



Date: 24.02.20
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LICENSING SUB COMMITTEE

3 MARCH 2020

A meeting of the Licensing Sub Committee will be held at **10.00 am on Tuesday, 3 March 2020** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillors: Rogers, Wright and Dexter

A G E N D A

Item
No

Subject

1. **ELECTION OF CHAIRMAN**
2. **APOLOGIES FOR ABSENCE**
3. **DECLARATIONS OF INTEREST** (Pages 3 - 4)
To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)
4. **PREMISES LICENCE FOR BOMBA KEBAB, 6 CLIFF TERRACE** (Pages 5 - 16)
5. **PREMISES LICENCE FOR ST MILDREDS BAY, WESTGATE** (Pages 17 - 100)

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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 Committee Services Manager well in advance of the meeting.

If you need to declare an interest then please complete the declaration of [interest form](#).

APPLICATION FOR A PREMISES LICENCE- LATE NIGHT REFRESHMENT BOMBA KEBAB, 6 CLIFF TERRACE MARGATE

Licensing Sub-Committee 3RD March 2020

Report Author **Penny Button, Head of Safer Neighbourhoods**

Portfolio Holder **Cllr Lesley Game**

Status **For Decision**

Classification: **Unrestricted**

Ward: **Cliftonville West**

Executive Summary:

To consider this application for a premises licence in respect of 6 Cliff Terrace, Margate in light of representations received.

Recommendation(s):

The instructions of the Sub-Committee are requested.

CORPORATE IMPLICATIONS

<p>Financial and Value for Money</p>	<p>Costs associated with processing the application are taken from licensing fee income.</p> <p>The applicant or any other person (objector) may appeal the Committee's decision to Magistrates' Court within 21 days. Should this decision be appealed the the Council will incur costs defending the appeal. Should the appeal be successful it could result in costs being awarded against the Council. Therefore all decisions should ensure that they are in line with the objectives of the Licensing Act 2003.</p>
<p>Legal</p>	<p>Under the Licensing Act 2003 the Licensing Authority has a duty to exercise licensing control of relevant premises.</p> <p>The Licensing Sub-Committee is obliged to determine applications with a view to promoting the four licensing objectives.</p> <p>Any decision the Licensing Sub-Committee make should be made with regard to the Secretary of State's guidance made under Section 182 of the Licensing Act 2003 (revised in April 2017) as well as Thanet District Councils adopted Licensing Policy.</p> <p>Where any decision parts from either the Guidance or the Policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal/challenge is increased. Similarly the risk of appeal/challenge is increased if any decision made is not evidence based and proportionate.</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</p>

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	<p>further effect in the United Kingdom to the fundamental rights and freedoms contained in the European Conventions 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> <p>The effective regulation of licensable activities and of premises at which licensable activities take place can assist in safeguarding children and vulnerable adults.</p> <p>Section 17 of the Crime and Disorder Act 1998 states: "Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that is reasonably can to prevent crime and disorder in its area"</p> <p>In considering this application the Licensing Sub-Committee will balance the competing Human Rights of the various parties including the right to respect for private and family life, the protection of property and the right to a fair hearing.</p> <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 with regard to the grant/refusal of a licence or any of the conditions attached to it.</p>
Corporate	<p>Corporate Priorities 1,2 & 3 and Values 1, 2 & 3 should be taken into account when determining the outcome of any application.</p> <p>Priority 1: A clean and welcoming environment Priority2: Supporting Neighbourhoods Priority 3: Promoting inward investment and job creation Value 1: Delivering value for money Value 2: Supporting the workforce Value 3: Promoting open communications.</p>
Equality 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, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <p>In considering this application it is appropriate to consider the rights of both the applicant and other parties, such as "responsible authorities" and/or "other persons" (objectors). The procedure for determining licences has a prescribed format to ensure fair representation of the relevant facts by all parties.</p>

CORPORATE PRIORITIES (tick those relevant) ✓	
A clean and welcoming Environment	✓

CORPORATE VALUES (tick those relevant) ✓	
Delivering value for money	✓

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Promoting inward investment and job creation	✓
Supporting neighbourhoods	✓

Supporting the Workforce	
Promoting open communications	✓

1.0 Introduction and Background

- 1.1 An application has been made by Mr Halil Tekagac for a Premises Licence for late night refreshment only. The premise has been operating without a Late Night Refreshment Licence.
- 1.2 The operating schedule, showing the proposed licensable activities and hours are appended in Annex 1.

2.0 The Current Situation

- 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 objections have been received which are appended in Annex 2, both objections are regarding public nuisance.

- 2.2 Environmental Health have agreed the following with the applicant:-

Late Night Refreshment

Monday – Sunday 23:00pm until 02:00am
Friday – Saturday 23:00pm until 02:30am

Opening hours

Monday – Sunday 14:00pm – 02:00am
Friday – Saturday 14:00pm – 02:30am

And the following condition

From 01:00am until premises close (2:00am) on Sunday to Thursday, Late Night Refreshment shall only be permitted in the form of deliveries to external addresses. The premises shall not permit walk-in patrons to be served.

- 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 SubCommittee 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

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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.

3.0 Options

- 3.1 Grant the application, with the times and conditions agreed by Environmental Health.
- 3.2 Refuse the application.
- 3.3 Grant the application subject to different conditions in respect of different parts of the premises or different licensable activities.

Contact Officer:	Penny Button, Head of Safer Neighbourhoods
Reporting to:	Gavin Waite, Director of Operational Services

Annex List

Annex 1	Operating Schedule
Annex 2	Public Representation

Background Papers

Title	Details of where to access copy
Licensing Act 2003	https://www.legislation.gov.uk/ukpga/2003/17/contents
DCMS Guidance documents issued under Section 182 of the Licensing Act 2003 (as amended)	https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003
Thanet District Council Statement of Licensing Policy	https://www.thanet.gov.uk/media/3168621/licensing-document-2016.pdf

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00 pm	2:30 Am	<u>Please give further details here</u> (please read guidance note 4)		
Tue	23:00 pm	2:30 Am			
Wed	23:00 pm	2:30 Am	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23:00 pm	2:30 Am			
Fri	23:00 pm	2:30 Am	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	23:00 pm	2:30 Am			
Sun	23:00 pm	2:30 Am			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)	
Day	Start	Finish		
Mon	14:00 pm	23:00 pm		
	23:00 pm	2:30 AM		
Tue	14:00 pm	23:00 pm		
	23:00 pm	2:30 am		
Wed	14:00 pm	23:45 pm		
	23:00 pm	2:30 AM		
Thur	14:00 pm	23:00 pm		<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
	23:00 pm	2:30 AM		
Fri	14:00 pm	23:00 pm		
	23:00 pm	2:30 AM		
Sat	14:00 pm	23:00 pm		
	23:00 pm	2:30 AM		
Sun	14:00 pm	23:00 pm		
	23:00 pm	2:30 AM		

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 10)

- This Business been running for more 20 years Take way
- Food serves . (No Alcohol sale)
- Family run Business by The owner, and wife, and son,
2. more member of Staff,

b) The prevention of crime and disorder

- We Happy To serve The customer in my Business
- We do Delivery most of The Time .
- We have good review in our w.b side.

c) Public safety

- We are lovely Business for Local customer .
- We are Happy To work for Public safety.

d) The prevention of public nuisance

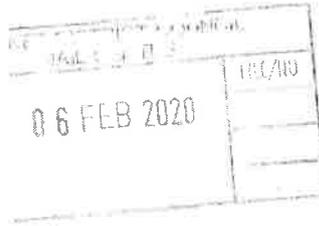
- our serving very quiet To customer .
- We try Do our Best for our Business

e) The protection of children from harm

- We don't Employed underage Children
- Family run Business.

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TO; THANET DISTRICT COUNCIL
PO BOX 9
CECIL ST.
MARGATE
CT9 XZ1



Local Licensing.

We would like to file an objection to the application by;

Halil TecaGac for 6 Cliff Terrace CT9 1RU for a late night refreshment licence from 23.00 – 02.30 every day.

This takeaway has traded after 11pm until the early hours (often longer during the summer months) for the past 4 years **without** a late night licence.

No residents nearby were given the option to object when he took on the premises as he failed to apply for the late night license and just opened 7 days per week until at least 2.30am and with a lot of outside seating. None of us realised he needed a licence and didn't know who to object to when the late night noise and mess got out of hand (continuously).

We object to this licence as he has continuously not managed the noise levels and disturbances outside his premises and these include;

- Customers congregate and eat sitting at the outside tables outside until at least 2am (later during the summer) and the hubbub and noise travels up and disturbs many local residents during the night. The street is mainly residential with no other late night premises that open regularly after 11.30pm. He has never made efforts to minimise this as he has never run his business with any consideration for residents next door and nearby.
- Delivery drivers leaving their engines running when they collect orders through the night and are not mindful of the time of night when they congregate outside.
- His outside seating is always on his decking (not brought indoors) and gets used by late night people passing by to congregate at after his closing time and this causes noise and nuisance for the whole street. This is a big problem during the summer at weekends.
- Litter and rubbish from his late night business is often discarded along the street. He doesn't make any particular effort to clear this up.
- Bomba traded with no waste license until late summer 2018 and he now does have a waste license but only because Prospects Letting Management reported him due to the continuous dumping of food waste on the yard of no. 5 next door. They manage no.5 Cliff Terrace.
- Google street view from Aug 2018 shows what residents had to put up with up until the above happened.

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Annex 2

- His extractor is at the rear didn't work properly so the smells carried into the rear windows of all the flats alongside him and it was very noisy. Someone reported this in 2019 and he received a noise abatement notice.
- I have heard he has a rodent issue at the rear (but I do not have personal experience of this as our home doesn't back onto it) and no idea if he has a pest control contract in place.
- There have been police visits to the premises on occasion for disturbances which are on record (but I do not have dates/details).

In conclusion, we would like the licensing department to take his previous conduct into consideration when deciding his application as he has proven (by his actions) to local residents that he has no particular regard for any of the laws surrounding the running of a late night food business or managing it in a mindful way considering the street is mostly residential.

A compromise could be no tables outside after 9pm and no late night service of any type after 11pm.

Also to check he complies with all the relevant laws surrounding his type of business and some kind of effective enforcement should he breach them in the future? I don't think he's aware of things like planning permission for his new signage for example.

All neighbouring restaurants and bars have an 11.30pm cut off except Kitchen CT9. Kitchen CT9 barely uses her late night option (and is an asset to the street) but we are concerned that her late licence sets a precedent for the street despite it being unused 99% of the time?

Since he has been told to close at 11pm and the seating/tables have been removed we have all noticed considerably less noise, mess and disturbance. In fact we're amazed at the difference especially regarding noise and customer food rubbish outside and all along the street.

It makes this almost worse as we've all had to put up with so much over the past few years and one forgets what the street used to be like before he opened up. The previous tenant (closed 2013) ran a very quiet business there.

Kind Regards

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Annex 2



Thanet District Council
Licensing Department
PO Box 9
Cecil Street
Margate
Kent
CT9 1XZ



19th February 2020

Late License Application - Halli Tekanac - Bomba Kabab & Pizza - 6 Cliff Terrace Margate CT9 1RU

Dear Licensing Team

We are writing to register our objection to the above application for an extended late license at Bomba Kebab & Pizza, 6 Cliff Terrace, Margate, CT9 1RU.

We live next door to the business in question.

The main reason for our objection is that extending the opening hours with this license goes against the Council's stated Licensing objectives of:

1. Preventing Public Nuisance – in this case late night noise and litter
2. Preventing Disorder and Crime – in this case there have been numerous incidents of Anti Social Behaviour involving the police.

We object to the application based on the following concerns:

- Bomba has an outdoor terrace at the front of their premises which until recently had tables permanently in place. Any activity involving increased numbers of people congregating and eating outside, vehicles parking with their engines on, after 11:30 at night is not appropriate for a residential area. It increases public nuisance and significantly raises the risk of criminal and disorderly behaviour.
- We have a bedroom at the front of the property which is almost directly above the outside seating area. To have noise going on until 2.30 am seven days a week is unacceptable, particularly in the summer when the town is very busy.
- We are not aware of any other Late Night Cafés / Restaurants in Margate that enable out door eating until this time in the morning. This must be limited by curfew.
- Rubbish is another issue with discarded take away cartons, cigarettes, drink cans etc left on the street by customers. No bins are provided for this.
- Cliff Terrace is a quiet residential area with a few daytime businesses. A business whose principle hours of business are late at night is not compatible with this location.

Recently it came to light that Bomba Kebab & Pizza had been trading beyond their Permitted Licensed hours and since enforcement we have noticed a marked reduction in late night noise and disruption, both of vehicles and Anti Social Behaviour.

Whilst we do not want to impinge severely on his business it must be run within constraints respecting the needs of the residential neighbourhood and this has not been the case up to now. A late license will only take matters back to how they were.

Please consider the impact of late night operation of Bomba on the surrounding neighbourhood and its residents.

