

Date: 18/12/2017
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LICENSING SUB COMMITTEE

4 JANUARY 2018

A meeting of the Licensing Sub Committee will be held at **10.30 am on Thursday, 4 January 2018** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillors: J Fairbrass, Crow-Brown and L Potts

A G E N D A

Item
No

Subject

1. **ELECTION OF CHAIRMAN**

2. **APOLOGIES FOR ABSENCE**

3. **DECLARATIONS OF INTEREST**

'To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest Form attached at the back of this Agenda. If a Member declares an interest, they should complete that form and hand it to the Officer clerking the meeting and then take the prescribed course of action.'

4. **APPLICATION FOR REVIEW OF PREMISES LICENCE - THE FALCON INN, 460 MARGATE ROAD, BROADSTAIRS** (Pages 3 - 28)

Declaration of Interests Form

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**APPLICATION FOR REVIEW OF PREMISES LICENCE – THE
FALCON INN 460 MARGATE ROAD
BROADSTAIRS**

Licensing Sub-Committee – 4th January 2018 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: **St. Peters**

Executive Summary:

To consider this application to review the premises licence made by Acting Chief Inspector Rhiannan Pepper.

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

1.0 Introduction and Background

- 1.1 An application has been received for the review of the premises licence held by Ekogenia Limited in respect of the premises known as the Falcon Inn, 460 Margate Road, Broadstairs from Rhiannan Pepper, Acting Chief Inspector of Police.
- 1.2 These premises have held a premises licence since November 2005. The licence was transferred to Ekogenia Limited in 2009. Sandra Alison Jackson became the designated premises supervisor in October 2017. A copy of the premises licence is appended at Annex 1. A map of the area showing the location of these premises is at Annex 2.
- 1.3 Licensable activities are shown on that premises licence and the times can be found at Annex 1, together with the conditions attached to the licence.
- 1.4 The grounds for review of the licence are set out in the application, which is appended at Annex 3.

2.0 General Points

- 2.1 Applicants for review of a premises licence are required, as part of the licensing procedure, to send copies of the application to other responsible authorities. The Licensing Authority must advertise the review for twenty eight days, giving interested parties the opportunity to make representations. Representations have been received from Environmental Protection which are appended at Annex 4. The application was advertised by notice on the premises and on the public notice board in the Gateway, the main Council Offices.
- 2.2 Before determining the application, the Licensing Authority must hold a hearing to consider it and any relevant representations. The Authority must, having regard to the application and any relevant representations, take such steps, if any, mentioned under 'options' at paragraph 3, it considers appropriate for the promotion of the licensing objectives. The Guidance issued by the Home Office should also be considered.
- 2.3 The licensing objectives are the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm. Reasons must be given for any decision made by the Sub-Committee.

3.0 Options

- 3.1 To modify the conditions of the licence (for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added).
- 3.2 To exclude a licensable activity from the scope of the licence.
- 3.3 To remove the designated premises supervisor.
- 3.4 To suspend the licence for a period not exceeding three months.
- 3.5 To revoke the licence.
- 3.6 To take none of these steps and take no action, or, take informal action such as a warning or guidance.

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>	<i>Premises licence</i>
<i>Annex 2</i>	<i>Map of the area</i>
<i>Annex 3</i>	<i>Review application</i>
<i>Annex 4</i>	<i>Environmental Protection representations</i>

Background Papers

Title	Details of where to access copy
N/A	

Corporate Consultation

Finance	N/A
Legal	N/A

Thanet District Council
Part A
Premises Licence

**Premises licence number**

LN/2005[REDACTED]

Part 1 – Premises details

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

The Falcon Inn
 460 Margate Road

Post town
 Broadstairs, Kent

Post code
 CT10 2PR

Telephone number
 01843 [REDACTED]

Where the licence is time limited the dates

None

Licensable activities authorised by the licence

- 1) Indoor sporting events, live music (indoors), facilities for dancing (indoors), entertainment of a similar description (indoors)
- 2) Recorded music (indoors)
- 3) Supply of alcohol (on and off the premises)

The times the licence authorises the carrying out of licensable activities

- 1) Mon – Sat 10.00am to 1.00am, Sun – 11.00am to 1.00am
- 2) Mon – Sat 10.00am to 1.30am, Sun – 11.00am to 1.30am
 Fri/Sat/Sun/Mon of each May Bank Holiday weekend, and August Bank Holiday weekend, Thurs/Fri/Sat/Sun/Mon of Easter Bank Holiday weekend, and Christmas Eve and Boxing Day a further additional hour. New Year's Eve until close on New Year's Day
- 3) Mon – Sat 10.00am to 1.00am, Sun – 11.00am to 1.00am
 Non-standard days mentioned at 2) above an additional hour. New Year's Eve until close on New Year's Day

The opening hours of the premises

As at 2) above

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

On and off subject to mandatory conditions

Part 2

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

Ekogenia Limited
■ Grange Road, Ramsgate, Kent, CT11 9LR

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

6889663

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

Mrs Sandra Alison Jackson
■ Bradgate Caravan Park, Manston Court Road, Margate, Kent CT9 4LG
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

LN ■

Thanet District Council

Issued on the 09 October 2017

To commence on the 24 November 2005

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.

