



Date: 29 May 2020
Ask For: Charlotte Crowley
Direct Dial: (01843) 577193
Email: Charlotte.crowley@thanet.gov.uk

LICENSING SUB COMMITTEE

9 JUNE 2020

A meeting of the Licensing Sub Committee will be held not before **11.30 am on Tuesday, 9 June 2020** and Online Only. This meeting will be held by video call, <https://youtu.be/9a896LA3DoM>

Membership:

Councillors: Bambridge, Rogers and Shrubbs

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 15 THE PARADE, MARGATE, CT9 1EY** (Pages 5 - 20)

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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 – NEW APPLICATION 15 THE PARADE MARGATE

Licensing Sub-Committee 9th June 2020

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

Portfolio Holder **Cllr Helen Whitehead**

Status **For Decision**

Classification: **Unrestricted**

Ward: **Margate Central**

Executive Summary:

To consider this application for a premises licence in respect of 15 The Parade, Margate 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 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 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</p>

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	<p>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</p> <p>Priority 2: Supporting Neighbourhoods</p> <p>Priority 3: Promoting inward investment and job creation</p> <p>Value 1: Delivering value for money</p> <p>Value 2: Supporting the workforce</p> <p>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)✓	
Growth	
Environment	✓
Communities	✓

1.0 Introduction and Background

- 1.1 An application has been made by Mr Mark Hicks for a New Premises Licence at 15 The Parade Margate.
- 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 representations 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:-

The licensed area shall only include the internal parts of the premises

From midnight onward on each operational night, alcohol for off-sale provision shall only be provided in a sealed container.

All tables and chairs or any form of seating associated with the premises that are placed on the Piazza shall be removed from 22:30pm onwards.

2.3 The Licensing Sub-Committee will be aware that it must carry out its functions under the 2003 Licensing Act to take steps which are appropriate for the promotion of the licensing objectives. The Licensing objectives are:- the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm. In carrying out its licensing functions, the Licensing Sub-Committee must also have regard to its statement of licensing policy and the Guidance issued under the Act.

2.4 The four licensing objectives are the matters the Licensing Sub-Committee must address when considering whether to grant or refuse the application. Each application should be considered on its merits. Reasons must be given for any decision made by the Sub-Committee.

2.5 Where a premises licence is granted mandatory conditions will apply under Sections 19- 21 of the Act. These refer to irresponsible drinks promotions, provision of free tap water, an age verification policy, availability of small measures, the sale of alcohol below cost, and designated premises supervisor.

3.0 Options

3.1 Grant the application, with the 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 Representations

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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	01:30	<u>Please give further details here</u> (please read guidance note 4)		
Tue	23:00	01:30			
Wed	23:00	01:30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23:00	01:30			
Fri	23:00	01:30	<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	01:30			
Sun	23:00	01:30		New Year's Eve 23:00 until 02:00	

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Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for <u>consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Mon	10:00	01:00			
Tue	10:00	01:00			
Wed	10:00	01:00			
Thur	10:00	01:00			
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	01:00			
			<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 6)		
			New Year's Eve until 01:30, closing at 02:00		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Mr Mark Hicks	
Date of birth 	
Address 	
Postcode	CT10 2JL
Personal licence number (if known) LN/201500429	
Issuing licensing authority (if known) THANET	

K

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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).

None

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<p>Hours premises are open to the public Standard days and timings (please read guidance note 7)</p>	<p><u>State any seasonal variations</u> (please read guidance note 5)</p>																								
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Day</th> <th style="width: 20%;">Start</th> <th style="width: 20%;">Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td>08:00</td> <td>01:30</td> </tr> <tr> <td>Tue</td> <td>08:00</td> <td>01:30</td> </tr> <tr> <td>Wed</td> <td>08:00</td> <td>01:30</td> </tr> <tr> <td>Thur</td> <td>08:00</td> <td>01:30</td> </tr> <tr> <td>Fri</td> <td>08:00</td> <td>01:30</td> </tr> <tr> <td>Sat</td> <td>08:00</td> <td>01:30</td> </tr> <tr> <td>Sun</td> <td>08:00</td> <td>01:30</td> </tr> </tbody> </table>	Day	Start	Finish	Mon	08:00	01:30	Tue	08:00	01:30	Wed	08:00	01:30	Thur	08:00	01:30	Fri	08:00	01:30	Sat	08:00	01:30	Sun	08:00	01:30	<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 6)</p> <p>New Year's Eve closing at 02:00</p>
Day	Start	Finish																							
Mon	08:00	01:30																							
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Fri	08:00	01:30																							
Sat	08:00	01:30																							
Sun	08:00	01:30																							

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)

The premises were previously used under the trade name Milos as a cafe bar/ restaurant. Mr Hicks is the proprietor of premises next door, number 16. The premises are to be run in tandem along much the same lines. The hours sought are the same as at number 16, together with a share of The Piazza opposite. Food will be available as a bistro style menu.