**APPLICATION TO VARY A PREMISES LICENCE
THE ST MILDREDS BAY
ST MILDREDS GARDENS, WESTGATE ON SEA**

Licensing Sub-Committee 03 March 2020

Report Author **Penny Button, Head of Safer Neighbourhoods**

Portfolio Holder **Cllr Lesley Game**

Status **For Decision**

Classification: **Unrestricted**

Ward: **Westgate on Sea**

Executive Summary:

To consider this application to vary the premises licence in respect of The St Mildred's Bay, St Mildred's Gardens, Westgate on Sea in light of representations received.

Recommendation(s):

The instructions of the Sub-Committee are requested.

CORPORATE IMPLICATIONS

Financial and Value for Money	<p>Costs associated with processing the application are taken from licensing fee income.</p> <p>The applicant or any other person (objector) may appeal the Committee's decision to Magistrates' Court within 21 days. Should this decision be appealed the the Council will incur costs defending the appeal. Should the appeal be successful it could result in costs being awarded against the Council. Therefore all decisions should ensure that they are in line with the objectives of the Licensing Act 2003.</p>
Legal	<p>Under the Licensing Act 2003 the Licensing Authority has a duty to exercise licensing control of relevant premises.</p> <p>The Licensing Sub-Committee is obliged to determine applications with a view to promoting the four licensing objectives.</p> <p>Any decision the Licensing Sub-Committee make should be made with regard to the Secretary of State's guidance made under Section 182 of the Licensing Act 2003 (revised in April 2017) as well as Thanet District Councils adopted Licensing Policy.</p> <p>Where any decision parts from either the Guidance or the Policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal/challenge is increased. Similarly the risk of appeal/challenge is increased if any decision made is not evidence based and proportionate.</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</p>

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	<p>further effect in the United Kingdom to the fundamental rights and freedoms contained in the European Conventions 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> <p>The effective regulation of licensable activities and of premises at which licensable activities take place can assist in safeguarding children and vulnerable adults.</p> <p>Section 17 of the Crime and Disorder Act 1998 states: "Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that is reasonably can to prevent crime and disorder in its area" In considering this application the Licensing Sub-Committee will balance the competing Human Rights of the various parties including the right to respect for private and family life, the protection of property and the right to a fair hearing.</p> <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 with regard to the grant/refusal of a licence or any of the conditions attached to it.</p>
Corporate	<p>Corporate Priorities 1,2 & 3 and Values 1, 2 & 3 should be taken into account when determining the outcome of any application.</p> <p>Priority 1: A clean and welcoming environment Priority2: Supporting Neighbourhoods Priority 3: Promoting inward investment and job creation Value 1: Delivering value for money Value 2: Supporting the workforce Value 3: Promoting open communications.</p>
Equality 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, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <p>In considering this application it is appropriate to consider the rights of both the applicant and other parties, such as "responsible authorities" and/or "other persons" (objectors). The procedure for determining licences has a prescribed format to ensure fair representation of the relevant facts by all parties.</p>

CORPORATE PRIORITIES (tick those relevant) ✓	
A clean and welcoming Environment	✓

CORPORATE VALUES (tick those relevant) ✓	
Delivering value for money	✓

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Promoting inward investment and job creation	✓
Supporting neighbourhoods	✓

Supporting the Workforce	
Promoting open communications	✓

1.0 Introduction and Background

- 1.1 An application has been made by Mr P Glicksman to vary the current premises licence for the St Mildred's Bay (formerly Pav's Café).
- 1.2 A copy of the current licence, the plan and an explanation of the licensable activities this currently allows is at Annex 1, in summary the premises can operate until midnight with music until 23:00pm.
- 1.3 The operating schedule, showing the original requested licensable activities and hours are appended in Annex 2 this includes a site plan of the premises showing the requested new areas to be licenced, see keyd 3 & 6 of the plan.
- 1.4 Environmental Health have been in discussions with the Applicant and agent and have agreed some changes to the original application. These are attached at Annex 3

2.0 The Current Situation

- 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 representations 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. Nineteen representations have been received from the public, 2 of which are Petitions one with 30 signatures the other with 20. A representation has also been received from Westgate Town Council and the Estates Department of TDC. These are all appended in Annex 4. A further five were received but deemed not valid due to arriving outside of the consultation period or not being relevant to the application.

The main reasons for the representations are the late hours requested, noise pollution from live music/patrons sitting outside until late hours. Alcohol off sales, allowing drinks to be taken onto the beach.

- 2.2 The Planning department have indicated that there is currently no planning permission in place for the new bar area shown on the plan. Annex 5.
- 2.2 The applicant is further required to give notice of the application to the responsible authorities. Following this Environmental Health has submitted a representation this is attached at Annex 6.
- 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 SubCommittee must also have regard to its statement of licensing policy and the Guidance issued under the Act.

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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.

3.0 Options

3.1 Grant the application with conditions consistent with the Operating Schedule accompanying the application, agreed and mandatory conditions.

3.2 Exclude from the scope of the licence any of the licensable activities to which the application relates.

3.3 Refuse the application.

3.5 Grant the application subject to different conditions in respect of different parts of the premises or different licensable activities.

Contact Officer:	Penny Button, Head of Safer Neighbourhoods
Reporting to:	Gavin Waite, Director of Operational Services

Annex List

Annex 1	Current Licence & plan
Annex 2	Original Application & site plan
Annex 3	Changes agreed
Annex 4	Representations
Annex 5	Email from Planning
Annex 6	Environmental Health Representation

Background Papers

Title	Details of where to access copy
Licensing Act 2003	https://www.legislation.gov.uk/ukpga/2003/17/contents
DCMS Guidance documents issued under Section 182 of the Licensing Act 2003 (as amended)	https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003
Thanet District Council Statement of Licensing Policy	https://www.thanet.gov.uk/media/3168621/licensing-document-2016.pdf

Thanet District Council
Part A
Premises Licence

Agenda Item 5

Annex 1



Premises Licence Number - LN/200501118

Part 1 - Premises details

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

The St Mildred's Bay
Beach Road

Post town

Westgate On Sea

Post code

CT8 8AD

Telephone number

Where the licence is time limited the dates

None

Licensable activities authorised by the licence

- 1) Alcohol on sales
- 2) Late Night Refreshment
- 3) Recorded Music

The times the licence authorises the carrying out of licensable activities

1, 2 & 3 above

Mon – Sat 10am to Midnight

Sundays, Good Friday and Christmas Day – 12 noon to 23:30pm

New Year's Eve - by order of secretary of state

The opening hours of the premises

Mon – Sat 10am to Midnight

Sundays, Good Friday and Christmas Day – 12 noon to 23:30pm

New Year's Eve - by order of secretary of state

Agenda Item 5 Annex 1

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

On the premises only subject to Mandatory Conditions

Part 2

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

Mr Paul Glicksman, 71 Royal Esplanade, Margate, Kent, CT9 5ET

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 Paul Glicksman, 71 Royal Esplanade, Margate, Kent, CT9 5ET

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licensed by – Thanet District Council - LN2001800828

This Premises Licence Update Issued on – 22 January 2020

Premises Licence first issued on – 24th November 2005

Head of Safer Neighbourhoods



Annex 1 – Mandatory conditions**No Supply of Alcohol**

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

Irresponsible Drink Promotions

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

- (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).

Free Potable Water

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Age Verification Policy

- (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.

Drink Measures

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.

Permitted Price of Alcohol

- (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.

Annex 2 – Conditions consistent with the operating Schedule

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

It is an implied condition of this licence that suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or as an ancillary to meals served in the licensed premises.

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

None

Annex 4 – Plans

Plans considered – August 2005

The current licence for the The St Mildreds Bay (formerly Pav's Café) is as follows

Licensable Activities

Alcohol on sales

Late Night Refreshment (the provision of hot food and drink after 23:00pm)

Recorded Music

The hours the above are permitted and the opening hours of the premises are

Mon – Sat 10am to Midnight

Sundays, Good Friday and Christmas Day – 12 noon to 23:30pm

New Year's Eve - by order of secretary of state

There is also the following condition attached to the licence

Annex 2 – Conditions consistent with the operating Schedule

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

It is an implied condition of this licence that suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or as an ancillary to meals served in the licensed premises.

The above licence was issued in November 2005

The Live Music Act 2012

The Live Music Act 2012 amended the Licensing Act 2003 so that a licence is not required to stage a performance of live music, or the playing of recorded music if:

- it takes place between 8:00AM and 23:00PM; and
- it takes place at an alcohol on-licensed premises; and
- the audience is no more than 500 people

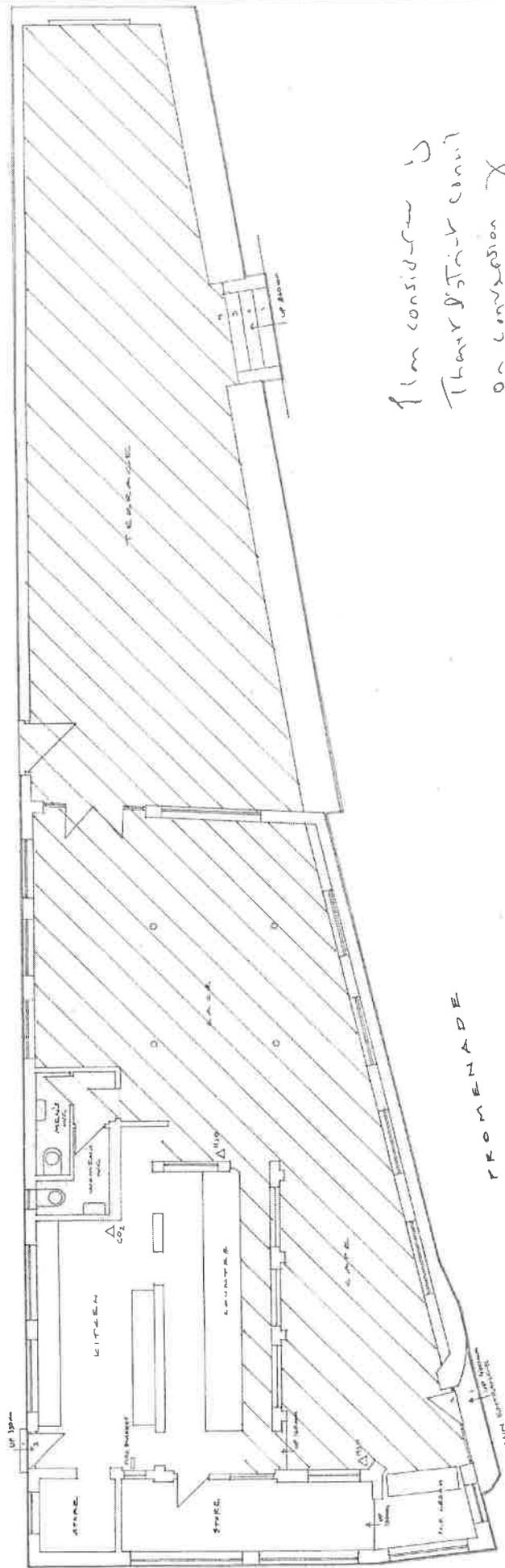
You also don't need a licence:

- to put on unamplified live music at any place between the same hours

Therefore the above means that the current licence allows the owner to have live and recorded music during the hours of 8:00am and 23:00pm without this being licenced by the authority. These conditions can be changed if a licence is called in for Review or Variation.

PLAN

RECUID



I am considering
 Their District Council
 on consideration of
 Restaurant license
 August 2007
 158-159
 Licensing Manager

PROVIDED

KEY	
[E]	Non-maintained Emergency Exit light
[AFC]	9 litre water fire extinguisher
[P]	3 kg dry powder extinguisher
[CO2]	CO2 Extinguisher
[]	Outline of premises
[]	Areas where alcohol consumed
[S]	Sounder/Bell
[C]	Call Point
[WC]	WC
[O]	Emergency escape light

T Michael Consulting
 TMC
 23 Davenport Park Drive, Broadstairs Kent CT10 1RQ
 Tel: 01843 864321 Fax: 01843 868400
 E-mail: tmc@tmcgroup.co.uk

Pav's Cafe, Beech Road, Westgate, Kent

Enabling: Supl 05: 1:100: Dwg No. 01

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Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

FROM A RESTAURANT TYPE LICENCE TO THAT OF A NORMAL BAR WITH TABLE SERVICE OUTSIDE. DRINKS AND FOOD CAN BE ORDERED AND TAKEN FROM THE PREMISES BY WAY OF OFF SALES. THE VENUE WILL CHANGE BY DESIGN INSIDE AS SHOWN IN THE PLANS. THE TIMINGS ON THE LICENCE TAKE INTO CONSIDERATION BANK HOLIDAYS, NEW YEARS EVE ETC. THE PLANS INDICATE ALL THE OUTSIDE SEATING AND SMALL BAR AREA AT THE END OF THE GARDEN AREA. THE EXISTING LICENCE DOES NOT MANAGE THE NEW TYPE OF CUSTOM COMING THROUGH THE DOOR.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A.