Regulated Entertainment – (See below and pages 4-10)

Maximum Number of Persons admitted 80 Persons

THANET DISTRICT COUNCIL
CONDITIONS UPON WHICH THE ATTACHED
LICENCE IS GRANTED

WARNING

Failure to comply fully may result in legal proceedings being instituted and the Licence being reviewed.

CONTROL AND CONDUCT OF PREMISES

1. The licensed premises shall only be kept or used for regulated entertainment between the hours as shown on the premises licence.
2. The Designated Premises Supervisor (DPS) shall take all due precautions for the safety of the audience, the performers and the employees, and, except with the consent of the Council in writing, shall retain control over all parts of the premises.
3. The DPS/Licence Holder shall comply with any reasonable fire prevention or safety measure that may be required of them by the Kent Fire Brigade or Council.
4. The maximum numbers of persons admitted to the licensed area of the premises shall not exceed those shown on the attached Schedule. Having regard to the part of the premises subject to the Licence, if the public are allowed access to that area via more than one entrance, or the licensed area consists of more than one floor level, then the DPS must make and maintain suitable provision to ensure that the above maximum permitted number are not exceeded.
5. The DPS shall ensure, when letting the premises, hall or room for any function, that the hirer is aware of all the conditions attached to the Licence and complies with them.
6.
 - (a) The DPS, or the person in charge nominated by the DPS and being a responsible person, shall throughout the whole time the premises are open to the public be present and be assisted by a sufficient staff of competent attendants on the basis of at least one attendant for every 100 persons or part thereof. If the number exceeds 100 on any floor, a minimum of two attendants is required on that floor. In the case of regulated entertainment wholly or mainly for children, the number of attendants shall be at least four for every 100 persons or part thereof. All attendants shall be instructed by the DPS or the person in charge as to their duties in the event of a fire or panic.
 - (b) The DPS, the person in charge and all such attendants shall take due precautions for the prevention of accidents, and shall abstain from any act whatever which tends to cause fire.
 - (c) The DPS, the person in charge of the premises and all such attendants shall be properly instructed in the protection of the premises from fire, the use of the fire appliances provided and the method of summoning the Fire Brigade.

7. Authorised Officers of the Thanet District Council, Kent County Council, Police Officers on duty and Officers of the Fire Brigade on duty shall be admitted immediately at all reasonable times to all parts of the premises.
8. The DPS shall, having regard to the licensed premises, ensure that:
 - (a) no special effects, such as foam, smoke producing equipment, pyrotechnics of any description or lasers, shall be used or introduced; and
 - (b) no structural or other alterations or change of use to any part of the premises affecting fire precautions or safety shall be made; and
 - (c) no exhibition, demonstration or performance of hypnotism (as defined in Section 6 of the Hypnotism Act 1952) shall be given on any person;

unless:-

- (i) An application in writing for approval has been submitted to the Council with such details as the Council may require, and
 - (ii) The Council is given at least 28 days prior notice to consider any such application, and
 - (iii) If written approval is subsequently given by the Council, there is full compliance with such terms, restrictions and conditions as the Council may reasonably attach.
9. A notice stating the position of the nearest telephone which would be available whilst the premises are in use under the Licence shall be prominently displayed in a conspicuous position adjacent to each fire extinguisher. The Fire Brigade shall be called to any outbreak of fire, no matter how small it may appear.
10. The licensed premises shall not be open for the purposes for which this Licence is granted on any occasion when the Council shall have signified their desire in writing to the occupier or other person having at the time the care and management of such premises that the same should not be open.
11. The DPS shall, to the best of his ability, maintain and keep good order and decent behaviour in the building during the permitted hours of entertainment.
12. (Paragraph deleted).

MEANS OF ESCAPE IN CASE OF FIRE

13. Where drinks are supplied to persons attending the entertainment in glasses or bottles, the DPS should ensure that empty glasses and bottles are collected regularly and that no person is permitted to take a glass or bottle from the premises.
14. All gangways shall be at least 1070 mm in width, and all gangways and exits shall be maintained clear of obstruction during the whole time the premises are used for licensed purposes. Persons shall not be permitted to sit or stand in gangways unless prior approval has been obtained from the Council.
15. Exit doors, if fastened during the time persons are on the premises, should be secured only by a form of fastening which will allow the doors to open immediately upon slight pressure being applied from within. Where panic bars or latches are fitted, the words "PUSH BAR TO OPEN" shall be indicated on the doors in bold block lettering of a conspicuous colour above the operating bar.

16. All exit doors approved by the Council for the purpose of egress from the premises shall be clearly indicated by a "FIRE EXIT" and if required "TO FIRE EXIT" signs. The sign shall be clearly visible from the access route to the door at all times.
17. All exits shall be instantly available for free egress during the whole time the public are on the premises.
18. Persons awaiting admission to the premises shall not be allowed to congregate in any position which will cause an obstruction to any persons leaving the building.
19. Only such parts of the premises as have been approved by the Council shall be used as retiring rooms, or cloakrooms, and provision for hanging hats or coats shall not be made in corridors, passages, gangways or exit ways used by the public.
20. Where collapsible gates or roll-up shutters are used these shall be locked in the open position whilst the public are present. Revolving doors shall not be used as exit doors.
21. The edges of the treads of steps and stairways shall be made conspicuous. All gangways, exit ways and the treads of steps and stairways shall be maintained with a non-slip surface.
22. The hangings or curtains over exit doors or across gangways shall be made to part in the centre, to hang so as to be readily drawn aside and not to trail on the floor, and be arranged so as not to conceal notices.

