

## LICENSING SUB COMMITTEE

Minutes of the meeting held on 30 January 2018 at 10.00 am in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

**Present:** Councillors Crow-Brown, J Fairbrass and L Potts

### **620. ELECTION OF CHAIRMAN**

Councillor Crow-Brown proposed, Councillor J Fairbrass seconded and it was agreed that Councillor Potts be the Chairman.

### **621. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **622. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **623. APPLICATION FOR REVIEW OF PREMISES LICENCE - THE FALCON INN, 460 MARGATE ROAD, BROADSTAIRS**

Also present:

Officers: Mr Bensted, Regulatory Services Manager  
Mr Brown, Environmental Protection Officer  
Mr Sproates, Environmental Protection Manager  
Sgt Ross, Kent Police

Licence Holder: Mr Papa-Adams

Licence Holder's representative: Mr Dadds

The Regulatory Services Manager outlined the report to the Licensing Sub-Committee in respect of the application for review of premises licence for The Falcon Inn, 460 Margate Road, Broadstairs.

Sgt Ross addressed the Sub-Committee and it was noted that

- There had been concerns about how the premises had been operated since 1<sup>st</sup> July 2017 and about the manager/DPS of the premises.
- Kent Police had reached a measure of agreement with the Licence Holder as the main issue of concern had been resolved;
- 4 conditions (3,4,6 and 7 as outlined at Annex 3 in the agenda) were agreed with the Licence Holder.

The Environmental Protection Manager addressed the Sub-Committee and it was noted:

- Complaints had been received regarding the use of the garden which were considered to be a public nuisance and there had been structural changes to the garden. Therefore, conditions were proposed as outlined at Annex 4 in the agenda.

The Licence Holder's representative addressed the Sub-Committee and it was noted:

- The main causes for concern had been addressed by removing the Designated Premises Supervisor;
- There was only one complainant and it was argued that one complainant did not constitute a public nuisance.
- No complaints had been received since the summer and historically, the garden had been used without there being any complaints.

Members asked questions of the Licence Holder and Licence Holder's representative regarding the use of the garden.

The Environmental Protection Officer asked a question of the Licence Holder regarding the smoking area.

The Regulatory Services Manager recommended that the conditions relating to the entertainment licence were no longer relevant and could be removed.

The Licensing Sub-Committee agreed:

Option 3.1 – to modify the conditions of the licence as follows:

1. To modify the conditions of the licence in accordance with the agreement between the licence holder and the police and to vary the conditions by imposing:
  - (i) option 3 [CCTV shall be installed, working and maintained and recording with a 30 day record function. Copies shall be made to the Police and Local Authority immediately upon request];
  - (ii) option 4 [At all times licensable activity takes place at the premises, there shall be at least one member of staff on duty that can operate and download CCTV];
  - (iii) option 6 [There shall be accurate and up-to-date signed training records of all staff held at the premises. Training refreshers shall be carried out every six months or upon commencement of employment. These shall be available for inspection by Police and the Local Authority at all times]; and
  - (iv) option 7 [A clear view of all areas of the bar and seating area shall be maintained so as to be visible from outside of the premises] as proposed by the Police.
2. To refuse the 3 additional conditions sought by Environmental Health.
3. To remove the 53 conditions relating to the public Entertainment Licence.

**REASONS:**

1. The Licensing Sub-Committee are satisfied that these conditions are necessary and proportionate for the prevention of Crime and Disorder and Public Safety.
2. The Licensing Sub-Committee are satisfied that the complaint of a single local resident cannot constitute a public nuisance and there is no evidence of public nuisance.
3. The Licensing Sub-Committee are satisfied that the 53 conditions relating to the public Entertainment Licence are no longer relevant.

Meeting concluded : 11.15am