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Date: 18/09/2017
Ask For: Emily Kennedy
Direct Dial: (01843) 577046

Email: emily.kennedy@thanet.gov.uk



LICENSING SUB COMMITTEE

26 SEPTEMBER 2017

A meeting of the Licensing Sub Committee will be held at <u>10.00 am on Tuesday</u>, <u>26</u> <u>September 2017</u> in the Austen Room, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillors: K Coleman-Cooke, J Fairbrass and Curran

AGENDA

<u>Item</u> <u>Subject</u>

- 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. <u>APPLICATION FOR PREMISES LICENCE 374 CANTERBURY ROAD, BIRCHINGTON</u> (Pages 3 32)
- 5. APPLICATION FOR TEMPORARY EVENT NOTICE SUNDOWNERS (Pages 33 48)

Declaration of Interests Form

Thanet District Council, PO Box 9, Cecil Street, Margate, Kent, CT9 1XZ
Tel: +44 (0)1843 577000 Fax: +44 (0)1843 290906 DX 30555 (Margate) www.thanet.gov.uk
Chief Executive: Madeline Homer

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APPLICATION FOR PREMISES LICENCE – 374 CANTERBURY ROAD BIRCHINGTON

Licensing Sub-Committee – 26th September 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: Birchington South

Executive Summary:

To consider this application for a premises licence in respect of 374 Canterbury Road Birchington in the light of representations received.

Recommendation(s):

The instructions of the Sub-Committee are requested

CORPORATE IM	IPLICATIONS
Financial and	None
Value for	
Money	
Legal	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. 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.
Corporate	None.
Equalities Act 2010 & Public Sector Equality Duty	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. 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.

1.0 Introduction and Background

- 1.1 Application has been made by Akter Limited for a premises licence which includes late night refreshment and the supply of alcohol on the premises.
- 1.2 The Operating Schedule, showing the proposed licensable activities and hours are appended at Annex 1. A map of the area showing the location of these premises is at Annex 2.

2.0 General Points

- 2.1 Applicants for a premises licence are required, as part of the licensing procedure, to display a public notice which provides information to the public regarding the manner in which objection may be made. Similarly, public notice of the application should be published in a local newspaper circulating in the vicinity of the premises. These requirements appear to have been complied with. Seven public objections have been received which are appended at Annex 3.
- 2.2 The applicant is further required to give notice of the application to responsible authorities. The Police have agreed a number of conditions with the applicant which are appended at Annex 4. Environmental Health have made no representations.
- 2.3 The Licensing Sub-Committee will be aware that it must carry out its functions under the 2003 Licensing Act to take steps which are appropriate for the promotion of the licensing objectives. The Licensing objectives are:- the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm. In carrying out its licensing functions, the Licensing Sub-Committee must also have regard to its statement of licensing policy and the Guidance issued under the Act.
- 2.4 The four licensing objectives are the matters the Licensing Sub-Committee must address when considering whether to grant or refuse the application. Each application should be considered on its merits. Reasons must be given for any decision made by the Sub-Committee.
- 2.5 Where a premises licence is granted mandatory conditions will apply under Sections 19- 21 of the Act. These refer to irresponsible drinks promotions, provision of free tap water, an age verification policy, availability of small measures, the sale of alcohol below cost, and, designated premises supervisor.
- 2.6 The application should be determined within twenty working days beginning with the day after the end of the period during which representations may be made. Representations had to be made by the 30th August.

3.0 Options

- 3.1 Grant the application with conditions consistent with the Operating Schedule accompanying the application and the conditions mentioned at paragraphs 2.2 and 2.5.
- 3.2 Exclude from the scope of the licence any of the licensable activities to which the application relates.
- 3.3 Refuse the application.

- 3.4 Refuse to specify a person in the licence as the designated premises supervisor. The proposed designated premises supervisor is Erdem Akter.
- 3.5 Grant the application subject to different conditions in respect of different parts of the premises or different licensable activities.

