

## LICENSING SUB COMMITTEE

Minutes of the meeting held on 19 December 2017 at 10.00 am in Council Chamber,  
Council Offices, Cecil Street, Margate, Kent.

**Present:** Councillors K Coleman-Cooke and Matterface

### 611. ELECTION OF CHAIRMAN

Councillor Coleman-Cooke proposed, Councillor Matterface seconded and it was agreed that Councillor Matterface be the Chairman.

### 612. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Crow-Brown.

### 613. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 614. APPLICATION FOR PREMISES LICENCE - FEZ 40 HIGH STREET MARGATE

Also present:

Officers: Mr Bensted, Regulatory Services Manager  
Mr Brown, Environmental Health Officer  
Mr C Evans, Assistant Litigation Officer

Applicant: Mr P Evans

Objector: Mr Minerva-Crolla

Mr Bensted outlined the report to the Licensing Sub-Committee (Sub-Committee) in respect of the application for a premises licence at Fez 40 High Street, Margate. Two objection letters and an objection from the Environmental Health had been received.

Mr Minerva-Crolla addressed the Sub-Committee noting that he was concerned about the volume of noise from the premises particularly in the summer months when the window and door were open to keep the premises cool.

Mr Brown addressed the Sub-Committee during which it was noted that:

- Two attempts to contact the applicant were made without response before an objection to the application was raised.
- Environmental Health had not received any complaints regarding the premises.
- There should be a 30 minute drinking up time to aid dispersal at the end of the night.
- Conditions 1, 3 and 4 from the previous licence should be transferred to the new license.
- When music was playing the window and door should be closed.

The applicant did not have any questions for the Regulatory Services Manager or objectors.

The Sub-Committee did not have any questions for the Regulatory Services Manager or objectors.

Mr P Evans addressed the committee and offered apologies to Mr Minerva-Crolla for any disturbance caused. During the address and following questions from the Sub-Committee, Regulatory Services Manager and Environmental Health Officer, it was noted that:

- The door had remained open in the summer to let out heat.
- If a new licence was granted then the old license would be surrendered.
- Air conditioning would be difficult to install in the premises.
- Direction and volume of music could be controlled to minimise the noise emanating from the front of the premises.
- Changes to the live music act allowed live music until 11:00pm.

The Su-committee agreed that:

“Having heard from the Regulatory Services Manager, the applicant, the Environmental Health Officer and Mr Minerva–Crolla, it was noted that concerns were raised about the volume and level of music. However having heard the discussions with the Environmental Health Officer and the applicant, the Sub-Committee have decided to grant the application with the conditions referred to on page 23 of the agenda, the Environmental Health Officer’s recommendations, namely:

1. Alcohol times shall be 12:00pm until 22:30pm, Monday to Thursday, 12:00pm until 23.30pm Friday and Saturday and 12:00pm until 22:00pm Sunday.
2. Live Music and recorded music shall follow the alcohol times other than Friday and Saturday where it shall be 12:00pm until 23:00pm. It is noted that the changes to the live music act would allow times of 12:00pm until 23:00pm anyway.
3. Closing time shall be 12:00pm until 23:00pm Monday to Thursday, 12:00pm until 00:00am Friday and Saturday and 12:00pm until 22.30pm and Sunday.
4. Alcohol on 24<sup>th</sup> December into 25<sup>th</sup> December and 31<sup>st</sup> December into 1<sup>st</sup> January shall run from 12:00pm until 00:00am with a closing time of 00.30am.
5. Conditions 1,2 and 4 from the old licence are transferred to the new licence.

In addition the Sub-Committee wished to add that when live music was played all doors and windows must be kept closed, and if possible that music be directed towards the bar to minimise the sound going towards the front of the building. These conditions were in order to support the licensing objective for the prevention of public nuisance.”

**615. APPLICATION FOR TEMPORARY EVENT NOTICE BY: DEVON GRACE FARLEY**

This item was withdrawn.

**616. APPLICATION FOR TEMPORARY EVENT NOTICE BY: JOHN FREDERICK MORPHY**

Also present:

Officers: Mr Bensted, Regulatory Services Manager  
Mr Brown, Environmental Health Officer  
Mr Evans, Assistant Litigation Officer

Mr Bensted advised that the report was in respect of the application for a temporary event notice at the Bake & Alehouse, 21 St Mildreds Road, Westgate. It was noted that the applicant was not in attendance but had been advised of the meeting.

Mr Brown addressed the Sub-Committee highlighting that Environmental Health raised an objection to the application as the extended hours requested would be in breach of planning permission conditions for the premises.

The Sub-Committee had no questions for Mr Brown or Mr Bensted.

The Sub-Committee agreed:

“Having read the report and having heard from the Environmental Health Officer, and noting the applicant was not in attendance but had been advised of the proceedings, the Sub-Committee decided on Option 3.2- to refuse the notice as it would be in breach of planning permission. A temporary event notice did not relieve the premises user from any requirements under planning law for appropriate planning permission where it was required. The hours were conditions to protect residential amenity. The refusal was based on the grounds of protection of public nuisance and the prevention of crime and disorder.”

Meeting concluded: 10.55 am