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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

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

In all cases complete boxes K, L and M

Agenda Item 5 Annex 2

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

Agenda Item 5 Annex 2

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5) IT IS EXPECTED THAT OLD AND POPULAR FILMS WILL BE SHOWN AS FILM NIGHTS WITH MEALS AS BOOKABLE EVENINGS.	
Mon	10.00	00.00		
Tue	10.00	00.00		
Wed	10.00	00.00		
Thur	10.00	00.00		
Fri	10.00	00.00		
Sat	10.00	00.00		
Sun	10.00	00.00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)	
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)	

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

Agenda Item 5 Annex 2

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish	Outdoors		
			Both	<input type="checkbox"/>	
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

Agenda Item 5 Annex 2

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon 12		00.15	Please give further details here (please read guidance note 5)		
Tue 12		00.15			
Wed 12		00.15	State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur 12		00.15			
Fri 12		01.15	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat 12		01.15			
Sun 12		00.15			
Sun 12		00.15			

Agenda Item 5 Annex 2

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon IN	12.00	23.00	<u>Please give further details here (please read guidance note 5)</u> BANDS / SOLO ARTIST USING AMPLIFIED MUSIC INDOORS / AND BANDS - SOLO ARTIST WILL BE ACOUSTIC OUTSIDE. (NO POWER)		
OUT	12.00	21.00			
Tue IN	12.00	23.00			
OUT	12.00	21.00			
Wed IN	12.00	23.00	<u>State any seasonal variations for the playing of recorded music (please read guidance note 6)</u>		
OUT	12.00	21.00			
Thur IN	12.00	23.00			
OUT	12.00	21.00			
Fri IN	12.00	23.30	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)</u> INSIDE EXTENDED TO 01.30 FOR BANK. HOLIDAYS FR/SAT/SUN XMAS EVE WITH NYE TO 02.30 NO EXTENSION ON OUTSIDE		
OUT	12.00	22.30			
Sat IN	12.00	23.30			
OUT	12.00	22.30			
Sun IN	12.00	23.30			
OUT	12.00	22.30			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	08.00	00.15	Please give further details here (please read guidance note 5)	Both	<input type="checkbox"/>
Tue	08.00	00.15			
Wed	08.00	00.15	State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur	08.00	00.15			
Fri	08.00	01.15	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7) INSIDE EXTENDED TO 01.45 FOR BANK HOLIDAY Fri Sat Sun AND XMAS EVE WITH NEW YEARS EVE TO 02.45		
Sat	08.00	00.15			
Sun	08.00	00.15			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

Agenda Item 5 Annex 2

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish			
Mon ON 08.00 00.15 OFF 10.00 23.00					
Tue ON 08.00 00.15 OFF 10.00 23.00					
Wed ON 08.00 00.15 OFF 10.00 23.00			<u>Please give further details here</u> (please read guidance note 5)		
Thur ON 08.00 00.15 OFF 10.00 23.00			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Fri ON 08.00 01.15 OFF 10.00 00.15			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat ON 08.00 01.15 OFF 10.00 01.15			INSIDE EXTENDED TO 01.45 FOR BANK HOLIDAYS FRI/SAT/SUN, XMAS EVE - WITH NEW YEARS EVE TO 02.45.		
Sun ON 08.00 00.15 OFF 10.00 23.00					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
ON OFF ON OFF ON OFF	Mon Tue Wed	08.00 00.15 10.00 23.00 08.00 00.15 10.00 23.00 08.00 00.15 10.00 23.00	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
ON OFF ON OFF ON OFF	Thur Fri Sat Sun	08.00 00.15 10.00 23.00 08.00 01.15 10.00 23.00 08.00 00.15 10.00 23.00	<u>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</u> (please read guidance note 7) 'ON' THE PREMISES (ONLY) INSIDE EXTENDAS TO 01.45 FOR BANK HOLIDAYS Fri/Sat/Sun, XMAS EVE WITH NEW YEARS EVE TO 02.45 NO CHANGE TO OFF SALES WHICH WILL GO WITH OFF FOOD SALES PIZZA ETC.		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

ONLY THOSE OF FILMS, BUT IT IS EXPECTED THAT THE AGE ON THE FILM WILL BE RESPECTED BY STAFF AND ONLY CHILDREN OF AN AGE WILL SEE FILMS.

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	06.00	00.30	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)</p> <p>INSIDE EXTENDED TO 0200 FOR BANK HOLIDAYS</p> <p>FRI/SAT/SUN AND XMAS EVE WITH NEW YEARS EVE TO 03.00</p>
Tue	06.00	00.30	
Wed	06.00	00.30	
Thur	06.00	00.30	
Fri	06.00	01.30	
Sat	06.00	01.30	
Sun	06.00	00.30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

AS AGREED.

Environmental Health have agreed the following changes with the agent/applicant

I have agreed with the agent on the following opening hours for the premises:

- Monday to Saturday - 06:00am until 00:30am
- Sundays, Good Friday and Christmas Day - 06:00am until 00:00 Midnight
- New Years Eve - 06:00am until 01:30am (into New Years Day)
-

I have agreed an extension to the current licensed hours so that there is a period of half an hour between the end of the service of alcohol and late night refreshment. This will aid dispersal of patrons and allows a 'drinking up time' which can be seen as good practice.

We have also agreed to permit the Alcohol off Sales from 10:00am until 23:00pm daily.

I acknowledge the request to remove the Films, Live Music and Performance of Dance element from the license. We have agreed to add the following to the recorded music element:

- New Years Eve - 12 Noon until 01:00am (into New Years Day)

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TOWN OF WESTGATE	
COUNCIL	
ATTENTION	FILE/NO
11 FEB 2020	

10th. February 2020

Ref. The St. Mildreds Bay,
Beach Road,
Westgate,
(Formerly Pav's Cafe)

Dear Sir/Madam

I am the owner of [REDACTED], CT8 8TP. The property is let to my, 80 year old elder brother [REDACTED] and he has asked me to express his and my concerns, about an application by Paul Glicksman, for a variation of the licencing, for what we know as Pav's Cafe.

As long as I can remember this area has been very largely residential, and was complimented by Pav's Cafe, which provided teas, coffees, and light snacks, and was used by both locals, and visitors to Westgate Bay.

The proposals that Mr. Glicksman has put forward, would forever change the lifestyle and environment, for all the residents in the area.

I have gone through the proposals made by Mr. Glicksman, and there is not one that would be of benefit to the local community. Some of the more upsetting, and frankly ridiculous proposals are for, Recorded Music Out Side, this may be okay on the Costa's, but certainly not Westgate. The Supply of Alcohol Off Sales, can you imagine the chaos that could cause.

Some of the opening hours Mr. Glicksman has asked for are nearly 24/7. There is certainly no need for this.

The very maximum hours for serving alcohol should be 23:00hrs, and that should be INSIDE the premises, outside it should be 21:00hrs.

Mr. Glicksman has asked for live music inside up to 01:15am on Fridays and Saturdays, which is getting to the point of a night club, or a location for raves, this proposal seems to completely ignore the needs of local residents.

I believe Mr. Glicksman has already fallen foul of light pollution, if this went ahead I am 100% sure noise pollution would be getting involved.

The proposal to show films indoors, leaves me baffled. There is a highly regarded cinema in the middle of Westgate, which caters for movie lovers in the surrounding area. Why Mr. Glicksman wants to show films is a mystery to me, as are the list of proposals he has put forward. Which as I said earlier would change, to its detriment the surrounding residential area.

I would hope, that after due consideration all of these proposals are refused.

THANET DISTRICT COUNCIL		
ATTENTION	18 FEB 2020	FILE/NO

Thanet District Council
 PO Box 9
 Cecil Street
 Margate
 CT9 1XZ

18 FEB 2020
Referred to
Actioned

**Objection under Licensing Application
 Received Under the 2003 Licensing Act
 By Mr Paul Glicksman**

Dear Sir/Madam

I wish to object to the above application for an extension of licensing hours for St Mildred's Bay, Beach Road Cafe formerly known as Pavs Cafe.

I consider the proposal to be unreasonable.

The area around this cafe is primarily a residential area and although there is no objection to a cafe in this area there would be an objection to a cafe which stayed open beyond 11pm.

The proposal is asking for late night refreshments outside the cafe on some week days and weekends in some cases up to 1.15am. This will lead to noise from general chatter and probably music and then subsequently cafe clients retiring to the beach to continue their drinking and revelry. It would then lead to vehicle noise in this area as cars drive away.

Car parking will also be an issue as there are no designated car parks around and limited night parking close to the cafe.

There is also an application to allow Live Music inside and outside the cafe extended to 1.45am. Unfortunately, unless a building is completely soundproofed and doors and windows remain shut there will always be sound outside when doors and windows are left open for instance when clients pop out for a quick smoke.

Also, recorded music outside to 1.30am on Friday/Saturday/Sunday would be intolerable to local residents. This is a quiet residential area not a lively major town.

I would please ask you to refuse permission to any late night opening which will cause disturbance to local residents. This type of cafe is not suitable for this area.

Yours faithfully,

Thanet District Council,
Licencing Committee
Cecil Street,
Margate,
Kent,

LICENSIN
18 FEB 2020
Referred to
Actioned

Dear Sirs

By hand

17th February 2020

Re Licensing Act 2003:
Application for variation to the current license made by Mr Paul Glicksman,
The St.Mildred Bay,(formerly Pav's) Westgate-on-Sea.

I wish to register my objection to a variation to the licence for the above premises.

I am aware of Thanet District Council's Policy Objectives in relation to the Licensing Act 2003.

The application premises are situated in a residential area with adjacent family friendly surroundings and a number of Beach Huts which are subject to Thanet District Council contracts in relation to expected compliance including public nuisance. The area is adequately served by licensed premises by way of, a Micro Pub in Beach Road, Millie's Bar and the applicants' premises.

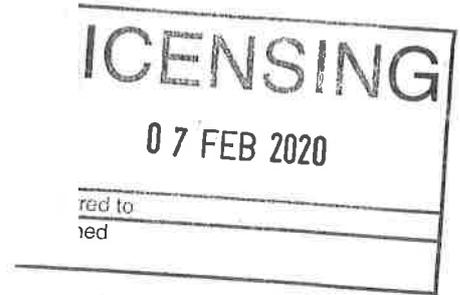
I fear that any extension to hours, for alcohol and the playing of music inside and outside the premises covered by this application will cause significant public nuisance and threaten public safety especially in the Spring, Summer and Autumn months. I have concerns that the premise will be a draw for late night carousers and increase the possibility of antisocial behaviour caused by the consumption of alcohol. I am also concerned about the inconsiderate disposal of drink containers along the promenade and the beach where members of the public walk barefooted in the summer months, particularly with off-licence sales. The protection of children on and off the premises is of great concern in terms of risk from increased traffic, litter, harmful objects and the exposure to alcohol.

Noise pollution will increase given the extended hours of opening, the "coming and going" of customers beyond these hours, particularly as parking is extremely limited and I have concerns for emergency vehicles access, in view of the tight corners and the continual parking at the corners and on both sides of the roads.

I also object to the variation in license in relation to the showing of films and question how children will be protected from inappropriate material.

I understand that the recent objection to the lights which were on all day and all night, which could be seen from a long way off was upheld and I am concerned that this may return if there is an extension to the licence hours.

4a



3rd February 2020

Thanet District Council
Licensing Applications Department
P.O. Box 9
Cecil Street
Margate
Kent CT9 1XZ



Dear Sir/Madam,

Licensing Act 2003

The St. Mildreds Bay, Beach Road, Westgate. (Formerly Pav's Cafe) Mr Paul Glicksman.

With reference to the above licensing application. I would like to strongly object to this.

I have lived at Marine Heights for about 20 years just opposite The St. Mildreds Bay (Pav's) which is about 10 to 12 metres away and it is a predominantly residential area. We already have Millies Bar, which is next to The St. Mildreds Bay and I have been told that a Micro Pub is to open in Beach Road, in what was formerly The Knot. This is a small area to have three licensed premises, and the chances of anti-social behaviour, I feel, would be increased in what is a residential area.

I have no objection to somebody trying to run a business, but the extended hours that have been asked for, in my opinion, is totally out of place in a residential area and would cause a considerable noise nuisance to the residents of the area. Millies have an 11pm licence with no outside drinking after 9pm. I think this is late enough and the same hours and regulations should be applied to The St. Mildreds Bay.

As regards the application for live and recorded music; this would cause a noise nuisance to all the residents in the nearby area especially if played outside till late at night. Millies Bar is not allowed to play music outside whatsoever!

I also feel this would be detrimental to families using the beach during the summer months, who use the area for quality family time.

I have no objection to the sale of alcohol, but if this is to be served outside to a much later time, the noise levels would again cause a problem for the residents. Again, Millies only serve outside until 9pm and then everyone must go inside. As regards off sales, with so many families using the beach during the summer, what measures will be taken to ensure rubbish is properly disposed of? The normal bins already overflow each day during this time.

The showing of films concerns me. What checks will be made to ensure it is an age appropriate film for the customers and possibly their children viewing? Identification would be needed and there would also need to be checks to make sure the correct film copyright licences are held to show any film.