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

Annex List

Annex 1	Operating Schedule
Annex 2	Map of the area
Annex 3	Public objections
Annex 4	Agreed Police conditions

Background Papers

Title	Details of where to access copy
N/A	

Corporate Consultation

Finance	N/A
Legal	N/A

	ou wish the licence to be valid only for a limited period, when you want it to end?	DD MM YYYY
	ase give a general description of the premises (please read guidance h & Chip Restaurant with 80 covers.	e note 1)
		и 9
	,000 or more people are expected to attend the premises at any time, please state the number expected to attend.	
Wh	at licensable activities do you intend to carry on from the premises	?
(ple	ase see sections 1 and 14 and Schedules 1 and 2 to the Licensing A	act 2003)
Pro	vision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (a (if ticking yes, fill in box H)	g)
	*	
Prov	ision of late night refreshment (if ticking yes, fill in box I)	M

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

In all cases complete boxes K, L and M

I

Late night refreshment Standard days and timings (please read		nd	Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	X
	nce note 7			Outdoors	
Day	Start	Finish		Both	DA
Mon	23:00	23:30	Please give further details here (please read guidance note 4)		(
Tue	23:00	23:30			
Wed	23:00	23:30	State any seasonal variations for the provision of late night refreshment (please read guidance note 5) Christmas Eve and New Year's Eve until 00:30 the following morning.		
Thur	23:00	23:30			
Fri	23:00	23:30	Non standard timings. Where you intend to use the provision of late night refreshment at differe listed in the column on the left, please list (please	nt times, to	those
Sat	23:00	23:30	note 6)		
Sun	23:00	23:30	Elevertil 010	e. tr	S. J

J

Supply of alcohol Standard days and		Will the supply of alcohol be for consumption — please tick (please read guidance note 8)	On the premises	\boxtimes
guidance note 7)			Off the premises	
Start	Finish		Both	
10:00	23:00	guidance note 5)		ead
10:00	23:00	morning.		
10:00	23:00			
10:00	23:00	the supply of alcohol at different times to those l	isted in the	<u>or</u>
10:00	23:00		ŕ	
10:00	23:00	axende to	0030	
10:00	23:00	Kmas ere	+ NY G	re
	rd days are selected for the selected fo	rd days and s (please read ce note 7) Start Finish 10:00 23:00 10:00 23:00 10:00 23:00 10:00 23:00	The standard timings where you intend to use the supply of alcohol at different times to those I column on the left, please list (please read guidance road guidance road guidance road supply of alcohol at different times to those I column on the left, please list (please read guidance road supply of alcohol at different times to those I column on the left, please list (please read guidan I column on the left)	rd days and s (please read ce note 7) Start Finish 10:00 23:00 State any seasonal variations for the supply of alcohol (please read guidance note 5) Christmas Eve and New Year's Eve until 00:30 the following morning. 10:00 23:00 Non standard timings. Where you intend to use the premises the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) 10:00 23:00 Calculate the Dozo was a column of the left, please list (please read guidance note 6)

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	*			
Erdem Akter				
Date of birth				
Address Windermere Avenue, Ramsgate, Kent				
Postcode CT11 0QB				
Personal licence number (if known)				
LN 2017				
Issuing licensing authority (if known)				
Thanet District Council				

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)		olic nd read	State any seasonal variations (please read guidance note 5) Christmas Eve and New Year's Eve extended to 00:30 the following morning.
Day	Start	Finish	
Mon	06:00	23:30	
Tue	06:00	23:30	
Wed	06:00	23:30	±
Thur	06:00	23:30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
			Extended to or or x may
Fri	06:00	23:30	Extended to ones x mas ave *
Sat	06:00	23:30	
Sun	06:00	23:30	

${f M}$ Describe the steps you intend to take to promote the four licensing objectives:
a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)
Fish & Chip shop with extensive internal eating premises of 80 covers. The licence is sort to enable those dining in, table and chairs to be shown on the plan, to be served alcohol with their meals.
The applicant would agree to a condition that substantial food and refreshment must be available on the premises throughout the hours that alcohol is sold. Although the premises do takeaway fish & chips, it is not intended that any alcohol should be sold with takeaway fish & chips. The only alcohol sold to be consumed on the premises.
b) The prevention of crime and disorder
The hours of the premises are reasonable, extended only on Christmas Eve and New Year's Eve because the premise will be used for consumption of liquor with food, it is not thought likely that the consumption of alcohol on the premises would give rise to crime and disorder.
c) Public safety
The premises are registered with Thanet District Council and subject to food and hygiene, risk assessments, fire risk assessment etc.
d) The prevention of public nuisance
The premises will close at 23:30 hours daily except on Christmas Eve and New Year's Eve. The consumption of alcohol will be with food supplied at the premises and there will be no off sales.