CONDITION OF PREMISES

Seating

23. In premises where seating is permitted for more than 200 persons, in the case of any entertainment for a close-seated audience, all chairs shall be clipped or battened together in units of not less than four, nor more than twelve.
24. The premises shall not be used for a closely-seated audience except in accordance with seating plans previously submitted to, and approved by, the Council in writing.

Electrical Installation and Equipment

25. All electricity supply controls to the electrical services or to any provision of main or primary lighting on the premises to be such that they are not able to be operated by any unauthorised person.
26. All electrical wiring, fittings, switches etc and appliances shall be properly maintained. Any alterations to the electrical installations shall comply with the current IEE Wiring Regulations.
27. All temporary electrical fittings are to be correctly wired and powered via recognised standard electrical outlets. Electrical leads to such fittings are to be run out of reach of the public.
28. Electric lamps and other electrical appliances used within the stage area shall be sited so that they are not liable to come into contact with drapes, scenery or properties.
29. All electric lampholders within reach of the public shall be kept fitted with lamps or otherwise protected and shall be so sited or protected to prevent burns.
30. A Certificate in accordance with the current edition of the IEE Wiring Regulations, issued by a Certificate holder of the National Inspection Council for Electrical

Installation Contracting or a member of the Electrical Contractors' Association or a professionally qualified electrical engineer, confirming that the electrical installations have been examined and tested and are in a safe working condition, shall be submitted to the Council. This Certificate shall be provided at least once every year, or if a shorter time is recommended on the current Certificate within that time, or on completion of any alteration to the electrical installation.

31. The DPS shall ensure that socket outlets for use with temporary or portable electrical equipment on or in the vicinity of any stage area, and any circuits associated with spotlights or other stage lighting equipment, shall be protected by one or more Residual Current Devices, as necessary, having an adequate load current rating and a 30mA tripping current.
32. Any Residual Current Device provided shall be correctly installed as an integral part of the fixed electrical installation and not be of the "plug-in" or portable type.

Gas Installation and Fittings

33. All mains gas installations and flues to gas appliances shall be properly maintained to the satisfaction of the Council who may require from time to time the testing and certification of the installation by a person considered suitably competent by the Council i.e. CORGI registered at the expense of the Licence Holder/DPS.
34. All gas supply controls to the gas services or to any gas appliance on the premises to be such that they are not able to be operated by any unauthorised person.

Fire Extinguishing Equipment

35. Fire appliances and equipment compatible with the nature and use of the premises shall be provided to the satisfaction of the Council and Kent Fire Brigade, with a minimum of 2 x 13A rating (9-litre capacity) extinguishers being provided within the premises.
36. All fire appliances and equipment provided within the premises shall be maintained in efficient working order at all times. The DPS shall submit to the Council together with the application for renewal a current certificate issued by a competent fire engineering organisation or body to the effect that each of the appliances and equipment provided in the premises has been inspected and tested in accordance with the current British Standard and is in good working order.

Toilets and Handwashing Facilities

37. Conveniently accessible sanitary conveniences and handwashing facilities shall be provided to the satisfaction of the Council.

These shall be at all times kept in good order and repair and be properly and effectively cleansed, ventilated, disinfected and supplied with hot and cold water, and the doors leading thereto shall be suitably marked. Adequate and separate sanitary conveniences shall be provided for person of each sex. Regard shall be had to British Standard 6465: Part 1: 1994 for cinemas, concert halls and theatres.

General

38. All stage scenery, drapes and curtains on stage shall be either of inherently flame-resisting material or be treated with a flame-retardant solution and maintained in this condition to the satisfaction of the Council and Kent Fire Brigade.
39. Accepted temporary decorations associated with festive occasions shall be confined to the main body of the hall. Such temporary decorations shall not be displayed on escape

routes and shall be so hung that there is no danger of them coming into contact with a source of ignition. More extensive decorations of a combustible nature shall not be used without the prior consent of the Council.

40. No rubbish or waste paper shall be stored or allowed to accumulate in any part of the licensed premises. Storage of necessary combustible materials shall be in such positions as may be approved by the Council. Rubbish or waste paper receptacles shall be of non-combustible material so as to minimise risk of fire. The licensed premises shall be maintained in a clean condition free of vermin.
41. All parts of the premises and fittings therein, including the seating, door fastenings and notices, shall be maintained at all times in good order and condition.
42. All floors, floor coverings and upholstery in the licensed premises shall be maintained in proper repair and in a clean condition.
43. Mats, matting and other floor coverings shall be secured and maintained so that they will not ruck or be in any way a source of danger.
44. A report shall be provided at the Licence Holder/DPS's expense, at any time when reasonably required to do so by the Council, from a competent qualified surveyor (accompanied during his inspection by a representative of the Council) regarding the structural safety and suitability of the premises for regulated entertainment.
45. The DPS shall ensure at any time when the public are present, and the premises are being used for dancing and anything of a similar description, that the playing of darts or similar are not permitted in the dance area. Also any raised oche or similar potential trip hazard on the floor surface must not be present.

