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Date:11/12/2017Ask For:Emily KennedyDirect Dial:(01843) 577046Email:emily.kennedy@thanet.gov.uk



LICENSING SUB COMMITTEE

19 DECEMBER 2017

A meeting of the Licensing Sub Committee will be held at <u>10.00 am on Tuesday, 19</u> <u>December 2017</u> in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillors: Crow-Brown, K Coleman-Cooke and Matterface

<u>A G E N D A</u>

<u>Item</u> <u>No</u> Subject

1. APOLOGIES FOR ABSENCE

2. 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.'

3. <u>APPLICATION FOR PREMISES LICENCE - FEZ 40 HIGH STREET MARGATE</u> (Pages 3 - 24)

Declaration of Interests Form

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APPLICATION FOR PREMISES LICENCE – FEZ 40 HIGH STREET MARGATE

Licensing Sub-Committee – 19th December 2017 at 10 a.m

Report AuthorPhilip Bensted Regulatory Services ManagerPortfolio HolderCllr Lin Fairbrass Community ServicesStatusFor DecisionClassification:Unrestricted

Ward: Margate Central

Executive Summary:

To consider this application for a premises licence in respect of Fez 40 High Street, Margate in the light of representations received.

Recommendation(s):

The instructions of the Sub-Committee are requested

CORPORATE IM	PLICATIONS
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
Corporate	public. None.
Equalities Act	
2010 & Public	Equality Duty (section 149 of the Equality Act 2010) to have due regard to
Sector Equality Duty	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 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 Philip Andrew Evans for a premises licence which includes the supply of alcohol on and off 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.
- 1.3 A premises licence was granted to these premises in December 2015. A copy of that licence is appended at Annex 3.

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. Two public objections have been received which are appended at Annex 4.
- 2.2 The applicant is further required to give notice of the application to responsible authorities. Environmental Health have lodged an objection. A copy of that objection is appended at Annex 5.
- 2.3 The Licensing Sub-Committee will be aware that it must carry out its functions under the 2003 Licensing Act to take steps which are appropriate for the promotion of the licensing objectives. The Licensing objectives are:- the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm. In carrying out its licensing functions, the Licensing Sub-Committee must also have regard to its statement of licensing policy and the Guidance issued under the Act.
- 2.4 The four licensing objectives are the matters the Licensing Sub-Committee must address when considering whether to grant or refuse the application. Each application should be considered on its merits. Reasons must be given for any decision made by the Sub-Committee.
- 2.5 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 29th November.

3.0 Options

- 3.1 Grant the application with conditions consistent with the Operating Schedule accompanying the application and the conditions mentioned at paragraph 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 Philip Andrew Evans.
- 3.5 Grant the application subject to different conditions in respect of different parts of the premises or different licensable activities.

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	Copy of premises licence
Annex 4	Public objections
Annex 5	Environmental Health objection

Background Papers

Title	Details of where to access copy
N/A	

Corporate Consultation

Finance	N/A
Legal	N/A

Agenda Item 3

YYYY

YYYY

DD

DD

MM

MM

04+220+7

Part 3 Operating Schedule

When do you want the premises licence to start?

If you wish the licence to be valid only for a limited period, when do you want it to end?

Please give a general description of the premises (please read guidance note 1) MICROPUB SPECIALISING IN REAL ALE AND REAL CIDEK. HIGH STREET LOCATION. SINGLE ROOM WITH BAR AND COLD ROOM AT REAR. TOKET AT REAR LEFT SIDE.
If 5,000 or more people are expected to attend the premises at any one time,

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Prov	ision of regulated entertainment	Please tick any 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)	X
f)	recorded music (if ticking yes, fill in box F)	$\mathcal{B}_{\mathcal{B}_{\mathcal{A}}} \times$
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

Provision of late night refreshment (if ticking yes, fill in box I)

ĩ

j.

