

## LICENSING SUB COMMITTEE

Minutes of the meeting held on 5 June 2018 at 10.00 am in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

**Present:** Councillors Crow-Brown, Dennis and Rogers

**In Attendance:** Councillor Johnston

### 632. ELECTION OF CHAIRMAN

Councillor Dennis proposed, Councillor Rogers seconded and it was agreed that Councillor Crow-Brown be the Chairman.

### 633. APOLOGIES FOR ABSENCE

There were no apologies for absence.

### 634. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 635. APPLICATION FOR PREMISES LICENCE -BEACH MANIA FESTIVAL, MARGATE MAIN SANDS MARINE TERRACE, MARGATE

It was agreed to adjourn the meeting further to the following:

“Given the Public Safety implications arising from the possibility of some or all of the site being underwater in the course of the event, the Applicant elected to seek an adjournment of the hearing so as to allow the issue of the high tide to be investigated and considered, along with a number of further concerns referred to (but not identified at this stage) by the representatives of Kent Police.

The Sub-Committee considered the application in the light of;

- the Licensing Act 2003 and the guidance issued under section 182 of the said Act,
- the Council's Licensing Policy,
- Article 6 of the Human Rights Act (the right to a fair trial),
- Section 17 of the Crime and Disorder Act 1998,
- the licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm, and the evidence presented and
- the representations made by the parties.

The Sub-Committee were concerned that the issue of the high tide had not been considered before by the Applicant or raised at the previous hearings of this application which had been adjourned due to incomplete information being available, but considered that without the relevant information it was not possible for the Council to make an informed and considered decision on the merits of the application and therefore, rather than simply refuse the application, a further adjournment would be granted.

The Sub-Committee were informed that Kent Police would provide the Applicant with details of the other issues which the Police proposed to raise in connection with the application with a view to the parties seeking to resolve such objections by preparing agreed conditions for consideration by the Sub-Committee at the next hearing or to

identify the areas of dispute so as to assist the Sub-Committee in its further deliberations.”

**636. APPLICATION FOR VARIATION OF PREMISES LICENCE – THE CHAPEL, 44-46 ALBION STREET, BROADSTAIRS**

Also present:

Officers: Mrs Bennett, Licensing Team Leader  
Sgt Ross, Kent Police  
PC Carter, Kent Police

Licence Holder: Mr Newick

Licence Holder's representative: Mr Dillon

Objectors: Mr and Mrs Pemble

The Licensing Team Leader outlined the report to the Licensing Sub-Committee in respect of the application for variation of licence for the Chapel, 44-46 Albion Street, Broadstairs.

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

- Concerns regarding the extended hours would be resolved by having two door staff employed for these times.
- Kent Police raised concerns regarding the proposed change to the condition relating to glasses being taken out of the premises.

The objectors addressed the Sub-Committee and it was noted that:

- Concerns were raised regarding noise, objects being thrown out of windows and use of door which is meant to be a fire exit only.

The licence holder's representative asked questions of Kent Police.

The licence holder's representative addressed the Sub-Committee and it was noted that:

- The business could not afford to employ two door staff as suggested by Kent Police and it was not felt to be necessary. The licence holder employs door staff when they are expecting Broadstairs to be very busy.
- The current condition regarding glasses taken outside meant the business was "set up to fail" and the licence holder voluntarily has CCTV.
- The licence holder felt they had a good relationship with neighbours.

Members asked questions of the licence holder and licence holder's representative.

The Licensing Sub-Committee agreed:

1. To extend the hours for the sale of alcohol on a Sunday being the day immediately before a Bank Holiday Monday (whether a standard or occasional Bank Holiday declared by HM Government) to permit such sale until 02:00 hours.
2. To extend the hours for the sale of alcohol during Broadstairs Folk Week to permit such sale until 02:00 hours on the Friday (being the commencement day), Saturday, Sunday, Monday, Tuesday and Wednesday.
3. To extend the hours for the sale of alcohol on Christmas Eve until 02:00 hours when Christmas Eve falls between Sunday and Wednesday (inclusive).

4. To extend by one hour the sale of alcohol on the day the clocks go forward.

The Sub-Committee also:

- a. noted that the request within the original application by the Applicant to vary the hours for the playing of recorded music had been withdrawn,
- b. considered the application by the Applicant to amend the exiting condition that "No alcohol shall be consumed outside in Albion Street" but refused to make any amendment as the condition was appropriate in pursuit of the licensing objectives to prevent crime and disorder and public nuisance.
- c. Considered the representations by Kent Police (as amended at the hearing) seeking a requirement for at least two Door Supervisors to be on duty after 0001 hours on the days effected by the extensions granted at 1. to 4. Above, but did not consider such additional requirements to be appropriate in all the circumstances.
- d. considered the offer by the Applicant for the addition of a condition relating to the CCTV system in operation at the premises and, in the circumstances, shall add a condition to the Premises Licence that  
"A suitable CCTV system approved by the Council's Licensing Team (for the avoidance of doubt, the present system is deemed to be so approved) shall be maintained and operated whenever the premises are open to the public. Copies of recording shall be retained at the premises for one month and shall be made available for inspection, and/or digital copies provided, on request by officers of the Council and Kent Police.  
such conditions being appropriate to prevent crime and disorder and public nuisance.

Meeting concluded : 12.25pm