e) The protection of children from harm

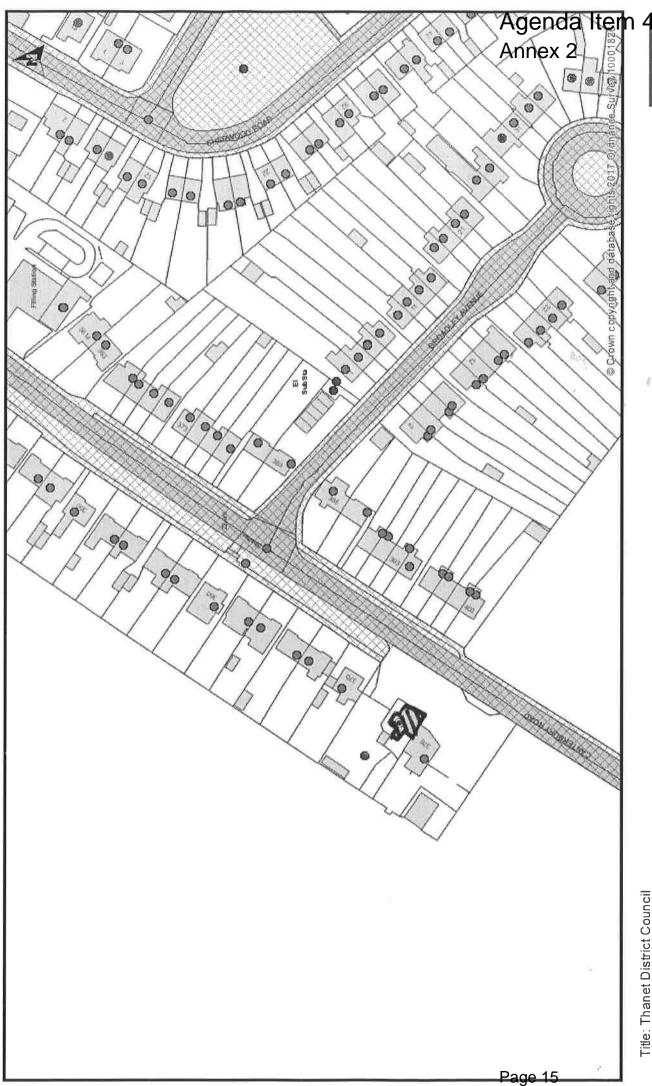
exc	premises will operate a Challenge 25 policy. Only photographic ID, such as, but not lusively passport and driving licence will be accepted. A refusal book will be maintained. nises will be fitted with CCTV.	Γĥe
Che	ecklist: Please tick to indicate agree	ment
•	I have made or enclosed payment of the fee.	
•	I have enclosed the plan of the premises.	V
0	I have sent copies of this application and the plan to responsible authorities and others where applicable.	Y
•	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	
•	I understand that I must now advertise my application.	<u> </u>
•	I understand that if I do not comply with the above requirements my application will be rejected.	
•		L-MF
	[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).	

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.



thanet district council

Thanet District Council

Cecil Street
Margate
Kent

CT19 1XZ

Scale 1:1,250

Date: 22/08/2017

Author: Thanet District Council



Agenda Item 4
Annex 3
Canterbury Road
Birchington
Kent CT7 9UB

Tel 01843

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

1st August 2017

Re: 374 Canterbury Road Birchington, CT79UB

APPEAL to ISSUE ALCOHOL LICENSE to above property 374.

Dear Sir/Madam,

I am contacting you regarding the application for an Alcohol License, at 374 neighbouring property to me". The second second this café at 374.

I Appeal the request for the "Supply of alcohol and late night refreshment" application, I will give me reasons as below.

My first objection is there is no planning permission in place for the change of use from a café to a licensed drinking premises or restaurant! I have been told that there must be planning consent in place before a "Supply of alcohol and late night refreshment" application is approved!

One thing I notice that the application is in the name of "Akter LTD" for the address of "Square meal café 374 Canterbury road". The recent sign has gone up is now named the premises "FishBone Grill Fully licensed", Who is the application going to be for out of these 3 names used?

I totally disagree with a Supply of alcohol and late night refreshment, on grounds that, public transport is restricted at these premises, the venue is over 1 mile from the main town of Birchington.

The risk of harm being caused to members of the Canterbury road (A28) as there is no pedestrian pavement to the front of 374 with no kerb, very low amount of street lighting, allowing drunken revellers to just wander in to the 40 MPH highway the A28. This is going to put road users at risk of collision!