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

In all cases complete boxes K, L and M

A

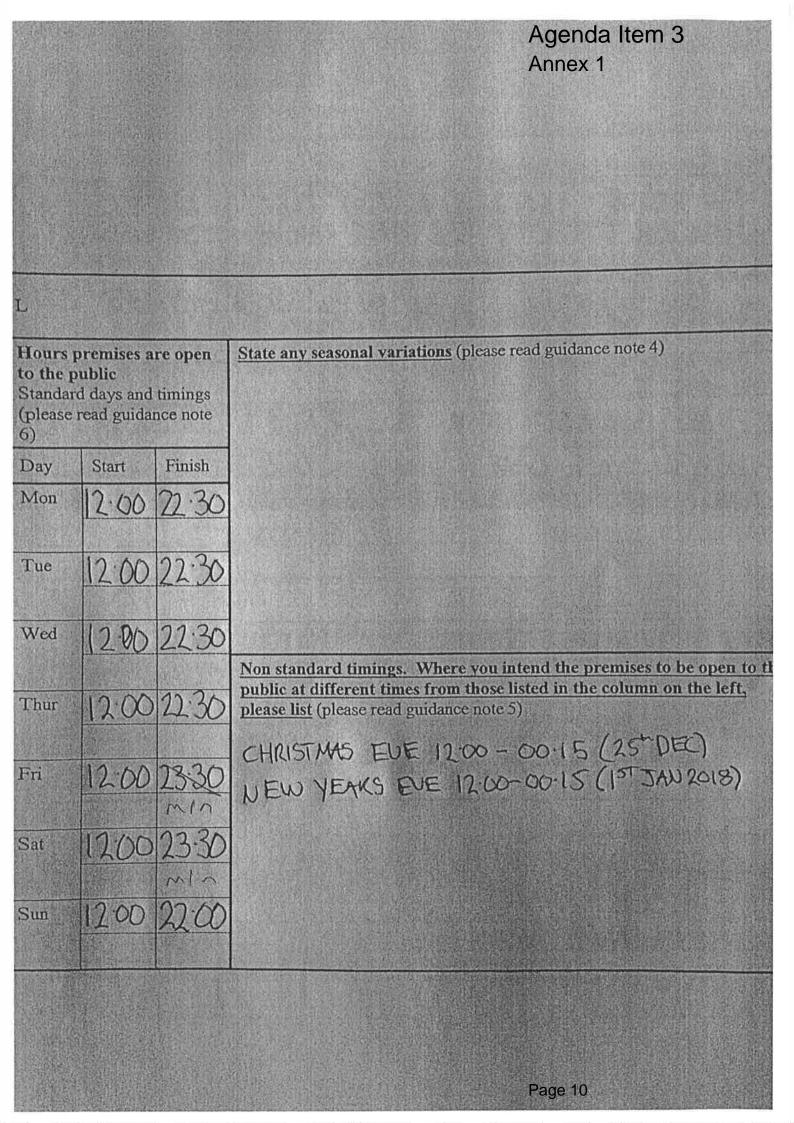
	rd days and read guida		Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		ance
Thur					
Fri		1	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

J

Standar	of alcohol d days and read guida	timings	Will the supply of alcohol be for consumption - please tick (please read guidance note 7)On the premises		
(please read guidance note 6)				Off the premises	
Day	Start	Finish	-	Both	M
Mon	12:00	22:30	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	12.00	22:30	3		
Wed	12.00	22:30			
Thur	12.00	22.30	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		he
Fri	12:00	23:30	Ieft, please list (please read guidance note 5) CHRISTMAS EUE 12:00 - 00 NEW YEARS EUE 12:00 - 00	0.15 (25"D	EC)
Sat	12:00	23:30	NEW YEARS EVE 12.00 - 00	13(1-5/-	
Sun	1200	22:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name PHILIP EVANS	
Address HENGROUE COTTAGES SHOTTENDANE ROAD MARGATE	
Postcode CT94NG	-
Personal licence number (if known) LN/2015	
Issuing licensing authority (if known) THAVET DISTRICT COUNCIL	



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 9) FEZ IS A FAMILY FRIENDLY COMMUNITY BASED PUB. GUALITY SERVICE AND CONVERSATION IS OUR AIM. NO DRINKS PROMOTIONS OR DIGCOONT ALCHOL.

b) The prevention of crime and disorder

RESPONSIBLE TRAINED STAFF AT ALL TIMES. NON SERVICE POLICY FOR THE UISABLY INTOXICATED THANET SAFE SUBSCRIBER CCTU OF BAR AREA AND PREMISIS ENTRANCE

c) Public safety

CLEAR SINAGE FOR "NO GLASSES OUTSIDE" "PLEASELEAUE QUIETLY AND RESPECT OUR VEIGHBOURS"

