



Date: 29/11/2017
Ask For: Emily Kennedy
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Email: emily.kennedy@thanet.gov.uk

LICENSING SUB COMMITTEE

7 DECEMBER 2017

A meeting of the Licensing Sub Committee will be held at **10.00 am on Thursday, 7 December 2017** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillors: Johnston, Rogers and Curran

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. **TEMPORARY EVENT NOTICE APPLICATION BY: PHILIP GRIFFITHS** (Pages 3 - 24)

Declaration of Interests Form

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**APPLICATION FOR TEMPORARY ACTIVITIES:
TEMPORARY EVENT NOTICE APPLICATION
BY: Philip Griffiths**

Licensing Sub-Committee – 7th December 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 North**

Executive Summary:

To consider this application for temporary activities in the light of objections made by Environmental Protection

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</p>

	aim (i) of the Duty applies to Marriage & civil partnership.
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1.0 Introduction and Background

- 1.1 A temporary event notice has been received from Philip Griffiths of the Old Bay Alehouse, 137 Minnis Road, Minnis Bay, Birchington. The event is described as 'New Years Eve'. There will be the following licensable activities, the sale of alcohol. It will take place on the 31st December/1st January between 12.30 and 1 a.m at the Old Bay Alehouse. The maximum number of people to be present will be 80. 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 Environmental Protection 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 Old Bay Alehouse 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

<i>Annex 1</i>	Temporary event notice
<i>Annex 2</i>	Environmental Protection objection
<i>Annex 3</i>	Premises licence

Background Papers

Agenda Item 4

Title	Details of where to access copy
N/A	

Corporate Consultation

Finance	N/A
Legal	N/A

Agenda Item 4

Annex 1

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)

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

Micropub

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

Extended opening hours (New years Eve) for sale of alcohol in existing licensed premises.

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

31	/	12	/	2017
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

01	/	01	/	2018
dd		mm		yyyy

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

12.30 to 01.00am

(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

80

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

y

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

From: Christopher Brown
Sent: 23 November 2017 16:11
To: [REDACTED]@gmail.com
Cc: TDC Licensing; Philip Bensted; TDC Planning Enforcement
Subject: Re : TEN application - 31/12/17 - 01/01/18 - Old Bay Alehouse, 137 Minnis Road Birchington

Mr Griffiths,

I have been asked to comment on the above TEN application on behalf of Environmental Health.

I note that you have applied for alcohol provision on 31st December (Sunday) 2017 between 12:30pm until 1st January (Monday) 2018 at 01:00am. I note your normal hours are 11:00am until 10:30pm Monday to Sunday with a 23:00pm closure.

On checking the planning permission for the site (attached) I am of the opinion that by operating your TEN you will be in breach of your planning permission for the site. Condition 4 limits your hours to 10:30am until 23:00pm Monday to Sunday. Unfortunately given this information I will therefore have to object to the application on the grounds of the prevention of public nuisance and the prevention of crime and disorder.

To make changes to your planning permission you would need to speak to the planning department.

Regards,

Christopher Brown

Environmental Protection Officer

Thanet District Council

www.thanet.gov.uk

Direct Dial: 01843 [REDACTED]

E-mail [REDACTED]

Thanet District Council

Notification of Grant of Permission to Develop Land
Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure)
Order 2015



To: Mr Philip Griffiths
Cuthbert Road
WESTGATE ON SEA
CT8 8NR

F/TH/16/1597

TAKE NOTICE that **THANET DISTRICT COUNCIL**, the District Planning Authority under the Town and Country Planning Acts, has **granted permission** for:

PROPOSAL: Change of use from retail (Use Class A1) to Micropub (Use Class A4)
LOCATION: 137 Minnis Road, BIRCHINGTON, Kent

In coming to this decision regard has been had to the following policies:
Thanet Local Plan Policies:

D1 Design Principles

TR16 Car Parking Provision

The application was processed having regards to the National Planning Policy Framework, which requires that where there are potential solutions to problems arising in relation to dealing with planning applications, the Council will work with applicants in a positive and proactive manner to seek solutions to those problems.

The permission is SUBJECT TO the conditions specified hereunder:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

GROUND:

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

- 2 The development hereby approved shall be carried out in accordance with the submitted drawings: Site Location Plan received on 18th November 2017

GROUND:

To secure the proper development of the area.

- 3 There shall be no amplified music played at any time at the premises during its use under the A4 planning class.

GROUND:

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy D1 of the Thanet Local Plan.

Agenda Item 4

Annex 2

- 4 The use of the premises hereby approved shall not be used other than between the hours of 10:30-23:00 Monday to Sunday.

GROUND:

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy D1 of the Thanet Local Plan.

- 5 The ceiling that separates the residential and commercial unit shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) by no less than 53 decibels. The weighted standardized difference (DnT, W) a spectrum adaption term, Ctr, is quoted according to BS EN ISO 10140; 2011 Acoustics- Measurement of sound insulation in buildings and of building elements- Part 4: Field measurements of airborne sound insulation between rooms.

GROUND:

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy D1 of the Thanet Local Plan.

- 6 The site shall not accept deliveries outside of 08:00am to 18:00pm Monday to Friday.

GROUND:

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy D1 of the Thanet Local Plan.

- 7 There shall be no tables and chairs associated with the premises placed on the highway outside the premises at any time.

GROUND:

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy D1 of the Thanet Local Plan.

Dated: 16 January 2017
Thanet District Council
P.O Box 9
Cecil Street
Margate
Kent CT9 1XZ

Signed



Emma Fibbens
Chartered Planner



**Thanet District Council
Part A
Premises Licence**

Premises licence number

LN/201700069

Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
The Old Bay Alehouse 137 Minnis Road	
Post town Birchington, Kent	Post code CT7 9NS
Telephone number [REDACTED]	

Where the licence is time limited the dates

None

Licensable activities authorised by the licence

Supply of alcohol (on and off the premises)

The times the licence authorises the carrying out of licensable activities

11am to 10.30pm daily

The opening hours of the premises

11am to 11pm daily

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

On and off the premises

Agenda Item 4
Annex 3

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

Mr Philip John Griffiths
Cuthbert Road, Westgate on Sea, Kent CT8 8NR
[REDACTED]

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 Philip John Griffiths
Cuthbert Road, Westgate on Sea, Kent CT8 8NR
[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 08 February 2017

To commence on the 01 March 2017

Regulatory Services Manager _____

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.

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.

Annex 2 – Conditions consistent with the operating Schedule

- 1. The Licence holder shall erect and maintain clear and prominent notices displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.**
- 2. Customers shall not take their drinks outside the premises other than in a sealed container.**
- 3. CCTV shall be installed, working, recording and maintained with a 30 day record function. At all times when licensable activity takes place there shall be at least one member of staff that can operate and download footage upon request of the Police or Local Authority.**

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

None

Annex 4 – Plans

Plans considered February 2017

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.