The parking in the area is already inadequate for residents and visitors and is always busy. The increase in traffic and the inconsiderate way that some drivers park would cause a problem for any emergency vehicles to gain access to the road and beach.

Some of the residents have recently had a case of light pollution from The St Mildreds Bay, as the new owner installed very bright lighting around the premises, which was being left on 24/7, lighting the whole of the interior of their apartments. The light pollution team from TDC investigated and Mr Glicksman was asked to turn them off at night (which he has adhered to) If these premises are granted the extended opening hours plus outside drinking, this problem would reoccur causing more nuisance to the residents.

In short, the licence variations being asked for are totally out of keeping for this residential area.

Yours faithfully,

THAMES DISTRICT COUNCIL TOWN HALL		
ATTENTION	DATE	FILE/NO
	12 FEB 2020	

M

Licensing Act 2003.
 MR Paul Glickman.
 The St. Michaels Bay (Formerly Pav
 Beach Road, Westgate-on-Sea.

Dear Sir, Madam,

I have recently found that the above premises have applied for a licence for late nights and outside entertainment. I did not see the application for this is on side window at the side of the building by the bins.

I wish to make a formal objection

I am a retired person I love where I am thought of these hours worries me.

The hours they are asking for are not appropriate for a residential area. I am about 30 feet for the venue. Late nights, outside music outside drinking will cause all types of problems.

Film until midnight think of when people leave the premises Anti social behaviour.

We have Millers over the road they are so considerate no alcohol outside after 21.00 which is fine.

The area is so busy in the summer.
The beach huts run adjacent to the bar.
Lots of young children. I think outside
drinking would be inappropriate.

When it's warm you like to keep
your window open, that would not
be possible. Millie's bar the
people have to go inside after 21.00 hours.

Litter is another thing; glass, quite
dangerous for everyone on the
beach with their family & children.
The supply of alcohol off the
permises is not good. The
whole thing is just not acceptable
in this residential area.

Cars cannot park now. What if
you had to call the emergency services,
they just about get down the street
now.

Also lights from the above bar would
be awful we have already had a
problem with this which a present
has been solved. What will happen
when the bar opens?

This hours are more suited to a night club
not a beach café.

6a

LICENSING
07 FEB 2020
Referred to
Actioned

Thanet District Council,
PO Box 9,
Cecil Street,
Margate,
Kent CT9 1XZ

By Email and Post

Dear Sirs,

Re: Mr Paul Glicksman - The St. Mildreds Bay, Beach Road, Westgate (formerly Pavs Café)

I am writing to you in connection with the above and the application made to vary the licensing for the above premises.

I have recently purchased Flat [REDACTED] Westgate on Sea, which is immediately facing The St Mildreds (formerly Pavs Café), with my future retirement plans in mind. The position of the flat and the surrounding area were matters taken into consideration when I purchased the flat. Having only owned the flat for a few months I have found that most of my neighbours are of a similar age and have a similar mindset (ie the immediate area is home to mostly retired people or those nearing retirement like myself).

The beach is frequented mainly by families with your children and older people with dogs and I can see the feel of the area changing if the application in question is accepted. Safety issues may be taken into consideration also as this quiet residential area is not designed or capable of supporting additional traffic, including delivery and emergency vehicles.

The application referred to above is simply not in keeping with the area or its unique feel and to allow the changes requested would be highly detrimental to those living in, and enjoying the area. From my relatively short period of owning a flat at Marine Heights I am familiar with several, bars, restaurants and off licenses etc in the vicinity and see no need for another establishment of this type.

Live Music Inside

This would cause noise pollution and parking issues due to proximity of the venue to the flats and accommodation opposite, not just due to the music, but also the attendees exiting. In addition parking (which is already at a premium), would be an issue and would probably mean either residents or customers of The St Mildreds spilling over into West Bay Avenue. There are already parking issues due to customers of Millies (adjacent to The St Mildreds). In addition the proposed timings are not acceptable for this residential area.

Recorded Music Inside

The same comments mentioned above apply here too.

Recorded Music Outside

Again the comments above apply, but even more so with regard to noise pollution due to external speakers playing music.

Performances of Dance Inside

I assume that this is indicating that the intention is to use the building as a nightclub "as definition of dance" could include this. The area is simply not suitable for a nightclub and the parking/infrastructure facilities do not support this.

Late Night Refreshments Inside

This would again change the feel of the area and the attraction of owning and living in the area. This is a beach front and a change of a beachside café to a nightclub/off license/bar would seriously deter people from living in (and visiting) the area and would attract a different type of visitor and occupier.

Late Night Refreshments Outside

The previous comments apply here, but even more so - Why would anyone enjoying the views of the sea want to look out to see people potentially inebriated and rowdy and have all the noise disturbance which goes with it?

Supply of Alcohol - On Sales

I have no issue with this on the basis that this is limited to the times that Milles (adjacent to The St Mildreds) is permitted to operate.

Supply of Alcohol - Off Sales

This is tantamount to having an off license and again this would cause issues with parking. There is often no parking spaces available on Beach Road and whilst the residents of Marine Heights have an allocated parking space, this does not allow for relatives or friends visiting and often there are no spaces available. In view of the nature of Beach Road at this point and the narrowness of the road between the parked cars this would also cause issues entering and exiting Beach Road, as well as safety issues.

Films

The parking issues again are relevant here, and potentially noise pollution. I am not exactly sure what is meant by films, and can only assume that this may relate

to music videos which are often played in bars and clubs. If films that are shown in a cinema are intended, then this may have an affect on the Carlton Cinema in the town, which would be heartbreaking.

Opening Hours

The proposed opening hours are totally unacceptable. This would mean that every waking hour the premises would be in operation and this can surely not be acceptable in a wholly residential area.

I trust that you will understand the reasons why I strongly object to the proposals, and that the application is rejected/dismissed.

Please acknowledge safe receipt.

LICENSING	
07 FEB 2020	
Referred to	
Actioned	

THANET DISTRICT COUNCIL	
MARGATE	
ATTENTION	07 FEB 2020

Thanet District Council
Licensing Applications
PO Box 9
Cecil Square
Margate
Kent CT9 1XZ

Dear Sir/Madam

Licensing Act 2003

Mr Paul Glicksman – The St Mildreds Bay (formerly Pav's), Beach Road, Westgate On Sea

With regard to the above – I wish to make a formal objection to the extended licensing hours as applied for.

I live 20 feet directly opposite from the premises, with outside drinking until 1.15am on a Saturday plus live music until 23.00 and opening times from 6am, would make my apartment uninhabitable, especially in the summer months with open windows being a necessity. My apartment being so close, any live music will affect my quality of life negatively.

Millie's Beach Bar I believe has to have ALL customers inside from 9pm and is a lot further away from me than "The St Mildred's Bay" (Pav's). If this application for late night outside drinking was granted it would create a precedent encouraging Millie's to follow suit.

Moreover the environmental impact also concerns me. St Mildred's Bay is and always has been a beach for families and dog walkers. Already the light pollution from the new owners is an issue and the additional lighting that has been affixed that shines directly in to my windows, would be unacceptable if allowed to continue in to the early hours.

Increased traffic movements will further put at risk residents in an area that's already at capacity in the summer season with increased beach users and visitors. Vehicular access by emergency vehicles is already an issue due to on-street parking.

Litter pollution is again already overflowing in the summer months, I kayak and sea swim and litter is a problem. The addition of alcohol off-sales as applied for would be extremely detrimental to the area and the natural habitat.

As my apartment is so close to the establishment, the proposed licensing extension, music and outside drinking, would make my living conditions unbearable and leave me with no option but to move. At present the area is extremely quiet which is why I choose to live here.

So in conclusion I formally object to the extension application in its present form and to any modified application that would allow any outside drinking past 9pm, any music outside at all and any late night opening past 11pm.

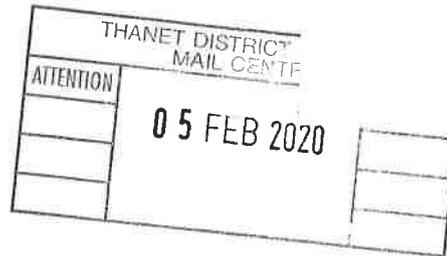
A hard copy will be posted to the address as listed.

Sent by email
as well on 3/2/2020.

Agenda Item 5
Annex 4

8a

Thanet District Council
PO Box 9
Cecil Square
Margate
Kent CT9 1XZ



2 February 2020

Dear Sir/Madam

Licensing Act 2003

Mr Paul Glicksman – The St Mildreds Bay (formerly Pavs), Beach Road, Westgate On Sea

I have recently found out from logging on to your web site that a licensing application has been submitted for a variation to the existing licence in relation to the above premises. I have checked the premises and notice that this has been displayed in the window of the premises but not in a prominent position so therefore not everyone would necessarily see the application.

After reading through the application I wish to make a formal objection.

The St Mildreds Bay is situated on the promenade in a predominately residential area. It is overlooked by flats which is where I live, and I feel that a beach café in its present form is sufficient and is all that is needed for this area. We already have Millies Beach Bar which operates adjacent to The St Mildreds Bay and I understand that a Micro Pub is also about to open in Beach Road (formerly The Knot). Therefore, we would have three licensed premises operating in a very small area of Westgate that is solely residential. I am concerned that the knock-on effect for potential anti-social behaviour would be increased.

Whilst I am all for business doing well and making the most of opportunities, in this instance it is inappropriate for such a highly populated residential area (the premises are about 30 feet from where I live). The extended hours that have been submitted would, in my opinion cause a public nuisance to the residents who live here and also the large amount of families who come to this bay to enjoy the unspoilt environment. Restrictions should be imposed, and I feel that any hours over and above that afforded to Millies (which is I believe 23:00 daily) would be too late.

The application is asking for live and recorded music to be played at various hours. Live music in the vicinity of the residential properties would cause a public nuisance. The building is an old building and I do not know for sure but would think that it does not have adequate sound proofing and is not designed to cope with modern levels of sound and vibration which in turn will inevitable escape from the premises. There is also a request for recorded music to be played outside of the building and this would be inappropriate causing a public nuisance. Come the Summer months when it is warmer most people wish to sleep with their windows open. We would not be able to do this if music was played outside. The adjacent premises, Millies is not allowed to play music outside of the premises whatsoever.

With regard to the sale of alcohol, the premises are currently licensed but has never been fully utilised in this way. It has always been a beach café for families, dog walkers and for children to grab beach goods such as buckets and spades. I have no real objection to the sale of alcohol but am concerned that if alcohol is being consumed at a much later hour this would give rise to anti-social behaviour. Alcohol outside in the evenings is permitted until 21:00 at Millies, no later. Everyone must come inside. I would like to know whether CCTV is going to be available at the premises to monitor this. The potential for littering and broken glass would increase. The supply of alcohol off the premises would have an effect on the public's safety. Taking glasses, bottles etc

down to the beach area where many families and children go to play would be harmful to children and have an effect on the environment. On a busy Summer's day, the beach is very busy and generally the current bins that are supplied are over spilling. What measures will be taken (given that they are hoping to sell more alcohol) for them to dispose of all the extra bottles and rubbish as currently there is just one large bin in place. Referring to Millies once again they are not allowed to sell alcohol off site.

Another proposal is for films to be shown indoors daily until Midnight. Whilst this sounds like a nice idea for one off evenings, there should be strict restrictions with regard to making sure that the film is of an adequate certificate and that for example children are not able to see a film which is of an inappropriate certificate. Therefore, I would assume that security is implemented for these evenings and some form of identification would need to be shown as proof. Late night food could also give potential for the smell of cooking to come from the premises. Is there enough flues or extractors to take these away from the residential buildings which are very close in proximity. The flue on Millies is at least twice the size as on the roof of The St Mildreds Bay.

The impact all of this will have on this residential area could be considerable. The surrounding roads are always busy and public parking is not adequate for the residents. There is also a concern that someone consistently leaves the promenade safety barrier open (adjacent to the flood barrier) and regularly people either park across the open barrier, therefore restricting access for disabled people and people with prams (as the parking is bad on the road) or park physically on the promenade. This is dangerous as small children and parents tend to cross the road in this area when going to and from the beach. In Summer the roads are packed. I have real concerns that the emergency services would struggle to gain access down the road and to the beach.

Some of the residents have just had a case for light pollution for these premises. The new owner has added neon strip lighting around the whole of the premises which he was leaving on 24 hours a day 7 days a week. The light pollution team were notified and after a couple of weeks of keeping a log and taking photographic evidence they met with the Mr Glicksman and they came to the conclusion that the lights were causing an issue under the Environmental Protection Act 1990 Section (79)(1)(j) – Artificial light emitted from premises. They advised Mr Glicksman that they were minded to serve an Abatement Notice but he said that he would work with them. For now, he switches the lights off when the café closes most evening at 16:30-17:00. I therefore have concerns that if hours were extended these lights would be switched back on and again cause a nuisance to the immediate residents.

I would hope, when considering all the variations that have been submitted for The St Mildreds Bay that the opening hours, sale of alcohol and the playing of music which have been imposed for Millies Beach Bar will be taken into consideration.