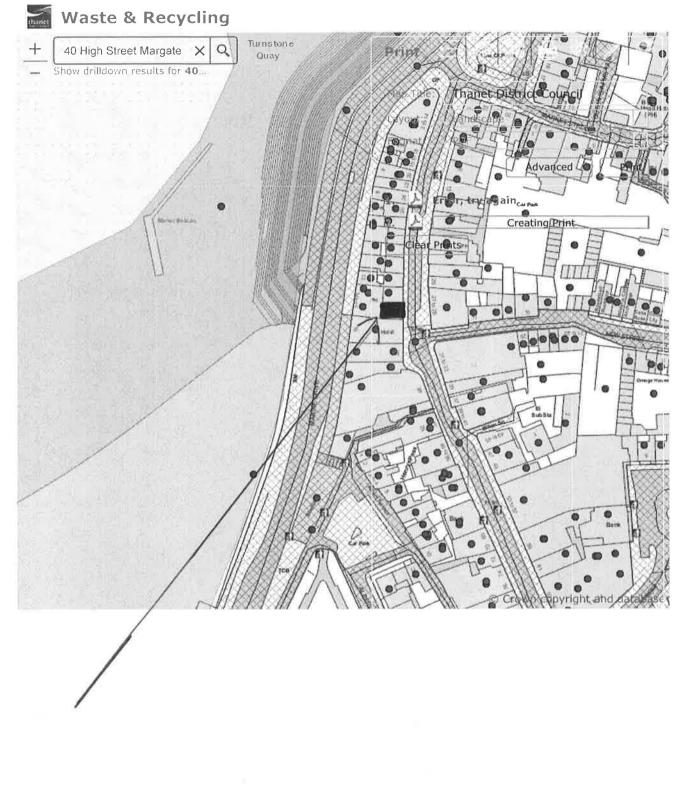
d) The prevention of public nuisance

STAFF TRAINED IN IDENTIFICATION CHECKS. NON SERVICE POLICY FOR ULSABLY INTOXICATED NO SMOKING INSIDE DISPLAYED, CIGARLETTE IDIN PROVIDED OUT SIDE IN VIEW OF CCTV.

e) The protection of children from harm CHILOREN MOST BE ACCOMPANIED BY A RESPONSIBLE ADULT. ZERO TOLEHAME POLICY TO DRUGS. PROTECTION OF CHLOREN FROM HARM POLICY ENFORCED BY ALL STAFF.

Waste & Recycling

Agenda Ite^{Pre}3^{of 1} Annex 2



30m 100ft

635481 171027 Meters

https://mapportal.thanet.gov.uk/webapps/waste_and_recycling/

Page 13

30/11/2017

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Agenda Item 3



Thanet District Council Part A Premises Licence

Premises licence number

LN/201500950

Premises details

 Postal address of premises, or if none, ordnance survey map reference or description

 Fez

 40 High Street

 Post town
 Post code

 Margate, Kent
 CT9 1DS

 Telephone number

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

12 noon to 10.30pm daily

The opening hours of the premises

9am to 11pm daily

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

On and off the premises

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

Mr Philip Andrew David Evans Hengrove Cottages, Shottendane Road, Margate, Kent CT9 4NG

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 Andrew David Evans Hengrove Cottages, Shottendane Road, Margate, Kent CT9 4NG

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/2

Thanet District Council

Issued on the 14 December 2015

To commence on the 14 December 2015

Regulatory Services Manager	$\sqrt{\sum}$
0 1	

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 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 licence holder or designated premises supervisor shall ensure that no alcohol purchased on the premises is allowed to leave the premises and enter the public highway. This shall include the removal of drinks from patrons leaving the building temporarily to smoke outside.
- 2. Off sales shall only be made in a sealed container.
- 3. CCTV shall be installed and working at the premises. It shall record and be maintained and allow for 30 days recording.
- 4. Signage shall be erected on all entry and exit points from the building requesting that patrons respect neighbouring properties during their visit and leave quietly.

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

None

Annex 4 – Plans

Plans considered December 2015

Philip Bensted

From: Sent: To: Subject: 29 November 2017 19:01 TDC Licensing Re Fez Extended Licensing Hours

To whom it may concern

I object to an extension of The Fez bar. Their music is too loud and they often leave the door open which is disturbing especially at night.

Kind regards

Margate CT9 1DX 01843

Dear Mr Bensted,

Agenda Item 3 Annex 4

I would like to object to Fez extending their opening hours to 11.30pm on Friday and Saturday nights and believe this is the only platform on which I can voice my opinion on how the area in which I live develops.

Although, in my opinion, generally well run and a good addition to the night time economy of the High Street. As a near resident their live/amplified music has been just bearable when ending at 10.00pm.

Particularly in summer, when the front door remains open for revellers to smoke and drink on the street, the noise can carry and be a real public nuisance.

Perhaps a clause stipulating that live/amplified music must end by 10.00pm would be a happy compromise?

I appreciate that we live in the centre of town, but town centres must also be amenable and attractive places to live if the town is to develop in a healthy and fruitful way for all.

(Please do not publish my objection on the TDC web site, if there is a problem with this please get in touch)

Best Regards,

New St Margate CT9 1EG

Philip Bensted

From:
Sent:
To:
Cc:

Christopher Brown 29 November 2017 11:19 TDC Licensing; Philip Bensted Philip Evans (Company); Caracado (Company);

Subject:

Re : Premises Licence Application - FEZ - 40 High Street Margate

Licensing,

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

I have e-mailed the applicant but unfortunately I have not received a response. As today is the last day of comment this has left me with no option other than to object to the application. I would withdraw my objection if the following changes and transfer of conditions were agreed.

- 1) Alcohol times shall be 12:00pm until 22:30pm Monday to Thursday, 12:00pm until 23:30pm Friday and Saturday and 12:00 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 on Sunday.
- 4) Alcohol on 24th December into the 25th December and 31st December into 1st January shall run from 12:00pm until 00:00am with a closing time of 00:30am.
- 5) Conditions 1, 2 & 4 from the old licence are transferred to the new licence.

Regards,

Christopher Brown Environmental Protection Officer Thanet District Council <u>www.thanet.gov.uk</u> Direct Dial: 01843 This page is intentionally left blank

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:

- 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 <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	r –
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.	
thanet	