HEATING VENTILATION AND LIGHTING

Heating

46. Every heating appliance used in the premises, which is so situated as to be within reach of any member of the public, shall be fitted with guards which comply to the standards of construction and fitting required by any regulations for the time being in force applying to heating appliances of a type, which are so designed that they are suitable for use in places of public assembly; and every heating appliance used in the premises shall be situated sufficiently far from woodwork, hangings or other materials, or substances liable to catch fire so that there shall be no likelihood of fire by reason of their proximity to the heating appliance. Combustible hangings are not to be placed over any heating appliance.
47. Every heating appliance situated in a part of the premises to which the public are admitted shall be fixed in position in such a manner as to prevent it being knocked over.
48. Liquid petroleum installations (portable or fixed) of any kind or gas, oil or candle lamps shall not be installed or used within the premises without the prior approval of the Council.

Ventilation

49. The public parts of the premises shall be kept effectively ventilated, whilst occupied by members of the public, by means of the circulation of adequate supplies of fresh or artificially purified air.

Lighting

50. All parts of the premises accessible to persons, including circulation spaces, stairs, passages and egress routes within the building or in the open, which may be used to lead to or from the public street or other approved open place of safety, shall be adequately illuminated for safe use by general mains electric lighting when they are not adequately illuminated by natural light. This lighting may be reduced or extinguished only:
- (a) within any room where entertainment is provided; and
 - (b) when essential for the purpose of that entertainment; and
 - (c) when the system of safety lighting is kept illuminated at all times; and
 - (d) where control over the general lighting is such that full illumination can be restored quickly.
51. Emergency lighting, supplied from a source entirely independent of the general lighting, shall be provided to the satisfaction of the Council. The degree of lighting available shall be sufficient to allow persons to leave the premises in safety should be adequately illuminated by the general lighting and/or emergency lighting.

PREVENTION OF NUISANCE AND NOISE

52. (a) The DPS shall cause to be exercised such effective control over the volume of sound produced from within the licensed premises so that no nuisance from noise from any public performance, entertainment or rehearsal or use of a public address system or other use of sound amplifying equipment, is caused to the occupier or occupiers of any immediately adjoining or neighbouring property.
- (b) The DPS shall cause to be displayed in a conspicuous position at or near all main exits from the premises a notice in a clearly legible form requesting patrons to leave the premises in a quiet orderly fashion.

Noise Level Guidelines

The following guideline for noise control does not form part of the conditions attached to this Licence but is a basis upon which the Council, on receiving a complaint, would, together with a purely subjective assessment, judge the reasonableness of the complaint:

- (1) Regulated entertainment noise does not need to be of a high volume to be extremely intrusive and annoying to neighbours, this is particularly so in regard to low frequency noise. Soundproofing of premises can prove to be very expensive and the most effective means of preventing nuisance is to exercise proper control over the level of amplification.
- (2) You should take effective measures to ensure that no noise from regulated entertainment etc, provided on your premises, is audible within any adjoining or neighbouring property. In order to give you the degree of control necessary to prevent nuisance it may be necessary for you to obtain and have installed a noise level control system.

Environmental Health Officers employed by the Council will be pleased to discuss the content of these guidelines and to provide further information on noise control systems should you consider that this might be of assistance to you.

Door Supervisors

53. N.B. In these conditions door supervisor is defined as any person employed primarily to vet customers and maintain order.
- (a) No door supervisor shall be employed at the premises unless currently licensed with the Security Industry Authority (SIA).
 - (b) Door supervisors shall at all times when the licensed premises is in operation wear conspicuously the identity badge provided by the SIA
 - (c) The DPS shall maintain a bound register of all door supervisors employed (on payment or otherwise) showing:-
 - (i) their full name
 - (ii) their SIA badge number
 - (iii) their agency address (if applicable)
 - (iv) the date they commenced their duties
 - (v) their signature at the time of commencement of their duties

The register shall be available on the premises for inspection by an authorised officer of the Council, Fire Brigade or Police at all reasonable times.

NOTES

1. This Licence is without prejudice to the requirements of other legislation, such as the Health and Safety at Work Act, etc. For example, your attention is drawn to the Children and Young Persons Act 1933/63 which make special provision for entertainment which children attend or in which children participate.
2. Additional conditions are applicable for close seated audiences exceeding 300 persons, or may be required in the particular circumstances of the case.
3. Any enquiries regarding these conditions should be made to the Council's Licensing Department.