The Licence applied for is to run from 10am till 23.30, and during the day time of these opening hours, in-addition to this the car wash is open 8am till 19.00, 7 days a week, which will allow patrons visiting 374 and consuming alcohol to cause antisocial behaviour, criminal damage, possibly even assault, if a disturbance arises. Property of mine are only several feet away from 374 they will be open for damage being caused, people sitting, leaning on cars drinking and smoking, that are sat there for sale, throwing glass bottles glasses around which could hit cars of mine. It could also give rise for patrons visiting 374 to park their car on my property of 376 and the car wash, to when we open find that they have left their vehicle on our property as they drunk too much and responsible drinkers will then get a taxi home. We will then find that we cannot open until there return as we have very limited space here and cannot accommodate any over flow parking from 374. Why have a Pub bar whatever you want to call it, open right next door to a car sales and a busy car wash. It will encourage car wash customers to consume Alcoholic beverages whilst having their car cleaned. We should be not encouraging drink driving, the Counsil open are a drink driving

Annex 3

awareness campaign this needs to be looked at with my comments raised. The nearest local taxi office to be able to walk to be in Westgate! Some 3-4 miles away, there is no local walk in cab pick up to accommodate.

Patrons will sit on the outside drinking/eating area of 374 with a pint or two whilst there car/van is being cleaned "which can take up to an hour at peak times (weekends)", who wouldn't on a nice sunny day, but then get behind the wheel and drive! This I wouldn't do, and this premises if Licensed next door to the car wash will encourage this for definite, please think about this! At peak times this car wash has 30 cars an hour pass through!!

I have got over 40 Kent Police Cad & crime numbers relating to antisocial behaviour that relate to members of the café staff, that are still workers of this premises, I do not want to keep adding to this. My Business has been subject to two drink drive RTA's over the past 12 months resulting in two massive insurance claims on my business insurance, again I do not want anymore, the premises serving alcohol next door till late hours of the night will generate further claims, of cranial damage, just look at other areas around the UK with this problem. I do not want to be dealing with anymore alcohol fuelled people like one incident I had to be confronted with last summer on the 30th Sept 2016, I was subject to criminal damage, assault, and frets to kill, with being driven at by a drunk driver 4 times. Was a very serious situation and never want to be in this positon again as the Police did not have enough units to get to me to help, even when I called 999, during the event.

I have today looked at the licencing website and this section I have copied here" They have also to take account of the views of the responsible authorities (such as the police, fire authority and environmental health) and interested parties (local residents and local businesses and those that represent such residents and businesses). That is where users of this web site are likely to come in.

Where there is a dispute triggered by either of these groups making a representation the Council must hold a hearing before making a decision" So I ask for the application to go to a HEARING please! And for me to be present at this hearing and notified of when it is?

- 1) The advertisement building shop sign states that the premises is a "licenced premises", this is not the case and should be removed as it is not licensed premises yet.
- 2) The original application F/TH/16/0637, was to turn the café in to a fish and chip shop with café, not a licenced restaurant with outside eating drinking areas.
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Annex 3
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Yours sincerely,



WW



Philip Bensted

From:

@sky.com>

Sent:

03 August 2017 17:44

To: Cc: Philip Bensted TDC Licensing

Subject:

licence application 374/376 Canterbury Rd

Dear Mr Bensted,

I would like to make representation <u>AGAINST</u> the premises licence made by Akter Ltd of 374/376 Canterbury Road CT79UB. My objections are. This would increase anti social behaviour, and increase noise through late night drinking and music playing into the early hours of the morning .As I am a resident to this site I feel security of my property will be at risk. There are families with young children opposite the site, it will increase drivers to drink drive onto busy road

Regards.

Resident Car

ATTENHION OIL BIREHINGTON,

14 AUC PILE/NO CT Y GUB.

11.08.2017.

To licensing Department;

As a resident to

374 Canterbury Road CTT 94B. I wish to

Object to the Premises license being granted.

I get with the hours stated

it will increwse anti social schowers

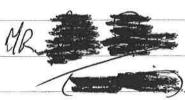
Noise distrebance to my self and other

residents some who have young children.