b) The prevention of crime and disorder

The premises are covered by CCTV. The bar is situated in the top right hand corner of the premises (as shown on the plan), giving adequate supervision over the whole of the interior of the premises. The premises are being run in tandem with the premises next door, number 16. The DPS will be keeping a close eye on both premises and also ensuring that his staff are fully trained and aware of the need to prevent crime and disorder.

c) Public safety

The usual risk assessments for food hygiene, health and safety and fire safety will be in place. The adjoining premises, number 16, has a food hygiene risk assessment, together with health & Safety risk assessments. The premises also has a fire safety risk assessment and plan, which will be applied to the next door premises at number 15

d) The prevention of public nuisance

The premises are relatively small and run in tandem with number 16, next door. The application is to licence the whole of The Piazza but only that slice opposite the premises will be used (see letter attached). The outside area on the pavement and on The Piazza will only be used during clement weather. It is anticipated that in the summer months, both outside areas would cease operations dictated by weather conditions and light. It is suggested that these measures will obviate any possible nuisance

e) The protection of children from harm

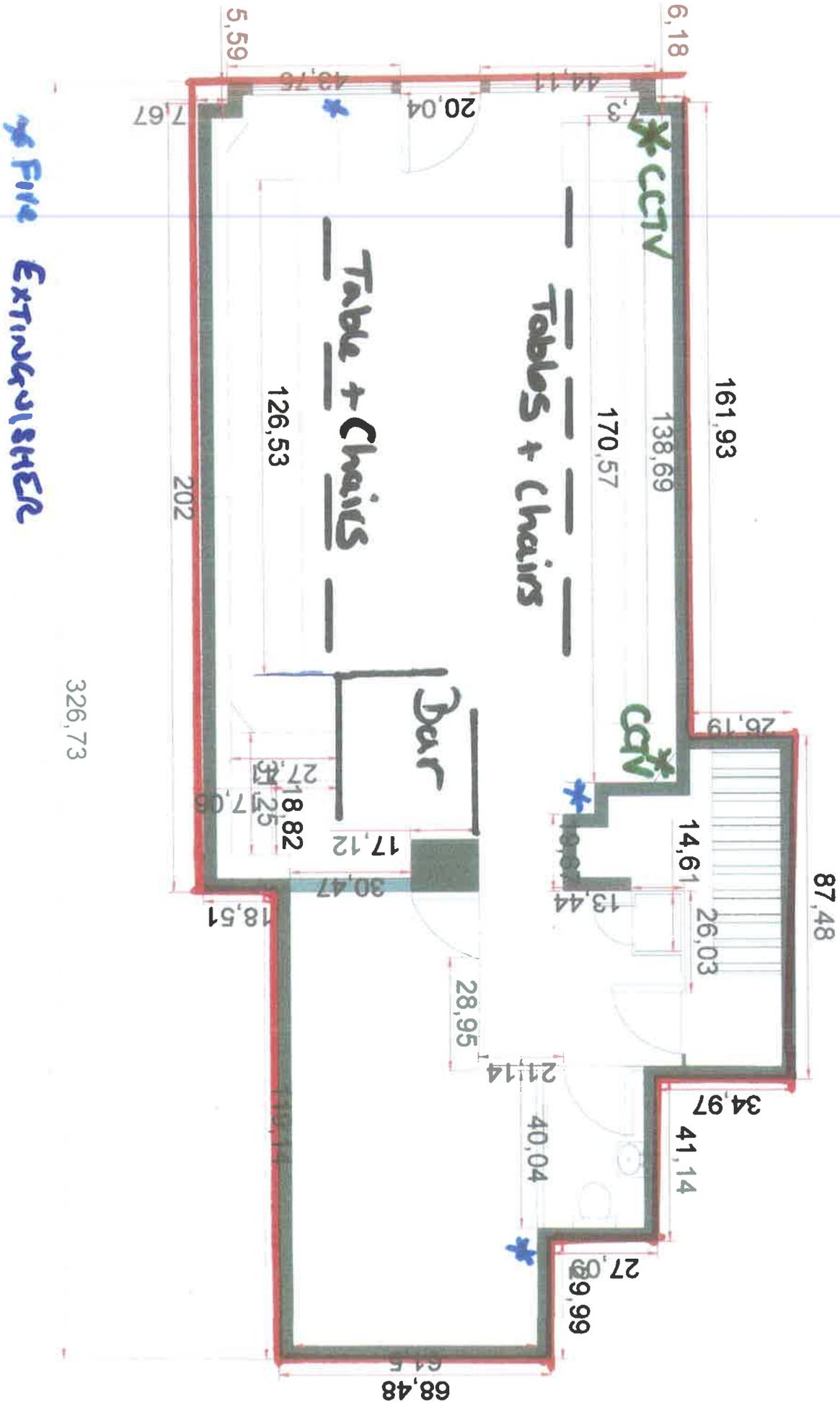
The Challenge 25 policy will be in force. Anyone appearing under 25 will be asked to provide identification. The only acceptable forms of ID will be an official document with a photograph such as, but not exclusively, driving licence, passport etc. A refusals book will be kept.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.