Annex 2 – Conditions consistent with the operating Schedule

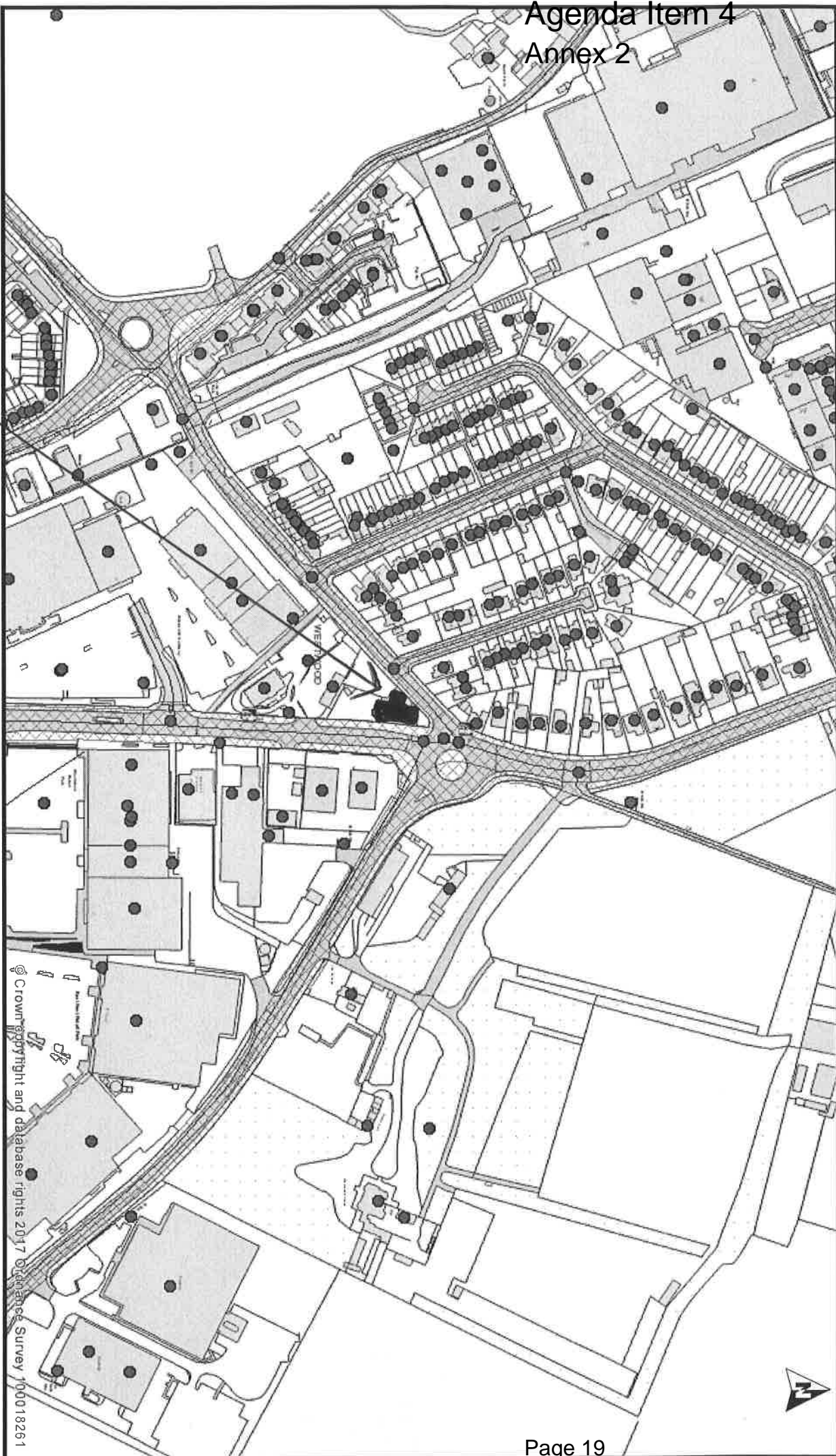
None

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

None

Annex 4 – Plans

Plans considered July 2005



Title: Thanet District Council

Author: Thanet District Council

Scale 1:3,000

Date: 15/11/2017

Thanet District Council

Cecil Street

Margate

Kent

CT19 1XZ

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(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address ACTING CHIEF INSPECTOR RHIANNAN PEPPER MARGATE POLICE STATION FORT HILL MARGATE
Telephone number (if any) 01848 [REDACTED]
E-mail address (optional) [REDACTED]@police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

[REDACTED] M [REDACTED] took control of the Falcon Inn's lease on 1st July 2017. Kent Police does not have any confidence in how the premises have been operating since then. M [REDACTED] has taken control of the lease at this premises, there has been an increase in recorded crime and calls to the Police in general. Most disturbing is that on one occasion a Police officer was severely assaulted and had his eye socket broken.

The Police have serious concerns that the manager/DPS have failed to promote the Licensing objectives of the Prevention of Crime and Disorder and the Promotion of Public Safety.

It is Kent Police's opinion that all the time M [REDACTED] is associated with the premises the Premises licence should be suspended. When the premises is under new management / DPS it will require a number of conditions that should be applied to its licence, to fully support the day to day management of the premises and also the licensing objectives.

Please provide as much information as possible to support the application

(please read guidance note 2)

The Premises

The Falcon Inn at 460 Margate Road, Broadstairs, Kent. CT10 2PR. It is situated on a Main road that is close to Westwood Cross shopping complex. Access to the premises is either by the entrance that is visible on the main road or from the rear via the premises garden. A large customer car park also connects to the premises garden and premises.