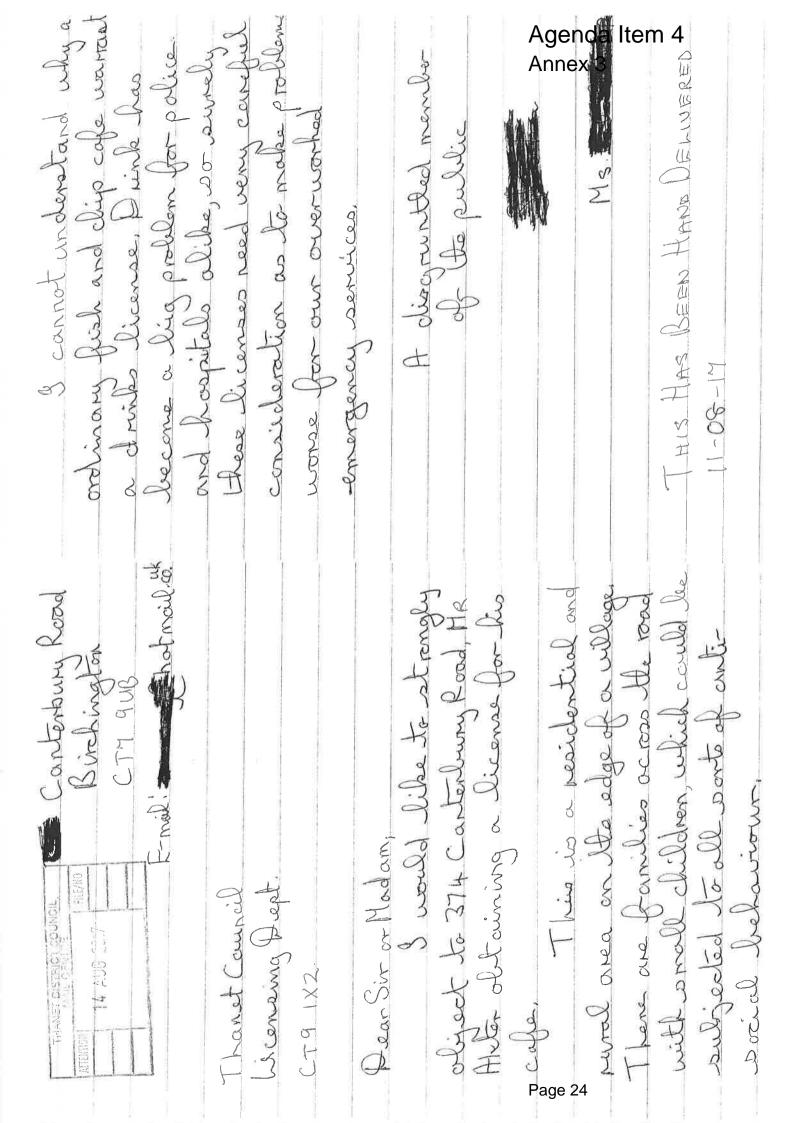
I also feel that the security If my

property will be put cet rish.

Regevils.



Page 23



Pear Sirs,

Sear S

to the possibility of our otherwise attractive, closer & tidy area to become a dumping ground bot sign saying FULLY LICENCED, even though he has not, as yet, been Finally & should like to soun with parking and queues of people that, having witnessed the muthish generated by similar fast boad ant lets, & object nost strongly spilling onto the road. O' ' mentioned delin's and also the out that we take is already paper, plastie a glaw want. I displaying a large illuminated possibility of anti-social dir and an very course major traffic problems erreemed about the above granted said licence.

case with the sale of alcohol.

Please give this letter your mest ungent attention as your most concerned about the possible effect on myself and other local residents, should this go alked







Canterbury Road, Birchington Kent CT7 9UB | 01843

15-08-2017

CT9 1XZ

Thanet District Council Licensing Department.
Thanet District Council,
Council Offices,
PO Box 9
Cecil Square
Margate
Kent.

Attention [FILE/NO
15 AUG 2017		AUG 2017	
	13	7,00 2011	1

Dear Thanet District Council Licensing Department.:

I am writing to object to a Premises Licence application which includes a Late Night Refreshment and extended opening hours for Christmas and New Years Eve that has been put in for The Square Meal Cafe, 374 Canterbury Road, Birchington, Kent CT7 9UB by Akter Ltd. Which is now called Fish Bone Grill on the sign on the front of the premises and Fish and Chips Café on the sign on the side of the premises.

The reason for this is as follows.