I am submitting my objections by email. Please could you kindly acknowledge receipt. I will also send this by recorded delivery to your offices as a hard copy.

TDC Licensing <licensing@thanet.gov.uk>

I, Westgate,

31 January 2020 at 13:49

The St Mildred's Bay, Beach Road, Westgate,

Having recently realised that a notice had been fixed to the side window, next to the rubbish bin, and nowhere near either of the 2 entrance doors to the above premises I wish to lodge a formal objection to the application for a variation to the existing licence at the above address.

The premises, although located on the promenade, is directly overlooked by a number of residential properties in a solely residential area, and the extended hours being requested will, in my opinion give rise to the potential for disturbance and public nuisance to the residents unless restrictive conditions and restrictions are imposed.

The request includes off licence sales until 23:00 daily which could lead to anti social behaviour on the public promenade and beach with an increase in littering. There is the potential for broken glass on the beach causing injury to the many families and children, plus dogs, that use it on a daily basis throughout the year.

The films showing until Midnight daily does not state whether inside or outside with the potential for loud noises and an illuminated screen causing varying levels of lighting to be visible to the overlooking residential properties on a daily basis.

I am also concerned about the increase of traffic being generated late at night in an area that is already congested with on street parking by the local residents as highlighted when Millie's held fireworks on the beach in 2018 and the area ground to a halt.

Having previously objected to the premises application from the neighbouring Millie's in 2017 I do believe that the hours granted at the hearing for that premises of until 11:30 for music (indoors) and 11pm for Alcohol (on the premises) are quite sufficient.

Please confirm receipt of my objection and advise whether I also need to submit my objections by a separate written letter.

Dear Sir or Madam.

Re Licensing Act 2003. Application for variation to the current license made by Mr Paul Glicksman, The St. Mildred Bay,(formerly Pav's) Westgate-on-Sea.

I first became aware of an application, from the above, placed on a local Westgate web site. On enquiring to Thanet District Council, I was informed that this had been withdrawn.

On advice I monitored the Council Licensing web site and it reappeared with the variation. I live directly opposite the above premises and received no notice nor consultation.

I wish to make formal objection to the application to vary the current license.

I am aware of Thanet District Council's Policy Objectives in relation to the Licensing Act 2003.

The premises at issue are situated in a quiet residential area with adjacent family friendly surroundings and a number of Beach Huts which are subject to Thanet District Council contracts in relation to expected compliance including public nuisance.

This small area is well served by licensed premises in terms of Millie's Bar, a Micro Pub in Beach Road and the applicants premises.

Any extension to hours, as presented, for alcohol and the playing of music inside and outside the premises in this application for variation will cause significant public nuisance and threaten public safety especially in the Spring, Summer and Autumn months.

If the variations are agreed, then noise pollution will increase given the extended hours of opening, the "coming and going" of customers beyond these hours, delivery vehicles and increase the need for collection of rubbish.

Currently parking is very limited even for residents. There are issues of access for cars and for parking on these small roads and there could be major difficulties should emergency vehicles such as ambulances and fire engines need to access properties in the area.

The request to include an off license facility will compound the public nuisance in terms of noise. It will compromise public safety in the vicinity, on the promenade and on the beach with litter and risk the threat of anti-social behaviour caused by the consumption of alcohol.

The protection of children on and off the premises is of great concern in terms of risk from increased traffic, litter, harmful objects and the exposure to alcohol.

I also object to the variation in license in relation to the showing of films and question how children will be protected from inappropriate material.

There has been a recent objection, which was upheld, with regard to light pollution from external lights which were left on for twenty four hours a day. Any extension of hours will consequently mean the issue of light pollution returning.

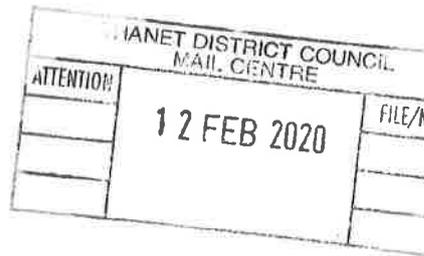
I would be grateful if you could acknowledge receipt of this letter.

I will also be sending a copy by Recorded Delivery.

Yours sincerely



Thanet District Council
Licensing Department
Cecil Square
Margate
Kent



Dear Sir/Madam

9.2.20

Re: The St Mildred Bay (formerly Pav's) café Westgate-on-Sea, change of license application

I wish to make a formal objection to the application to vary the current license.

I have been made aware of a significant number of changes proposed by the purchaser Mr Paul Glicksman, the full details being via Westgate Matters web site. I am aware of Thanet District Council's Policy Objectives in relation to the Licensing Act 2003.

The premises at issue is situated in a quiet residential area, with family friendly surroundings and beach huts close by, these are obviously subject to contractual agreements with Thanet Council, especially in relation to noise and public nuisance.

As far as licensed premises is concerned the area already has Millie's Bar and a Micro Pub in Beach Road, further licenced premises would only best be served by a restaurant, certainly not an off license.

The issues principally in my objection relate to opening hours, parking and potential late- night nuisance.

As stated, this is a residential area with only a single circular road accessing the site. This is constantly occupied by resident's vehicles and in the summer holiday makers. Delivery lorries and entertainment equipment transport access would be most difficult and create an unnecessary safety hazard especially during the period Easter to Autumn with many families and young children in the area. The extended use proposed, raises the potential for the need for emergency vehicle access (ambulance or fire service) which would prove complicated.

The significant late hours proposed would inevitably result in noise disturbance and the strong possibility of litter on the beach and promenade as well as the risk of anti-social behaviour. The near-by green areas and gardens would see an increased use in the early hours with alcohol related issues affecting the area and resident's peace.

The proposal to show films could prove difficult to police especially for children.

I believe light pollution has been a concern for immediate neighbours and this new venture will no doubt also prove to be a further issue.

As I have intimated earlier the site does lend itself to an upgrade in both appearance and service offering. However, the applicant has gone far too far in the range of proposals and opening hours. A licensed café/restaurant would be adequate on this site, with conventional hours of trading.

I would appreciate acknowledgement of receipt of this letter which will also be posted to you.

Yours sincerely

THANET DISTRICT COUNCIL MALL CENTRE		
ATTENTION	12 FEB 2020	FILE/NO

t.mal.com

Dear Sir/Madam,

I am writing this letter to lodge a formal objection to the proposed extended licensing hours to the St. Mildreds Cafe, formerly Pavi's Cafe in St. Mildreds Gardens Westgate-on-Sea. The new proprietor has put his notice of intension in a very discreet place on the side of the cafe wall, almost unseen, (adjacent to the waste bin area.). I must add that late night opening will have a severe detrimental affect on mainly residential properties in the surrounding area. We already have a very busy cafe on the adjacent side of the promenade namely Millie's, which has proved very popular and only have very few late evenings, which have been agreed and closely monitored. Having a late or extended opening license to another property in the same area would massively intrude in a negative way, namely loud music and litter being strewn around the promenade area. The road adjacent to the St. Mildreds Cafe is already a very busy road and will become very dangerous to all if there were increased traffic levels. I already feel that there should be some ~~some~~ level of traffic calming in the road. There would also be problems with parking in the surrounding roads, particularly in the busier summer months.

Going forward, could you please keep me informed of any decisions that may occur on this on-going matter.

Please could you lodge this objection for me with the appropriate office.

Yours Sincerely



LICENSING REPRESENTATION FORM

Section 1: Licence Application Details

I wish to **object** to the following application

Name of Applicant (if known):	Mr Paul Glicksman	
Premises Name and Address:	The St Mildreds Bay, Beach Road	
	(Formerly Pavs Cafe), Westgate-on-sea	
	Postcode:	CT8 8TP

Section 2: Your Details

(If you are acting as a representative, please go to Section 3)

Title

- Mr
- Mrs
- Miss
- Ms
- Other (please state)

or business address, if your objection relates to the premises))

Section 3: Representative Details

(If you represent residents or businesses, please complete the details below)

Name of Representative/Organisation	
Address of Representative/Organisation	
	Postcode:

I AM (Tick as appropriate):

- Representative or Residents Association
- Representative of Trade/Business Association
- Ward Councillor
- MP
- Other (please specify)

Section 4: Reason(s) for Representation

Under the Licensing Act 2003, for a representation to be relevant, it must set out the likely effect of granting the application on the promotion of the four licensing objectives. Any representations that are considered to be frivolous or vexatious will not be accepted.

Please fill in the reason(s) for your representation in the space provided below under each of the Licensing Objectives (where relevant). You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation. Please attach any supporting documents/further pages as necessary, numbering all additional pages. Try to be as specific as possible and give examples, where possible.

Licensing Objective	Reason for Representation
Prevention of Crime & Disorder	

<p>Prevention of Public Nuisance</p>	<p>I STRONGLY OBJECT to this application. It is noise pollution and anti-social. The opening hours are totally unacceptable.</p> <p><u>Late Night Refreshment outside 23:00pm – 00:15am Fri and 23:00pm – 1:15am Sat</u> This is a RESIDENTIAL area.</p> <p>And the parking? Parking is now a huge problem especially since you passed the planning permission for The Knot to be converted into flats.</p> <p>And all the extra rubbish that is already a problem on the beach and promenade?</p> <p>And what happens when the micro-brewery opens up in The Knot? More noise, more cars, more rubbish?</p> <p>WE DO NOT WANT OR NEED another late night drinking establishment at the end of Beach Road. Let them keep to the same hours that Millie's is restricted to.</p> <p>Where do you think people are going to park when he decides to hold weddings?</p> <p>Please have some compassion for the residents and not just the businessman out to make money. Thank you.</p>
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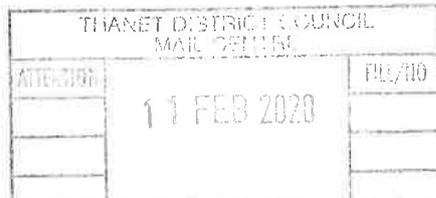
<p>Protection of Children from Harm</p>	
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<p>Public Safety</p>	
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_____, hereby declare that all information I

Date: 05/02/2020

14a



LICENSING REPRESENTATION FORM

Section 1: Licence Application Details

I wish to **object** to the following application

Name of Applicant (if known):	Paul Glicksman	
Premises Name and Address:	Formerly Pav's Café. The St Mildreds Bay, Beach Road, Westgate	
	Postcode:	

Section 2: Your Details

(If you are acting as a representative, please go to Section 3)

Title

- Mr
- Mrs
- Miss

stgate on Sea CT8

(You must provide your full residential address (or business address, if your objection relates to the impact of the licence upon your business premises))

Section 3: Representative Details

(If you represent residents or businesses, please complete the details below)

<i>Name of Representative/Organisation</i>	
<i>Address of Representative/Organisation</i>	
	<i>Postcode:</i>

I AM (Tick as appropriate):

- Representative or Residents Association
- Representative of Trade/Business Association
- Ward Councillor
- MP
- Other (please specify)

Section 4: Reason(s) for Representation

Under the Licensing Act 2003, for a representation to be relevant, it must set out the likely effect of granting the application on the promotion of the four licensing objectives. Any representations that are considered to be frivolous or vexatious will not be accepted.

Please fill in the reason(s) for your representation in the space provided below under each of the Licensing Objectives (where relevant). You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation. Please attach any supporting documents/further pages as necessary, numbering all additional pages. Try to be as specific as possible and give examples, where possible.