Ownership

The premise is owned by the premises licence holder Antonio Papa-Adams. Papa-Adams has allowed M█████ to take out a 12 month tenancy agreement to open the premises as, The Falcon Inn, from 1st July 2017. On the 6th July 2017 Mr Antonio Papa-Adams became the DPS (previously held by the brewery). On the 20th September 2017 Ms Kelsey Scott who was the girlfriend of M█████ became the DPS but she rescinded this when the relationship came to an end a week later. On 5th October Sandra Jackson (who Papa-Adams later said to the Police that she was the cleaner at the premises) became the DPS and is still shown in this position.

Because of his previous criminal convictions, at no time would Police have said that M█████ would be eligible to be the DPS

Increasing concern

M█████ took over the tenancy of the premises formerly known as the Grog Wrench and the premises was renamed The Falcon Inn. This was on the 1st July 2017. On the 6th July 2017 the Designated Premises Supervisor (DPS) was changed to Mr Tony Papa-Adams.

On 15th July 2017 M█████ calls the Police after finding a handgun hidden in a flowerpot, in the premises garden. When asked for CCTV he told the call taker that CCTV would be kept for 30 days but informed the call taker that the firearm was in a location that was not covered by CCTV. The Police attended and seized the firearm, made it safe and was confirmed as a gas powered BB hand gun.

At 2344 hours the same day Police received a call from the staff saying there was a large disturbance and people were trying to force their way into the premises. There were already around 10 people in the premises and both male and females were described as kicking off. The call taker could hear the argument in the background. The person making the call also described the people as being drunk. A female who said she was the manager said that the group was drunk and that they were banging on the windows and that they were trying to close the doors at the premises. When the Police arrived all was in order and no damage or offences were recorded.

On Sunday 30th July a call was received from M█████ after a window had been damaged at the premises. He claimed that people had thrown a brick through the window and were still inside. Nearby patrols spoke to a group who said that they had seen another group run away from the premises and they said to the patrol (as recorded on the log) that the landlord did not want the police being called.

A patrol attended the premises and was taking details about the damage that had been caused and it was then that the Police needed to call for assistance as two males inside were causing issues.

Both males were asked to leave by the staff and the Police officer. Both males eventually left the premises, but decided to stand outside and were refusing to leave the area. There were now 3 Police officers and were repeatedly asking them to leave the area in a non-threatening manner. It was at this point, one of these males turned around to walk away. This male then turned around towards the PC Platt when completely unprovoked, he violently assaulted the officer by punching him with his right clenched fist full in his face. As a result the PC Platt received a fractured cheek bone and fractured eye socket. The male, who was drunk, had been drinking in the premises. He was arrested and charged causing Grievously Bodily Harm. PC Platt had to take significant time to recover from these horrific injuries.

Application for the review of a premises licence or certificate under the Licensing Act 2003 **Agenda Item 4**
Annex 3

On the 10th August a member of staff called the Police at 03:42 hours in the morning raising the concern that there were people in the bar refusing to leave. Licensable activity should have ended at 0100 hours as per the licence conditions. Later that same day Police were called again after a drunk male became aggressive and was arrested for being drunk and disorderly.

The Police Licensing officer attended the premises on the 12th August 2017 to speak to the DPS as there were concerns around after hours drinking. With the details as above it was concerning the Licensing Officer that M█████ was treating the premises as a private drinking club and serving people to the point they were uncontrollably drunk. M█████ claimed they were not selling alcohol so the till logs and CCTV were requested. The till logs were emailed to the Police and M█████ was emailed again asking for the CCTV. On the 17th August 2017 M█████ emailed to say that the CCTV only goes back 3 days so it was too late to retrieve it. It is the opinion of the Police that M█████ has deliberately frustrated the CCTV as it would show sales of alcohol particularly as how he had previously told a police call taker that the CCTV was available for 30 days. On reviewing the till logs it clearly showed sales of alcohol after 0100 hours. On speaking to him M█████ claimed these sales were staff paying off bar tabs.

On the 31st August 2017 a person calling themselves the Landlord calls the Police describing a large scale disorder where females are being dragged out of the premises by their hair, staff were scared and were in hiding. He stated that he could not stay on the phone as if they find him it will be very bad for him. Panic buttons have also been pressed. Police attend and officers speak to M█████ who says nothing has happened and that he didn't want some males in the premises but would not ask them to leave. The Police have concerns that a violent altercation has taken place and on arrival the Police are told a different story and M█████ does not want to provide any details. Again M█████ is clearly showing he is not in control nor promoting the licensing objectives.

On the 1st September 2017 the Police Licensing Officer attended again to try to find out what had happened. M█████ denied saying that he did not want to talk to the Police and said things were taken out of context to what had actually happened. M█████ was asked to provide an email account of how the premises are run in terms of the DPS, managers and staff as it was unclear who was running the premises and what their roles were. This request has, to date, never been received.