I feel that if this is allowed it would bring Crime and disorder to the area, as at the back of this establishment at the rear of the car park there is no fence or barrier, which they did have but now has been taken down, and goes straight onto the field, and as I am only about Meters away, and my garden also backs onto the field I am really worried and concerned that with this free access I will have people going into the field and gaining access to my property, especially with the late night hours that he intends to open and with alcohol fueled individuals and undesirables, why the need for alcohol and the late hours I do not understand, although the establishment has put late night refreshment from 23.00 to 23.30, this can change as a Late Night Refreshment is for sale of hot food and drink to the public ON or OFF the premises between 23.00pm until 05.00am, and the need for extending hours on Christmas and New Year's Eve also is worrying me as why would this establishment need this unless they intend to hold parties, which I know it is only hearsay but have heard that there will be music and flood lights at the back. I feel that it will encourage the gang of youngsters that are terrorising the Village at the moment with shops that are having their front windows smashed and flowers being ripped up from the council gardens and cars being keyed and damaged in the early hours to congregate to this establishment once they find out it is open and can buy alcohol and snacks and maybe have free run of the field behind, also there are no bins between us and the Village so where are there empty food trays, paper and cans going to go when they have finished, in our front garden or thrown on the street probably, I feel it will become a public nuisance area, and as this is a residential area and with families with young children living in close proximity would find that they are being woken up in the small hours with unruly behavior and noise that will occur not just with people but with vehicles screeching out of the car park which they do at the moment from the car park and they are not even open yet, also with banging of vehicle doors. I feel for myself and the public at large this should not be granted as it will cause more problems than enough.

You may say that we knew we had a café practically next door when we moved here eighteen years ago, but it was only open from 06.00am until 14.00pm Monday to Friday, but slowly but surely after two more owners it has gone to 6.00am until 17.00pm Monday to Saturday then Monday to Sunday now the establishment wants to potentially open twenty three hours a day 06.00am to 05.00am Seven days a week with alcohol, I am really getting distressed for my safety and wellbeing as to what will happen in the future if this goes ahead, as I suffer from anxiety and depression already.

Hope this meets with your kind consideration,



Canterbury Road, Birchington Kent CT7 9UB | 01843

@aol.con

15-08-2017

Thanet District Council Licensing Department.

Thanet District Council,

Council Offices,

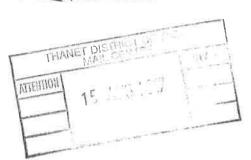
PO Box 9

Cecil Square

Margate

Kent.

CT9 1XZ



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You may say that we knew we had a café practically next door when we moved here eighteen years ago, but it was only open from 06.00am until 14.00pm Monday to Friday, but slowly but surely after two more owners it has gone to 6.00am until 17.00pm, Monday to Saturday, then Monday to Sunday, now the establishment wants to potentially open twenty three hours a day 06.00am to 05.00am Seven days a week with alcohol, I am really getting distressed for my safety and wellbeing as to what will happen in the future if this goes ahead.

Hope this meets with your kind consideration,

9.3 4

Yours sincerely.



> Jerry. > On a whole I do not have > any concerns with this application. Are you able to agree the > following conditions. > 1. > CCTV to be installed, working and maintained with a 30 day record > storage. Copies to be made upon request of the Police or Local > authority. > 2. > During opening hours there will be at least one member of staff that > can operate and download the CCTV. > If your client is happy to > accept these conditions. Then the Police will support the application. > If this is the case please > forward this email to Philip Benstead to confirm this. > Kind regards > Darren

>

> PC > DENNETT

Agenda Item 4 Annex 4

1



APPLICATION FOR TEMPORARY ACTIVITIES: TEMPORARY EVENT NOTICE APPLICATION BY: Duncan Bayles

Licensing Sub-Committee - 26th September 2017 at 10.30 a.m

Report Author Philip Bensted Regulatory Services Manager

Portfolio Holder Cllr Lin Fairbrass Community Services

Status For Decision

Classification: Unrestricted

Ward: 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 IM	PLICATIONS
Financial and Value for Money	None
Legal	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. 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.
Corporate	None.
Equalities Act 2010 & Public Sector Equality Duty	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. 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.

1.0 Introduction and Background

- 1.1 A temporary event notice has been received from Duncan Bayles of the Sundowners, Albert Terrace, Margate. The event is described as 'after party for Dreamland staff end of season staff party'. There will be the following licensable activities, regulated entertainment, late night refreshment and the sale of alcohol. It will take place on the 30th September between 9 p.m and 4 a.m at Sundowners, 1 Albert Terrace, Margate. The maximum number of people to be present will be 120. 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.
- 2.2 Objections must relate to the undermining of the licensing objectives, the prevention of crime and disorder, public safety, the prevention of public nuisance, the protection of children from harm.
- 2.3 A copy of the premises licence for the Sundowners 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 57630
Reporting to:	Penny Button, Head of Neighbourhood Services, ext 57425