Licensing Objective	Reason for Representation
Prevention of Crime & Disorder	<p>This area is primarily a quiet residential area which does already become busier within the summer season.</p> <p>You will see I have attached some crime statistics that show increases already for anti-social behaviour at peak times (April, May, July, September 2019) – from Kent police web information.</p> <p>I think it is reasonable to assume that introducing a late night venue serving alcohol with loud music, which may attract a different type of customer to that currently seen in the local area, leading to further increases in crime which will impact detrimentally on local residents, many of whom are elderly.</p>

<p>Prevention of Public Nuisance</p>	<p>As referenced in my point above, I consider that a late night music venue serving alcohol is inappropriate for this area which is close to a high number of flats. It is inconceivable that residents will not be disturbed into the early hours of the morning by noise from within the building, noise from any external terrace including the sound of talking and also noise when people leave the site. I strongly object to the granting of any licence for music whether inside or out the building along with such long hours of opening. I would personally be disturbed especially in the summer when we all enjoy leaving our windows open.</p> <p>It must be also be noted that the site in question is unable to provide any parking facilities in an area when parking is already a problem. Residents often have to park some way away from their homes at peak season anyway. I repeat the comment that this is an area where many elderly people live and such changes to what has always been a daytime café would make residents lives a misery.</p>
<p>Protection of Children from Harm</p>	<p>St Mildred's Bay is a family friendly beach area and is popular with young families in the summer.</p> <p>I would be concerned that the presence of a late night music venue for which the supply of alcohol on the premises is the primary consideration of the business, may threaten the security of young children in the area who may be playing in the area. Especially in the summer season when families often have barbeques on the beach well into the evening and when the tide does not allow this, they often have their barbeques on the promenade just outside the premises in question. This area is a wholly inappropriate zone for a late night music venue/club where children may be able to access alcohol and/or drugs when they are under age.</p>
<p>Public Safety</p>	<p>It is not sensible to allow the serving of alcohol so late in the evening so close to the sea.</p> <p>I reference the RNLi.org web site which states "You might be surprised how many coastal deaths are linked to alcohol". It is apparent from their web site that alcohol related deaths near the water are not uncommon. I am very concerned that such long licensing hours so close to the sea would encourage behaviour that could well be fatal.</p>

Agenda Item 5

14d

Annex 4

declare that all information I have

W
su
/
/s

Date: 8/2/20

n to:

Kent, CT9 1XZ

Email: Licensing@thanet.gov.uk

Crime levels in this area between January 2019 and December 2019

Agenda Item 5

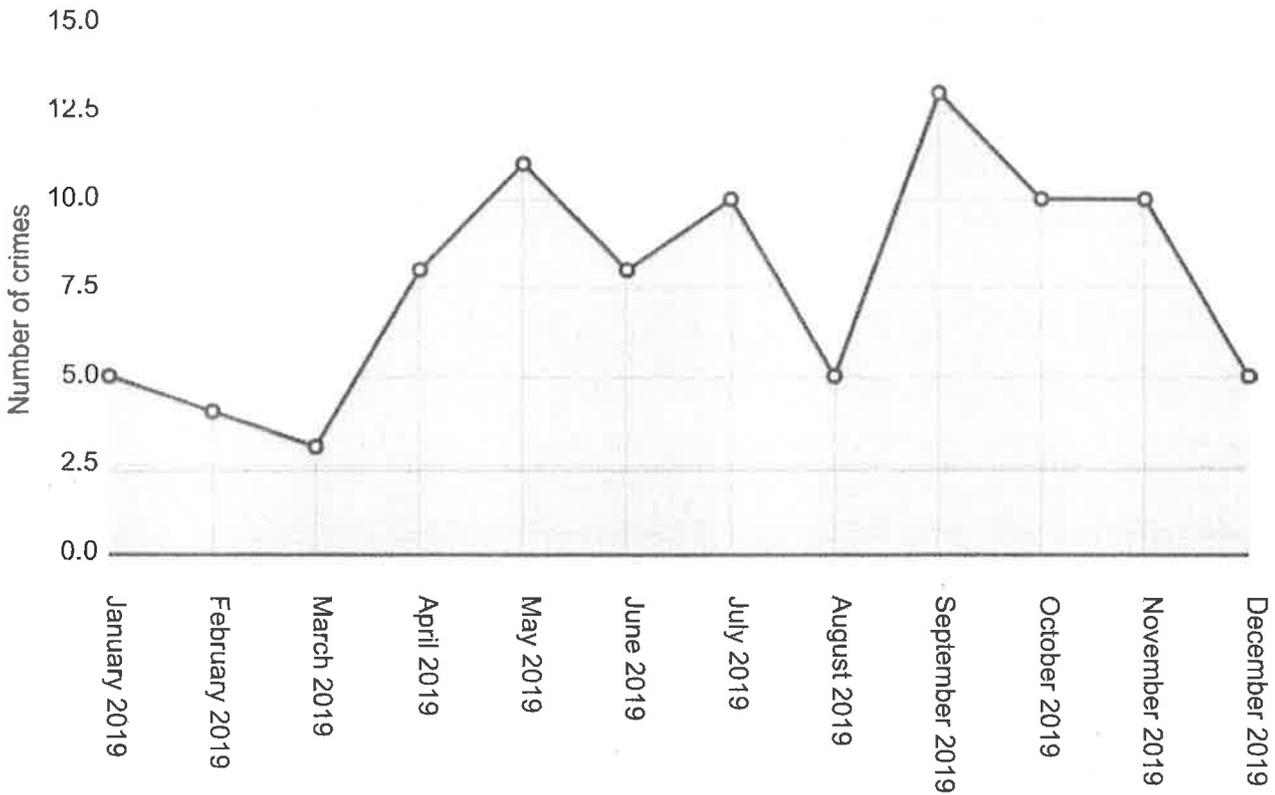
Annex 4

14e

Showing:

Anti-social behaviour

Update



Month

Total

December 2019	5
November 2019	10
October 2019	10
September 2019	13
August 2019	5
July 2019	10
June 2019	8
May 2019	11
April 2019	8
March 2019	3
February 2019	4
January 2019	5

114f

[Home](#) > [Kent Police](#) > [Thanet - Westgate-on-Sea](#) > [Crime map](#) >

Detailed statistics for Thanet - Westgate-on-Sea



Contents

[Comparison of crime types in this area between January 2019 and December 2019](#)

[Comparison of outcomes in this area between January 2019 and December 2019](#)

[Crime levels in this area between January 2019 and December 2019](#)

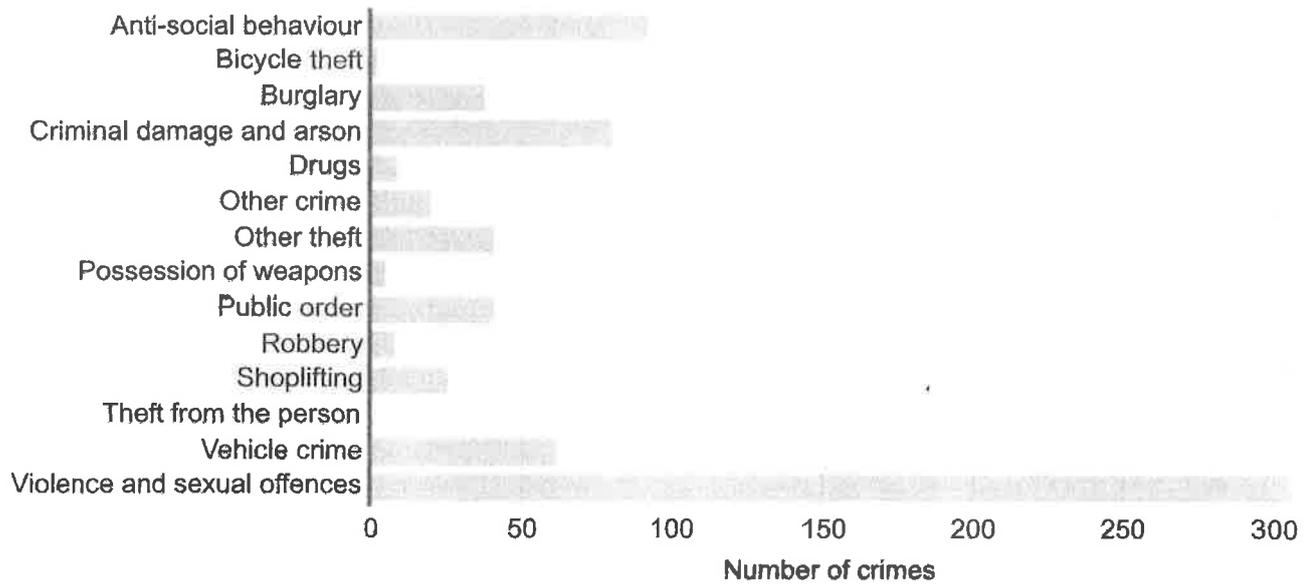
[Download crime data for this area as a CSV file](#)

Comparison of crime types in this area between January 2019 and December 2019

Agenda Item 5

Annex 4

14g



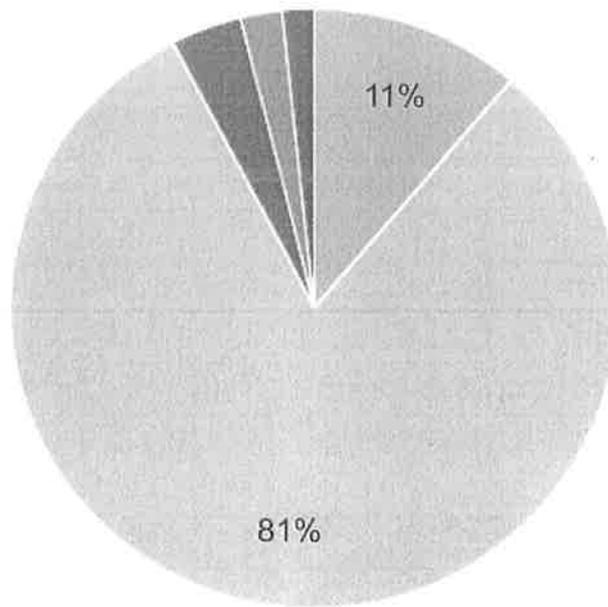
Crime type ⚡	Total ⚡	Percentage ⚡
Anti-social behaviour	92	12.62%
Bicycle theft	2	0.27%
Burglary	38	5.21%
Criminal damage and arson	80	10.97%
Drugs	9	1.23%
Other crime	20	2.74%
Other theft	41	5.62%
Possession of weapons	5	0.69%
Public order	41	5.62%
Robbery	8	1.10%
Shoplifting	26	3.57%
Theft from the person	0	0.00%
Vehicle crime	62	8.50%
Violence and sexual offences	305	41.84%

Comparison of outcomes in this area between January 2019 and December 2019

Agenda Item 5

Annex 4

14h



- Under investigation
- No further action
- Offender dealt with by police
- Offender sent to court
- Offender dealt with at court

Outcome type	Total	Percentage
Under investigation	72	11.30%
Under investigation	42	6.59%
Status update unavailable	30	4.71%
No further action	516	81.00%
Formal action is not in the public interest	2	0.31%
Further action is not in the public interest	0	0.00%
Further investigation is not in the public interest	15	2.35%
Investigation complete; no suspect identified	168	26.37%
Unable to prosecute suspect	331	51.96%
Offender dealt with by police	24	3.77%
Action to be taken by another organisation	11	1.73%
Offender given a drugs possession warning	13	2.04%

Outcome typeAgenda Item 5
Total Percentage

Annex 4 0.00%

14 i

Offender given penalty notice		
Offender given a caution	4	0.63%
Local resolution	6	0.94%
Offender sent to court	14	2.20%
Suspect charged	14	2.20%
Suspect charged as part of another case	0	0.00%
Offender dealt with at court	11	1.73%
Court case unable to proceed	0	0.00%
Defendant sent to Crown Court	0	0.00%
Defendant found not guilty	0	0.00%
Offender given absolute discharge	0	0.00%
Offender given conditional discharge	0	0.00%
Offender ordered to pay compensation	0	0.00%
Offender fined	0	0.00%
Offender deprived of property	0	0.00%
Offender given community sentence	0	0.00%
Offender given suspended prison sentence	0	0.00%
Offender sent to prison	0	0.00%
Offender otherwise dealt with	0	0.00%
Court result unavailable	11	1.73%

15_a

Glicksman for The St Mildred's Bay Beach Road

18 February 2020 at 14:33

licensing@thanet.gov.uk>
p.glicksman@virgin.net>

Dear Sir/Madam

Please see attached objections from a selection of residents of Beach Road to the above application. Please accept this letter has having been individually signed by each of the residents who have read and agreed with its contents. The original of this will be submitted to you in tonight's post.

Kind regards

 20200218143758033.pdf
641K

3rd February 2020

Licensing Department
Thanet District Council
PO Box 9
Cecil Street
Margate
Kent CT9 1XZ

Dear Sirs

**Alcohol and Late Night Licensing Application for St Mildred's Bay
Café Westgate (formerly Pav's Café) by Mr Paul Glicksman**

As local residents close to St Mildred's Bay Café, we must object strongly to the application by the owner for late night opening hours, music and serving of alcohol to 1.15am/1.45am during the week and 2.45am at Christmas and New Year:

The residents in the immediate vicinity previously suffered extreme noise, litter, vandalism, drunken arguments, fights and general antisocial behaviour over the years as a result of the opening hours of the Nottingham Castle Pub in Beach Road. We do not wish a repeat of this especially bearing in mind the extended hours being applied for which would only increase the above issues.

This is a family/elderly occupied residential area with only one direct road access from Westgate Bay Avenue to the Café via Beach Road, and two other equally small roads either side via Sussex Gardens and Old Boundary Road. There is little parking on the roads for residents and constant taxis picking up or dropping off customers, would cause further problems and general disturbance.

Having a late night drinking and music venue with these opening times in this residential area will adversely affect the value of properties.

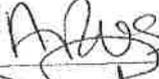
There is a health and safety risk to drunken customers potentially using the beach/sea during the evening times. In addition the increase in general litter and broken glass etc will have a knock on effect for people using the beach during the day and the foreshore in general. Unlike Margate beach, no provision is made for general litter picking by the Council.

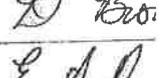
We would ask that you consider other licensed premises such as Millies on the same bay, and The Sun Deck Bar on the promenade underneath the Nayland Rock in Westbrook which was only granted a licence until 9.00pm for the very reason of its location in a residential area. In addition, alcoholic drinks are not allowed outside on the promenade. The same licensing and regulations should be in place for the Café.