On Friday 22nd September 2017 Ms Scott contacted the council and resigned as the DPS of the premises. The Local authority attended and informed M█████ that as there is not a DPS at the premises so he could not sell or display any alcohol. Suspecting that M█████ would continue to sell alcohol over the weekend PC Dennett requested till logs to ensure this was not the case. When examined the Till logs showed a concerning pattern that the Premises licence was breached and that alcohol was sold without a DPS on the Premises. The till logs show a large quantity of drinks being sold as "Misc Bar" however the drinks sold are of the same price as alcoholic ones. This can be evidenced in a previous till log where suspected after hours drinks were sold. Two examples of this are that as only soft drinks could be sold. Soft drinks were showing up on these till logs. One "Misc Bar" price was £4.00 and another £3.95. When cross referencing to the previous till log. A £4.00 drink was for Real Ale and the £3.95 was for a bottle of Bulmers.

On the 25th September 2017 a new DPS was put in place at the premises. This is Sandra Jackson.

On 28th September 2017 at 0400 hours M█████ and 3 other males were stood in the car park, and saw a Police patrol vehicle which had seen then and drove into the premises car park as it looked suspicious, at this time in the morning. All males ran into the back of the pub and shut the door. When the Police knocked on the door and M█████ eventually answered he allowed them in. He was described by officers as very "anti-police". He told the Police he hated them. There were 3 others in the bar, one of which was clearly drunk. M█████ admitted himself that this male was a customer in the pub, and said he was not serving any drinks. However there was a pint of drink on the bar, and they had all been clearly drinking. M█████ refused to provide any details to the police and said that he had only just got his licence back. As the Police left, PC Groom heard M█████ calling them "wankers".

On 3rd October 2017 M█████ calls the police for assistance after a female is causing a disturbance at the location. Police attend and female who had been threatening to damage cars and assault staff had now calmed down, there were no further allegations of damage or assaults and the female left the area with the landlord and family.

On the 7th October 2017 M [REDACTED] and another were arrested for GBH. In that offence it is alleged that that M [REDACTED] has turned off the CCTV in the premises and then violently assaulted the victim. This took place outside which would have been covered by the CCTV. The CCTV is then turned back on and shows M [REDACTED] washing his hands. When the police arrive, M [REDACTED] makes off and strongly suspected that as he did so he listens and watches the officers' actions from the CCTV via an App on his phone. The victim ultimately does not support the allegation so no charges are considered.

There have also been a number of other calls to the Police and other recorded crimes, harassment and theft to name a few.

Since M [REDACTED] has been at this premises. The number of incidents and calls has increased dramatically. More recently a frosted film sticker has been applied to all windows so no person can view into the premises. The Police suspect this has been done so that passing patrols cannot physically see inside and will also assist M [REDACTED] if he was to continue to sell alcohol after the premises licensable activity.

Premises Licence Holder – Ekogenia Limited owned by Mr Antonio Papa-Adams

Due to the concerns at the premises the Police licensing officer had a meeting on 6th October 2017 with Papa-Adams, regarding the alarming issues emanating from the premises and the extremely poor attitude of M [REDACTED]. Papa-Adams was apologetic and said that he would resolve the issue and instruct his solicitors about terminating the lease. This has not happened.

On the 7th October 2017 Papa-Adams contacted the Police licensing Officer and wanted to discuss actions he was planning to take and that Sandra Jackson wanted to resign as the DPS. This has not happened. Papa-Adams said during the meeting that he had made an error and that M [REDACTED] was given the tenancy incorrectly as M [REDACTED] should have been eligible to hold the position as the DPS, which due to his past history is not possible.

Papa-Adams was told quite clearly about the Police's serious concern about the premises all the time M [REDACTED] is on the tenancy and playing landlord. Papa-Adams has done nothing to resolve this issue and the Police have no choice but to bring the premises licence to review so that all of the licensing objectives are being fully promoted.

Summary

Since M [REDACTED] has assumed the role and responsibility as Landlord the level of crime at the premises has dramatically increased. He is serving alcohol with or without a DPS, serving people to the point they are drunk and aggressive and in essence treating the place like a private members drinking club. CCTV is sporadic and will only be handed over when it assists the premises. Indeed he will call the police to serve his purpose but then thwarts them when they are there so no investigation can be conducted. He has conducted lock-ins when warned just days before hand and thinks nothing of selling alcohol up until 4am. Not only is M [REDACTED] failing on every level to be a responsible landlord, but the premises owner is doing nothing to rectify the situation.

Police request the following measures to promote the licensing objectives:

Suspension of the premises licence for one month, to permit the finding of an appropriate DPS, deal with the lease issues, remove obscuring of the bar area, enable full and proper training of staff, employ a new manager and allow the premises to reset in terms to enable changes of management practice and resetting of clientele. M [REDACTED] cannot have any connection to the running of the premises.

The Police seek consideration of the following conditions being applied to the licence:

1. Sale by retail of alcohol to end at 0000 hours.

This is a residential area and the Police are aware of a noise complaint made to Environmental Health. M [REDACTED] also wanted to extend licensable activity to 0300 hours. The reduction will support the licensing objectives. The calls from staff 3 hours after they have closed saying they need assistance, suspected after

hours sales of alcohol, M [REDACTED] and others run from Police as seen acting suspiciously and 2 GBH reports all after 0000 hours.

2. Close of premises at 0030 hours.

This is to allow a 30 minute drink up period.