Annex List

Annex 1	Temporary event notice
Annex 2	Police objection
Annex 3	Premises licence

Background Papers

Title	Details of where to access copy
N/A	

Corporate Consultation

Finance	N/A
Legal	N/A

Continued from previous po	-			
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)				
description and details be	10W 12cc also galdance of regimpletting the	10111, 110te 31		
Describe the nature of the	premises below <u>(see also guidance on con</u>	npleting the form, note 4)		
Bar & Restaurant serving f	food and drink with late licence			
Describe the nature of the	event below (see also guidance on comple	eting the form, note 5)		
the state of the s				
and DJ providing music in	or Dreamland Staff end of season staff part I the dance room, normal Bar activities. SIA	y. Entertainment would consist of 1 Drag Performer door security thoughout the duration of the event as		
per licence requirements.	Requesting a extension to the existing pre	emises license (3am to 4am).		
Section 4 of 9				
LICENSABLE ACTIVITIES				
State the licensable activit	ies that you intend to carry on at the premi	ses		
(see also guidance on com	pleting the form, note 6):			
☐ The sale by retail of a	Icohol			
The supply of alcoho member of the club	I by or on behalf of a club to, or to the orde	r of, a		
	llated entertainment			
	night refreshment			
		late notices can be given no leter them.		
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,		
Event Dates		<u>note 7).</u>		
There must be a period of a when you will be using the	at least 10 working days between the date see premises for licensable activities.	you submit this form and the date of the earliest event		
	ou intend to use these premises for licensal	ole activities		
(see also guidance on comp	oleting 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 and data				
Event end date	01 / 10 / 2017			
	dd mm yyyy			

Continued from previous page		
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)		
	120 nclude the supply of alcohol, state whether the	Note that the maximum number of people cannot exceed 499.
supplies will be for consumption (see also guidance on complet	on on or off the premises, or both ing the form, note 11):	
On the premises only		
Off the premises only		
C Both		
Section 5 of 9		
RELEVANT ENTERTAINMENT	(See also guidance on completing the form	n, note 12)
	will include the provision of relevant entertain	
State if the licensable activities	will include the provision of relevant entertain	
State if the licensable activities	will include the provision of relevant entertain	
State if the licensable activities period that you propose to pro	will include the provision of relevant entertain	ment. If so, state the times during the event
State if the licensable activities period that you propose to pro	will include the provision of relevant entertains ovide relevant entertainment	ment. If so, state the times during the event
State if the licensable activities period that you propose to pro Section 6 of 9 PERSONAL LICENCE HOLDER: Do you currently hold a valid	will include the provision of relevant entertains ovide relevant entertainment S (See also guidance on completing the form Yes No	ment. If so, state the times during the event
State if the licensable activities period that you propose to pro Section 6 of 9 PERSONAL LICENCE HOLDER: Do you currently hold a valid personal licence?	will include the provision of relevant entertains ovide relevant entertainment S (See also guidance on completing the form Yes No	ment. If so, state the times during the event
State if the licensable activities period that you propose to pro Section 6 of 9 PERSONAL LICENCE HOLDER: Do you currently hold a valid personal licence? Provide the details of your personal personal section in the section is a section in the section in the section in the section is a section in the s	will include the provision of relevant entertains ovide relevant entertainment S (See also guidance on completing the form Yes No Sonal licence below.	ment. If so, state the times during the event
State if the licensable activities period that you propose to prop	will include the provision of relevant entertains ovide relevant entertainment S (See also guidance on completing the form Yes C No Sonal licence below. Thanet District Council	ment. If so, state the times during the event



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	30 th September – 1 st October 2017	
Licensable activities proposed	The Sale by retail of alcohol The Provision of regulated entertainment. The provision of late night refreshment.	
Hours of licensable activities	2100 - 0400	
Name of Premises:	Sundowners	
Address of premises:	1 Albert Terrace Margate Kent CT9 1UJ	
Date and time TEN received by police	06/09/2017	
Date and time objection notice given to Licensing Authority and the premises user	08/09/2017	

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 that has been requested is unclear. Is this an event just for staff from

Dreamland, as this is what the TENs imply. Non-Dreamland staff, are they going to be allowed at the event?

Dreamland also employs a number of workers who are under the age of 18. With the conditions on the premises licence it would not include them to this event. How is this going to be managed?

There has also been an increase in violence against the person reports recently and this also causes the police concerns if this TENs was granted to 0400 hours.

Due to not enough information on this Ten the Police cannot support it.

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.

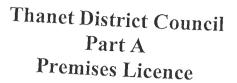
The applicant needs to provide full details of how this event is going to be run.

