rights Act 1998, which gives further effect in the United Kingdom to the fundamental rights and freedoms contained in the European Convention on Human Rights. The Licensing Sub-Committee must have proper regard to the rights of the individual applicant when making decisions that affect them. However, it also has to have regard to the safety and protection of the public and therefore to ensure that the right balance is found and think hard about how it can cause the least possible harm to individuals, bearing in mind its duty to ensure the protection of the public.</p>
Corporate	None.
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p>

1.0 Introduction and Background

- 1.1 A temporary event notice has been received from Heather Deslandes of Olbys Soul Café, 3 – 5 King Street, Margate for Olbys Soul Café. The event is described as ‘DJ performances taking place as part of Margate Soul Festival’. There will be the following licensable activities, the sale by retail of alcohol and the provision of regulated entertainment. It is intended that it will take place from the 5th to the 6th August between 9 p.m and 4 a.m. The maximum number of people to be present will be 300. 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. A copy of the Police objection is appended at Annex 2. Environmental Protection have made no objection having agreed a number of conditions with the applicant.
- 2.2 Objections must relate to the undermining of the licensing objectives, the prevention of crime and disorder, public safety, the prevention of public nuisance, the protection of children from harm.

3.0 Options

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

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

Annex List

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

Background Papers

Title	Details of where to access copy
N/A	

Corporate Consultation

Finance	N/A
Legal	N/A

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Annex 1

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

Olby's Basement music room and Dug Out Bar, Entry and exit will be via Mansion Street.

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

Multiple space Cafe Bar, Music Venue & Function Room

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

DJ performances taking place as part of Margate Soul festival

Section 4 of 9

LICENSABLE ACTIVITIES

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

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

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

(See also guidance on completing the form, note 7).

Event Dates

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

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

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

Event start date

/ /
dd mm yyyy

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

Event end date

/ /
dd mm yyyy

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

21:00 - 04:00

(see also guidance on completing the form, note 9)

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

300

Note that the maximum number of people cannot exceed 499.

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

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

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

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

Section 5 of 9

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

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

Not applicable

Section 6 of 9

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

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Any further relevant details



**Kent
Police**

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

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

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

Details of Temporary Event	
Date(s) of event	5 th to 6 th August 2017
Licensable activities proposed	The sale by retail of alcohol. The Provision of regulated entertainment.
Hours of licensable activities	2100 - 0400
Name of Premises:	Olbys Soul Café
Address of premises:	3-5 King Street Margate Kent CT9 1DD
Date and time TEN received by police	21/07/2017
Date and time objection notice given to Licensing Authority and the premises user	21/07/2017

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.

The event is planned for Margate Soul Festival and is one of the official bars for this event. This event attracts thousands of people to attend.

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The main attraction for Margate Soul Festival is based at the Winter Gardens. This premise already has hour to remain open to 0300 hours.

Due to the large number of people who will already be in the area the Police do not want hanging around to gone 0400 hours. This would have a significant impact of local residents.

There is no mention of marshals or SIA staff.

As a result of these concerns the Police feel that the licensing objective will not be supported.

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

Please use separate sheets where necessary

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

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

The TENS does not offer enough information about this event.

I would suggest that there is suitable SIA employed for the duration of this event and that any person who leaves the premises is not allowed back into the premises. Due to a high residential area and the significant impact this event has on the local area. The Police feel a strong no readmission policy is adopted from midnight.

SIA will remain outside at all time to control this and also 30 minutes after the event to ensure all patrons have left. This should also be a ticked event and they would have to be purchased before 2000 hours on the day. This will ensure that people will not just turn up. No admission after midnight.

This will reduce the risk of large gatherings and the noise impact on local residents.

Signed:
Print name: PC Darren Dennett

Date: 21/07/2017
Force Number: [REDACTED]

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.