3. CCTV to be installed, working, maintained and recording with a 30 day record function. Copies to be made to the Police and Local Authority immediately upon request.

CCTV that is installed and working will support all objectives and safeguard the premises.

4. At all times licensable activity takes place, there will be at least one member of staff on duty that can operate and download CCTV.

If a request is made this condition will allow there to be no delay in securing the footage.

5. During any licensable activity there will be a minimum of one personal licence holder on duty at the premises at all times.

Due to the poor running of these premises it needs a stable footing and this will allow in the absence of the DPS a suitable qualified person will support the licencing objectives in their absence.

6. There will accurate and up-to-date signed training records of all staff. Training refreshers to be carried out every six months or upon commencement of employment.

Due to the poor running of these premises, this condition will ensure that all staff are suitably and regularly trained.

7. A clear view of all areas of the bar and seating area is to be maintained so as to be visible from outside of the premises.

The Police believe the frosted effect film that has been placed in all windows have been placed there to obscure visibility of passing patrols. With strong belief that sales after licensable hours has taken place this will support that when the premises is closed it can be clearly seen by any passing officer.

8. Any event or evening where SIA security is employed, each SIA security staff will wear a body worn video.

Body worn video is a great tool in support the licensing objectives. It secures footage and also helps significantly to dissolve any potential problems.

9. Off sales will not be permitted, no alcohol is to leave the area defined by the licence.

This is to ensure that alcohol is only drunk in the premises of the garden. Due to its locations this restriction will make it safer for passing vehicles on the main road.

Memo



Date: 8th November 2017
 To: Mr Philip Benstead, Regulatory Services Manager, Thanet District Council
 Ref: WK/201749533
 Re: Review of the premises licence for The Falcon Inn, 460 Margate Road, Broadstairs, Kent, CT10 2PR.

We have reviewed documentation from Kent Police calling for a review of the premises licence for The Falcon Inn. Environmental Health supports this review under the licensing objective 'The Prevention of Public Nuisance'. The reason for our support is based on information received from a local resident as part of a complaint.

On 10th July 2017 the local authority received a complaint from a local resident who lives approximately 40 metres from the boundary of the Public House. The resident stated that:

'Loud music playing in the garden until about 1am Friday, Saturday and Sunday'.

The complainant also stated that

'Friday evening was loud music, on Saturday there was a live band playing in the garden of the PH until 1am...they were also using a loudspeaker until that time too.'
 On Sunday 9 there was karaoke in the garden.

As a standard practice we sent a letter of complaint to the Public House and a letter to the complainant with diary sheets. We received no response to our letter from the Public House.

On 24th August 2017 we received a letter and a set of diary sheets from the complainant covering a period from 23rd July 2017 until 23rd August 2017. The diary sheets mainly raised issue with the use of the Public House garden by patrons. The diary sheets reported loud noise emanating from the garden area through loud human voice (shouting swearing etc.) and loud amplified music. The complainant alleged that music from the internal parts of the public house was also audible at their property. The complainant alleged that they could not open windows for ventilation due to the noise. The letter we received alleges that local residents have contacted the Public House concerning the noise but no action had been taken.

Based on the letter and diary sheets we gave the complainant access to the council out of hour's service. This allowed the complainant to contact Council officers during set times. The two parties would then arrange a visit by officers to witness the issues the complainant was reporting. To date the complaint has not contacted us to use this service. On Monday 6th November I closed the complaint due to that lack of contact.

Following receipt of the review documentation I have reviewed the Facebook account of the Public House. I note that there are photographs that appear to have been taken in July 2017. The photographs show the garden area on a sunny day and what appears to be a band set up in the far corner of the garden. These photographs can also be found on the Isle of Thanet News Website with a publish date of 8th July 2017. I also found a video on the Public House Facebook page which appeared to show a band playing in the garden area of the Public House in failing light. The date adjoining the video was 7th July 2017. This could possibly be later in the same day. It should be noted that sunset in July is around 20:00pm-

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20:30pm. These photographs and video appear to be directly linked to the complaint we received.

The boundary of the Public House garden is only 35 metres away from the façade of a residential premise and also has 12 other residential properties within 50 metres of its boundary. In my view this use of the garden by the current operator does not support the Licensing objective the prevention of public nuisance. It certainly does not show a regard for surrounding local residents.

With this in mind Environmental Health requests that further conditions are placed on the premises as part of this review. The conditions we request are:

- 1) Regulated entertainment at the site shall only take place within the internal parts of the Public House building and not at any time within external areas of the site.
- 2) The garden area shall be closed to patrons from 21:00pm onwards. Patrons wishing to smoke shall use the entrance on Margate Road only.
- 3) From 21:00pm onwards patrons shall enter and leave the premises by the entrance on Margate Road only. The entrance to the premises from the garden area shall be closed and not used (other than in an emergency). Signage shall be placed in the car park area to alert patrons to the relevant entrance.

It is my opinion that these conditions will aid the prevention of public nuisance.

Regards

Christopher Brown

Environmental Protection Officer
Environmental Health
Thanet District Council

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:

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.....
.....

NAME (PRINT):

SIGNATURE:

Please detach and hand this form to the Democratic Services Officer when you are asked to declare any interests.