Signed:

Print name: PC Darren Dennett

Date: 08/09/2017

Force Number:





Premises licence number

LN/200800097

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description Sundowners 1 Albert Terrace Post town Margate, Kent Post code CT9 1UJ Telephone number 01843

Where the licence is time limited the dates

None

Licensable activities authorised by the licence

- 1) Indoor sporting events, live music (indoors), recorded music (indoors), performances of dance (indoors), anything of a similar description (indoors), making music (indoors), dancing (indoors), entertainment of a similar description (indoors).
- 2) Late night refreshment (indoors/outdoors).
- 3) Supply of alcohol (on and off the premises)

The times the licence authorises the carrying out of licensable activities

- 1) Mon-Sat 10am to 3am, Sun 12 noon to 3am
- 2) 11pm to 3am daily
- 3) Mon-Sat 10.00am to 2.30am, Sun 12 noon to 2.30am

The opening hours of the premises

Mon-Sat 10am to 3am, Sun 12 noon to 3am

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

On and off the premises

Part 2

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

Mr Duncan Andrew Bayles

Hatfeild Road, Margate, Kent CT9 5BL

01843

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

Not Applicable

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

Mr Duncan Andrew Bayles

Hatfeild Road, Margate, Kent CT9 5BL

01843

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

LNA

Thanet District Council

Issued on the 28 July 2017

To commence on the 07April 2008

Regulatory Services Manager

Bastan

Annex 1 – Mandatory conditions

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

- a) At a time when there is no designated premises supervisor in respect of the premises licence, or
- b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Any Door Supervisor employed at the premises will be licensed under the Private Security Industry Act 2001.

- 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 vize 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 antisocial 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 –

$$P = D + (DxV)$$

where -

- i. P is the permitted price,
- ii. D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence
 - i. The holder of the premises licence,
 - ii. The designated premises supervisor (if any) in respect of such a licence, or
 - iii. The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or

officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

Annex 2 – Conditions consistent with the operating Schedule

- 1) The Premises Licence Holder shall ensure that notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- 2) The Premises Licence Holder shall ensure that all staff shall be suitable trained for their job function. The training shall be recorded, ongoing and under constant review, and records must be available to a relevant Responsible Authority when called upon.
- 3) The Premises Licence Holder shall operate a 'Challenge 25', or similar, scheme at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over 18. Proof of age shall only comprise of a passport, a photo-card driving licence or an industry approved proof of age identity card.
- 4) The Premises Licence Holder shall ensure that notices shall be prominently displayed in the premises to advise patrons and staff that a 'Challenge 25', or similar, scheme operates in the premises.
- 5) The Premises Licence Holder shall ensure that an 'Admissions Policy' is adopted which will be utilised as part of the conditions of entry; such policy to be drafted after consultation with the Police Licensing Officer and not amended without further consultation.
- 6) The Premises Licence Holder shall ensure that door supervisors, when employed at the premises, are all individually registered with the Security Industry Authority (SIA); the SIA name badge being displayed at all times whilst on duty.
- 7) The Premises Licence Holder shall ensure that all door supervisors, when employed at the premises, shall enter their full details in a register/log book at the commencement of work. This shall record their full name, home address and contact telephone number, the door supervisor's SIA registration

number; the time they commenced and concluded working. If the door supervisor was supplied by an agency, details of that agency will also be recorded including the name of the agency, the registered business address and a contact telephone number.

- 8) The Premises Licence Holder shall ensure that from midnight on any day the premises are open for licensable activities, no drinks will be allowed outside in the smoking area unless in polycarbonate, plastic or similar containers.
- 9) The Premises Licence Holder shall ensure that off-sales after 11pm will be in a sealed container.
- 10) The Premises Licence Holder shall ensure that, with the exception of those patrons exiting the venue to smoke, there will be no re-entry after 1.30am on any day the premises is open for licensable activities.
- 11) The Premises Licence Holder shall ensure that drinks served for consumption after 9pm on any trading day within the designated outside terrace, shall be dispensed in polycarbonate, plastic or similar bottles or glasses.
- 12) All doors and windows to remain closed, except for access and egress, when regulated entertainment is taking place.
- 13) Children shall not be permitted to remain on the premises after 9pm.
- 14) CCTV shall be installed and maintained at the premises. Recordings shall be available to Police and Licensing Authority Officers upon request.
- 15) The Terrace Deck above the Victorian shelter shall be limited to a maximum of 120 persons and that area shall be capable of seating 120 at all times.

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

None

Annex 4 – Plans

Plans considered April 2008

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 <u>must</u> 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:

- 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;
- 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 <u>must</u> 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.