1:200



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Objection

1 message

[Redacted]
To: licensing@thanet.gov.uk

5 March 2020 at 10:50

Hi

I'd like to formally note my objection to the application for the license on the property 15 the parade , in the name of mark . I live at number [Redacted] the parade and am already kept awake on summer evenings by late drinkers and tables being stored on the piazza . Also in the mornings with the tables and chairs being put out . Perhaps there can be a curfew on piazza drinking ? Also do they have a license to leave their furniture in the piazza . I notice a few businesses doing that , considering that it's a conservation and tourist area , it looks very untidy ? I look forward to your response

[Redacted]
Sent from my iPhone



LICENSING REPRESENTATION FORM

Section 1: Licence Application Details

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

<i>Name of Applicant (if known):</i>		
<i>Premises Name and Address:</i>	15 The Parade	
	Margate	
	<i>Postcode:</i>	CT9 1EY

Section 2: Your Details

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

Title

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

<i>Surname:</i> [REDACTED]	<i>Forenames:</i> [REDACTED]	
<i>Address</i>	[REDACTED] Margate, CT9 1EY	
	<i>Owner of: Flat</i> [REDACTED] <i>The Parade, Margate, Kent</i>	
	<i>Postcode:</i>	CT9 1EY

(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 representation is not a personal complaint against the applicant. It is a complaint regarding the treatment of the Grade 2 Listed buildings on The Parade, Margate's most famous and picturesque terrace of homes (where people live and are trying to sleep) in the Conservation Area, as a disproportionately dense licensed area without adequate support from the Police or council agencies to support residents who have to deal with the consequences.</p> <p>The addition of a licensed premises to 15 The Parade, Margate, CT9 1EY will be the final act of converting the public space of the TDC pavement of The Parade and the public space of the opposite Kent County Council piazza into privately capitalised commercial space. The business</p>

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Annex 2

	<p>owners of commercial premises on The Parade seem to have special privileges in the Old Town. They are permitted to sell alcohol and food at a profit without having any responsibility for the ensuing anti-social behaviour or environmental consequences. The Parade and Market Street are residential areas. Yet, residents are expected to tolerate drinking until 1am below their homes. The noisy stacking of chairs and tables outside on the piazza in the conservation area in the summer months can go on until the small hours. Licensees are either unable or unwilling to place their furnishings in their premises. This should not be allowed (why are there no fines for such behaviour?) and there should be a time constraint on outdoor drinking and clearing of furnishings.</p>
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<p>Prevention of Public Nuisance</p>	<p>A venue may stop serving at 1am but the customers do not disperse quietly into the darkness at this time. I have never seen a uniformed police officer in the Old Town on a summer evening (except for the presence during Soul Weekend). As a resident of the Old Town I can inform council staff that drunken shouting into the very small hours is the norm rather than the exception. Another licensed premises will do nothing to limit this as licensees have no responsibility for what happens once their customers have left.</p>
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<p>Protection of Children from Harm</p>	
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Annex 2

<p>Public Safety</p>	<p>The practice of leaving furniture on the piazza should be completely outlawed as it's only a matter of time before there is a violent incident involving the use of such furniture.</p> <p>There is no evidence that local police have the capacity to manage additional anti-social behaviour resulting from another licensed premises in the area. As that cannot be guaranteed the license should not be granted.</p> <p>Commercial Premises on The Parade have effectively annexed a public realm which, with the exception of the Margate Coffee Shed, operate without aesthetic standards (furniture, promotional signing), responsibility for waste management and recycling or by abiding by reasonable expectations for noise management in a residential area. An additional license should not be granted as TDC Environmental Health do not seem to have either the capacity to deal with or an awareness of the impact of increasing commercial activity upon residents in the Old Town and until this situation is remedied no further licenses should be granted. This is a matter of public safety for both residents of the town and visitors to it.</p> <p>Adequate sleep is a health and safety issue. TDCs waste regime means that the commercial bins adjacent to the piazza and bus stop are emptied at around 6am. When are people supposed to sleep if you are permitting licenses until 1am?</p>
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I, _____, hereby declare that all information I have submitted is true and correct.

Signed: _____	Date: 9.3.2020
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Please send the completed form to:

Licensing Team
Thanet District Council
PO Box
Margate
Kent, CT9 1XZ
Email: Licensing@thanet.gov.uk

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