Yours faithfully

Signature

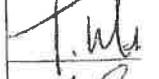














Paul
Paul
Bill
AD
B. Hart
Mike
C. S.
R. Harris
D. Harris
M. V. S.
blay
Ant
Ch. L.
Mike
W. S.

15e

Licensing applications received under the 2003 Licensing Act - Thanet

	<p>(Formerly Pavs Cafe)</p>		<p><u>Recorded Music</u> <u>inside</u> 12:00pm – 23:00pm Mon – Thurs – 12:00pm 23:30pm Fri – Sun – Extended to 1:30am for bank holidays Fri/Sat/Sun and Christmas & New Years Eve to 2:30am</p> <p><u>Recorded Music outside</u> until -21:00pm Mon – Thurs -22:30pm Fri – Sunday</p> <p><u>Performances of Dance</u> inside – 8:00am – 00:15am Sun – Mon and 1:15am Fri & Sat Extended to 1:45am for bank holidays Fri/Sat/Sun and 2:45am on Christmas and New Years Eve</p> <p><u>Late Night Refreshment</u> <u>inside</u> 23:00pm – 00:15am Sun – Thurs Fri – Sat 23:00pm – 01:15am Extended to 1:45am for bank holidays Fri/Sat/Sun and 2:45am on Christmas and New Years Eve</p> <p><u>Late Night Refreshment</u> <u>outside</u> 23:00pm – 00:15am Fri and 23:00pm – 1:15am Sat</p> <p><u>Supply of Alcohol – on</u> <u>Sales</u> until – 00:15am Sun – Thurs – 01:15am Fri & Sat – Extended to 1:45am for bank holidays Fri/Sat/Sun and 2:45am on Christmas and New Years Eve</p> <p><u>Supply of Alcohol – off</u> <u>Sales</u> 10:00am – 23:00pm</p> <p><u>Films indoors</u> 10:00am – Midnight Daily – Old & popular films shown as film nights with meals as booked evenings.</p> <p><u>Opening Hours</u> Sun – Thurs 6:00am – 00:30am Fri & Sat – 6:00am – 01:30am Extended to 2:00am for Bank Holidays Fri/Sat/Sun and 3:00am Christmas and New Years Eve (inside only)</p>	
	<p>6 Cliff Terrace Margate</p>		<p>Opening hours 14:00pm – 2:30am everyday</p>	

The Licensing Applications are kept at the offices of Thanet District Council, PO Box 9, Cecil Street, Margate, Kent CT9 1XZ and may be inspected during opening hours. Any representations must be made in writing to the above address before the date stated above.



18th January 2020

Dear Sir / Madam,

I am writing to raise an objection to the application made under the Licensing Act 2003 in respect of The St Mildreds Bay Café (formerly Pavs Café) on the promenade of St Mildred's Bay adjoining Beach Road and St Mildred's Gardens.

The current proposals in this application will likely cause significant disruption to the many local residents that live in close proximity to the Café, in many forms, as they are not in keeping with the residential area in which the premises are situated. Live and recorded music is likely to be overheard by many residents, and combined with the extended opening hours will cause considerable noise nuisance. Additionally, the sale of alcohol including off-sales until late in the evening will increase the chance of anti-social behaviour and accumulation of litter on the beach and surrounding area.

Yours faithfully,

THANET DISTRICT COUNCIL CENTRE		
ATTENTION		FILE/NO
	20 FEB 2020	

Thanet District Council
Licensing Applications Department
P.O.Box 9
Cecil Street
Margate
Kent. CT9 1XZ

Dear Sir or Madam,
Licensing Act 2003.

The St. Mildreds Bay, Beach Road, Westgate (formally Pav's Café). Mr Paul Glicksman.

With reference to the above licensing application we wish to strongly object.

St. Mildreds Bay is mainly a quiet family friendly residential area. This request impacts all of the residents in the area including our apartment in Marine Heights which is directly opposite this establishment (just the width of the narrow road away).

With the request for live and recorded music both outside and inside, outside late night refreshments till the early hours, dancing, selling of 'off sales' alcohol, showing of films till midnight and the extent of the opening hours from 6.00am to 23.00pm, with extensions every weekend and holidays even to 3.00am, this seems wholly inappropriate for an area where residents need to sleep. The noise will continue until people leave the area. Therefore there will be an increase in noise, traffic, general nuisance, an increase in rubbish, and probably anti-social behaviour. There is also a lack of parking.

There is already one licenced premises in the vacinity which is Millies Bar. In our opinion somewhere as small as this area does not need another.

If this application is granted it would have a major adverse impact on the quality of life for all the residents in this currently quiet and peaceful residential location.

Yours faithfully

3rd February 2020

Licensing Department
Thanet District Council
PO Box 9
Cecil Street
Margate
Kent CT9 1XZ

Dear Sirs

**Alcohol and Late Night Licensing Application for St Mildred's Bay
Café Westgate (formerly Pav's Café) by Mr Paul Glicksman**

As local residents close to St Mildred's Bay Café, we must object strongly to the application by the owner for late night opening hours, music and serving of alcohol to 1.15am/1.45am during the week and 2.45am at Christmas and New Year:

The residents in the immediate vicinity previously suffered extreme noise, litter, vandalism, drunken arguments, fights and general antisocial behaviour over the years as a result of the opening hours of the Nottingham Castle Pub in Beach Road. We do not wish a repeat of this especially bearing in mind the extended hours being applied for which would only increase the above issues.

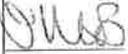
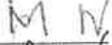
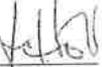
This is a family/elderly occupied residential area with only one direct road access from Westgate Bay Avenue to the Café via Beach Road, and two other equally small roads either side via Sussex Gardens and Old Boundary Road. There is little parking on the roads for residents and constant taxis picking up or dropping off customers, would cause further problems and general disturbance.

Having a late night drinking and music venue with these opening times in this residential area will adversely affect the value of properties.

There is a health and safety risk to drunken customers potentially using the beach/sea during the evening times. In addition the increase in general litter and broken glass etc will have a knock on effect for people using the beach during the day and the foreshore in general. Unlike Margate beach, no provision is made for general litter picking by the Council.

We would ask that you consider other licensed premises such as Millies on the same bay, and The Sun Deck Bar on the promenade underneath the Nayland Rock in Westbrook which was only granted a licence until 9.00pm for the very reason of its location in a residential area. In addition, alcoholic drinks are not allowed outside on the promenade. The same licensing and regulations should be in place for the Café.

Yours faithfully

Signature	Name	Address
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		
		



Objection to The St Mildreds Bay - Variation of a Premise Licence

1 message

TDC Estates <estates@thanet.gov.uk>
To: TDC Licensing <licensing@thanet.gov.uk>

21 February 2020 at 12:13

Public Safety

Thanet District Council Estates department do not generally grant permission for the use of tables and chairs on promenades. They are heavily used by both pedestrians and cyclists, adding tables and chairs could cause and increased risk to public safety from collision due to restriction of space etc.

At present this premises does not afford permission for tables and chairs on the promenade but should an application be received it is unlikely that permission would be granted.

Regards

Westgate-on-Sea Town Council
78 St Mildreds Road
Westgate-on-Sea
Kent CT8 8RF
01843 836182



21st February 2020

Licensing Department
Thanet District Council
Council Office
Cecil Street
Margate CT9 1XL

Dear Sir/Madam

Re: Licensing Application: Variation The St Mildreds Bay (formerly Pav's Café and Garden)

Response by Westgate-on-Sea Town Council to the licensing variation application regarding the proposed licensable activities: Live music, recorded music inside & outside, performances of dance inside, late night refreshments inside & outside, supply of alcohol on & off sales and film indoors

Licensing Objective – The Prevention of Public Nuisance

Westgate-on-Sea Town Council is concerned regarding the number of hours proposed in this Licensing Application for the sales of alcohol on and off site and feels that a compromise should be sought to reduce them. This proposal is a material change of use for the premises from A3 Café to A4 Public House; it is currently a traditional beach cafe.

There is potential for noise impact for residents at Marine Heights as the premises is in proximity and there should be measures in place to mitigate the sound and look to reduce the number of hours that residents are exposed to any disturbance.

It is noted that the premises known as Millie's Bar does not currently have late hours permitted for licensable activities and this could be seen to set a precedence for the future.

Licensing Objective – Public Safety

Westgate-on-Sea Town Council is not in favour of the off-licence sale of alcohol in this vicinity as this is a family beach area and this would encourage and have potential for nuisance drinking which could threaten public safety.

There are highway safety concerns due to the narrow access road. There is a limited turning area next to the premises which could cause issues with access and parking for customers. It is suggested that there should be a plan of the area outlined in red to show where alcohol can be consumed to clarify the proposal.

Yours faithfully,

Highways & Environment Committee



Annex 4

TDC Licensing <licensing@thanet.gov.uk>

FW: Application for drink, music & extended open hours at St. Mildreds Cafe (formerly Pav's)

1 message

TDC Customer Services <Customer.Services@thanet.gov.uk>

21 February 2020 at 16:52

To: TDC Licensing <Licensing@thanet.gov.uk>

o.com]

Sent: 21 February 2020 16:19**To:** TDC Customer Services**Subject:** Application for drink, music & extended open hours at St. Mildreds Cafe (formerly Pav's)

I am sorry for this late email but I have only heard of this application by word and mouth. As a resident in the area I have received nothing in writing and not seen any notices on lampposts as one would expect. I wonder how many other residents are totally unaware of this request.

With reference to the above application I wish to voice my objections firstly regarding the noise and secondly the parking situation. Whilst it is nice and convenient to have a cafe at the bottom of the garden so to speak I think most residents that live in this area chose it for its peace and tranquility. I can think of nothing worse than the thought of loud music blaring out all day and on occasions into the early hours of the morning. Please give some consideration to all those people (and there are a lot of them) who live in very close proximity to this establishment.

Parking is also going to be a problem as since the opening of Millie's cafe/bar parking especially during the summer months has become horrendous. We have very limited off street parking where we live which means that we are often forced to park in St. Mildreds Gardens and surrounding streets. This is very often not possible because of the visitors using this area instead of the car park which I must add remains mainly deserted 24/7 as no-one will pay to park when they can do it for free.

may contain privileged or confidential information. It is intended solely for the use of the intended recipient please destroy or delete the content of this message if you are not the intended recipient. Opinions, conclusions and other information in this message that does not belong to Council shall be understood as neither given nor endorsed by the council.

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04/02/2020

EKS Partnership Mail - re licencing application for The St Mildreds Bay, St Mildreds Gardens

Agenda Item 5
Annex 5



TDC Licensing <licensing@thanet.gov.uk>

re licencing application for The St Mildreds Bay, St Mildreds Gardens

1 message

To: TDC Licensing <licensing@thanet.gov.uk>

4 February 2020 at 08:46

Following receipt of the licensing paper above it would appear that a planning application has been submitted F/TH/20/0051 for a change of use.

Currently this is still invalid; awaiting further information from the applicant.

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TDC Licensing <licensing@thanet.gov.uk>

License Variation - LN/200501118

1 message

To: TDC Licensing <licensing@thanet.gov.uk>

21 February 2020 at 15:14

Licensing,

Environmental Health were asked to comment on the above application. During the consultation period we have agreed changes to the application with the agent however there are still elements of the application that have not been agreed. We would therefore object to the application but would withdraw our objection if the applicant agreed to our further requests.

The premises known as Pav's Tea Gardens was granted a licence in 2005. However the license agreed at this time has not used to its full extent and has generally been used as a 9-5 daytime beach cafe. The premises is in a residential area of Westgate with only one other licensed premises adjacent (Millie's Beach Bar). Millie's bar has a license condition which restricts alcohol in the external area until 9pm daily. The nearest residential premises is 10 metres away from the building facade. The plan attached shows the proximity of premises to residential I have also attached photographs (marked No1 to No6) of the area to support my comments.

My main concern with this license variation is noise pollution. The application proposes times which I feel are excessive, in fact I feel that the current times licensed in 2005 are excessive. If this was a new application I would be requesting much more stringent controls given the environment the premises sits in.

The licensable area includes an external garden/patio area. By having this area licensed the proprietor will be able to have live music externally until 11pm daily (as per the Live Music Act). I do not feel that external music is appropriate at this premises at any time of the day and the proprietor will be open to nuisance complaints should he decide on this avenue. The photographs attached marked No4 and No5 show the proximity of this area to the nearest residential.

I have agreed with the agent on the following opening hours for the premises:

- Monday to Saturday - 06:00am until 00:30am
- Sundays, Good Friday and Christmas Day - 06:00am until 00:00 Midnight
- New Years Eve - 06:00am until 01:30am (into New Years Day)

I have agreed an extension to the current licensed hours so that there is a period of half an hour between the end of the service of alcohol and late night refreshment. This will aid dispersal of patrons and allows a 'drinking up time' which can be seen as good practice.

We have also agreed to permit the Alcohol off Sales from 10:00am until 23:00pm daily.

I acknowledge the request to remove the Films, Live Music and Performance of Dance element from the license. We have agreed to add the following to the recorded music element:

- New Years Eve - 12 Noon until 01:00am (into New Years Day)

We have been unable to agree on the elements below:

To try and reduce any noise transference to nearby residential premises I propose that the proposed external bar building is closed at 9pm daily. While the external area will still be used the new bar will result in an intensification of this area and associated noise. Therefore I propose the following condition to reduce such noise effect:

- The external bar to the West side of the premises should be closed to patrons at 21:00pm daily

I note from the plan submitted that the applicant proposes a new door configuration onto the garden area, I also note that the windows facing residential all have openers. With this in mind I feel that nearby residents need to be protected from patron and associated noise. You will note from the attached photographs marked No1 and No2 the distance between the premises and residential property. I also highlight that the residential rooms overlooking the premises are both a mixture of bedrooms and living rooms. As previously explained the premises has not been used to its full license potential and has generally not been open past 5pm and I therefore feel that the condition below is justified:

- All doors and windows at the premises should be kept closed after 21:00pm except for access and egress.

I object to any extension in the Alcohol and Late Night Refreshment element that is already currently licensed. I would however agree to an extension for New Years Eve as listed below:

- New Years Eve - 12 Noon until 01:00am for Alcohol and Late Night Refreshment.

21/02/2020

EKS Partnership Mail - License Variation - LN/200501118

Agenda Item 5 Annex 6

In light of not being able to fully agree to all of the above I must object to this license variation. This objection is made on and in support of the licensing objective 'The Prevention of Public Nuisance'.

Regards

Environmental Protection Officer

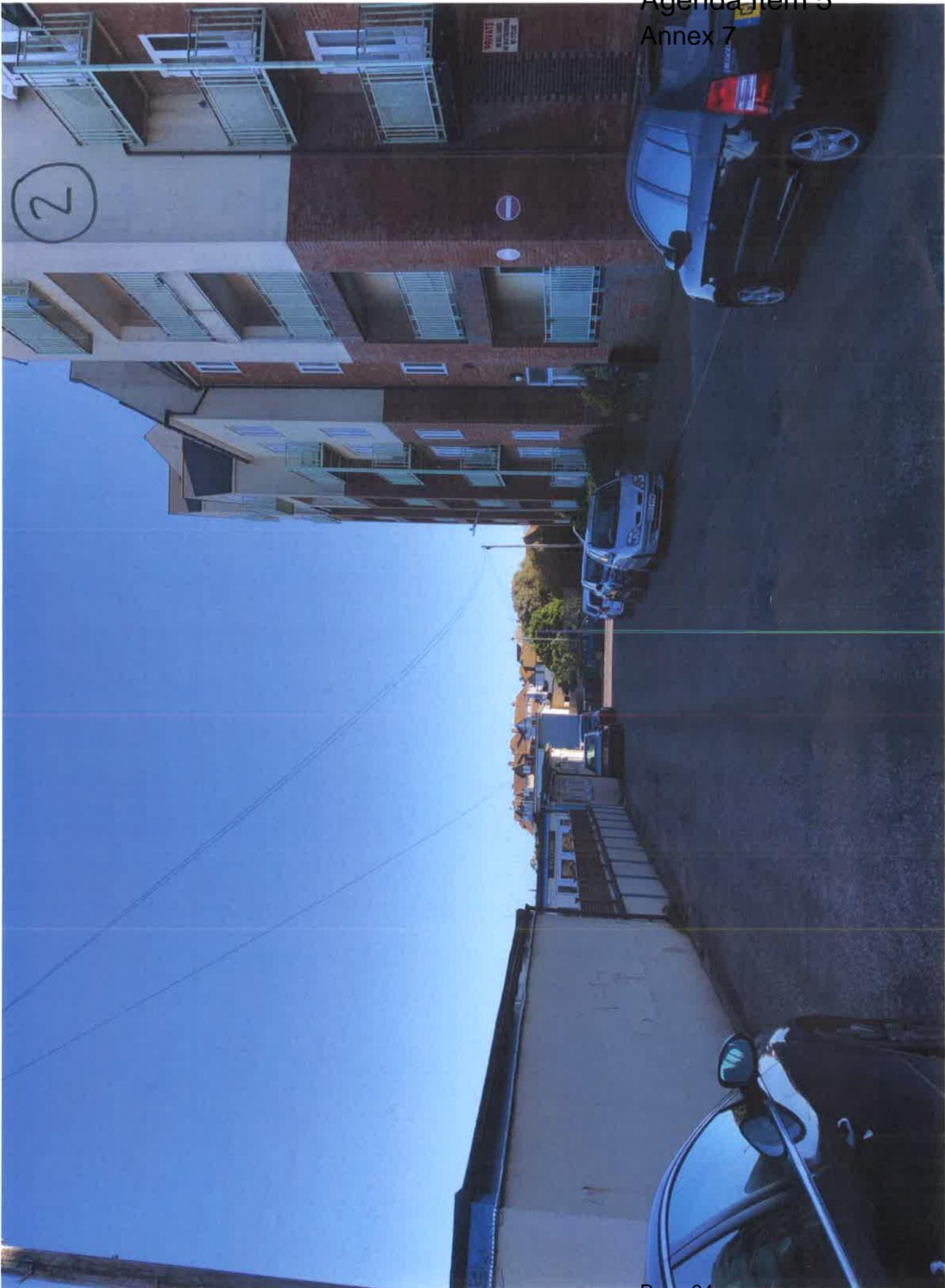
☎-01843 57

[@thanet.gov.uk](mailto:)

Environmental Health | Thanet District Council Offices | Cecil Street | Margate | Kent | CT9 1XZ

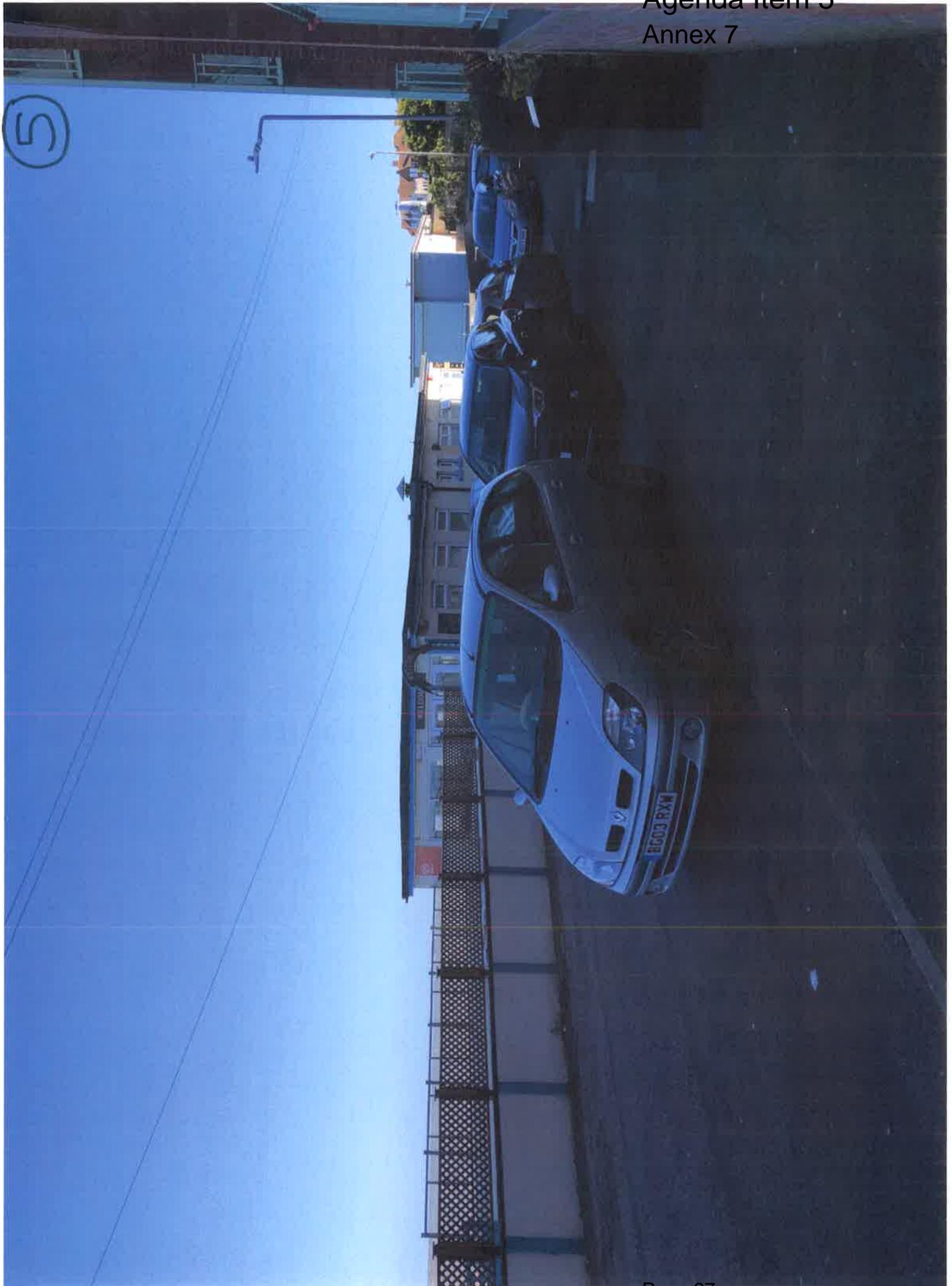
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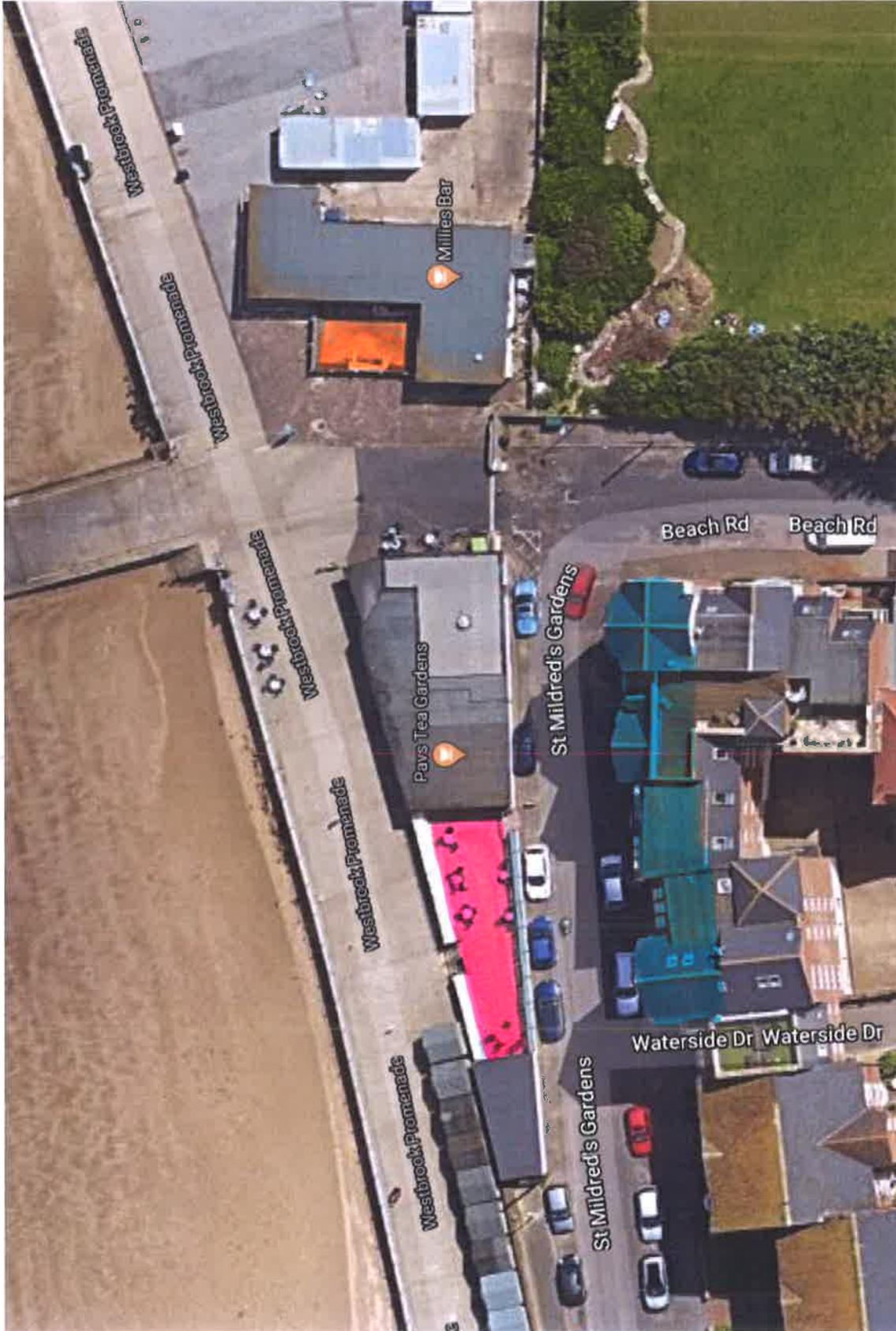








Aerial Plan



- Millies external area
- Pav's external area
- Nearest residential

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