

Public Document Pack



Date: **Date Not Specified**
Our ref: **Licensing Sub-Committee Agenda**
Ask For: **Steven Matthews**
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LICENSING SUB COMMITTEE

22 MARCH 2023

A meeting of the Licensing Sub Committee will be held at **10.00 am on Wednesday, 22 March 2023** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor ; Councillors: Bambridge, Ara and Shrubbs

A G E N D A

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**
2. **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](#)
3. **APPLICATION FOR A VARIATION TO A PREMISES LICENSE AT THE BOTANY BAY HOTEL, MARINE DRIVE, BROADSTAIRS** (Pages 5 - 30)

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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 VARIATION TO A PREMISES LICENCE AT THE BOTANY BAY HOTEL MARINE DRIVE BROADSTAIRS

Licensing Sub Committee	22nd March 2023
Report Author	Alison Brock, Technical Support Team Manager
Status	For Decision
Classification:	Unrestricted

Executive Summary:

To consider a variation to the current premises licence at The Botany Bay Hotel, Marine Drive Broadstairs

Recommendation:

The instructions of the Sub-Committee are requested.

CORPORATE IMPLICATIONS

Financial and Value for Money

Costs associated with processing the application are taken from licensing fee income.

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

Legal

Under the Licensing Act 2003 the Licensing Authority has a duty to exercise licensing control of relevant premises.

The Licensing Sub-Committee is obliged to determine applications with a view to promoting the four licensing objectives.

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.

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.

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 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.

The effective regulation of licensable activities and of premises at which licensable activities take place can assist in safeguarding children and vulnerable adults.

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.

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.

Corporate

Corporate Priorities should be taken into account when determining the outcome of any application.

Priority 1: Growth

Priority2: Environment

Priority 3: Communities

Equality Act 2010 & Public Sector Equality Duty

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.

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.

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.

Corporate Priorities

This report relates to the following corporate priorities: -

- *Environment*
- *Communities*

1.0 Introduction and Background

- 1.1 An application for a variation to the current premises licence at the Botany Bay Hotel has been received
- 1.2 The application is attached at Annex 1 the current licence is attached at Annex 2.

2.0 The Current Situation

- 2.1 Applicants for a variation to 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 were complied with.
- 2.2 The premises received planning permission to install an outside bar and increase the decked area. The planning permission limits the use of the bar to the hours of 11:00am to 21:00pm daily.
- 2.3 One valid representation has been received and this is attached at Annex 3.
- 2.4 No comments have been received from the Police, Environmental Protection Team, Licensing Officer or Fire Service.
- 2.5 Attached at Annex 4 is a statement from the applicant in reply to the representation.
- 2.6 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.
- 2.7 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.

3.0 Options

- 3.1 To approve the application
- 3.2 To refuse the application
- 3.3 To approve the application with any other conditions/limitations that the Sub-Committee feel are appropriate.

Contact Officer: Alison Brock Technical Support Team Manager
Reporting to: Penny Button, Director of Neighbourhoods

Annex List

Annex 1 – Application
Annex 2 – Current Licence
Annex 3 - Representation
Annex 4 - Statement from applicant

Background Papers

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>

Agenda Item 3 Annex 1

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Shepherd Neame Ltd

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LN/200501361
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Botany Bay Hotel Marine Drive Kingsgate			
Post town	Broadstairs	Post code	CT10 3LG

Telephone number at premises (if any)	01843 868641
Non-domestic rateable value of premises	£ Band E

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	Shepherd Neame Ltd 17 Court Street Faversham Kent		
Post Town	Faversham	Postcode	ME13 7AX

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Annex 1

Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

Day Month Year

.
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Please describe briefly the nature of the proposed variation (Please see guidance note 1)

Application to licence a new outside bar (blue on plan) same hours as recently granted planning consent (copy of which is attached with the plan) Daily 11-9pm

All other current provisions, conditions and times to remain the same.

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

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 tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	11.00	21.00	State any seasonal variations for the supply of alcohol (please read guidance note 4) These hours are for the new outdoor bar		
Tue	11.00	21.00			
Wed	11.00	21.00			
Thur	11.00	21.00	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 (please read guidance note 5)		
Fri	11.00	21.00			
Sat	11.00	21.00			
Sun	11.00	21.00			

N

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 8)

None

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) As per current licence
Day	Start	Finish	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 (please read guidance note 5)
Mon	07.00	01.30	
Tue	07.00	01.30	
Wed	07.00	01.30	
Thur	07.00	01.30	
Fri	07.00	01.30	
Sat	07.00	01.30	
Sun	07.00	01.30	

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

None

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Annex 1

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence
N/A

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Annex 1

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

All conditions consistent with the operating schedule will remain the same

b) The prevention of crime and disorder

Outside bar to be manned at all times when open

c) Public safety

See A

d) The prevention of public nuisance

See A

e) The protection of children from harm

See A

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Annex 1 **Please tick yes**

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	31.1.23
Capacity	Services & Property Director

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Mrs
Shepherd Neame Ltd
17 Court Street
Kent

Post town	Faversham	Post code	ME13 7AX
Telephone number (if any)		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Thanet District Council
Part A
Premises Licence



Premises Licence Number - LN/200501361

Part 1 - Premises details

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

Botany Bay Hotel
Marine Drive

Post town

Broadstairs

Post code

CT10 3LG

Telephone number

01795 532206

Where the licence is time limited the dates

None

Licensable activities authorised by the licence

- 1) Plays (indoors), films (indoors), recorded music (indoors), supply of alcohol (on and off the premises)
- 2) Live music (indoors)
Late night refreshment (indoors)

The times the licence authorises the carrying out of licensable activities

- 1) 7.00am - 1.00am daily
- 2) 11.00am – 1.00am daily
- 3) 11.00pm – 1.00am daily

Christmas Eve, Boxing Day, Public Holiday Weekends including the Friday, St Valentine's, St David's, St Patrick's, St George's and St Andrew's days until 2.00am, New Year's Eve by order of Secretary of State

The opening hours of the premises

7.00am to 1.30am daily

Non-standard days as above extended to 2.30am
New Year's Eve by order of Secretary of State

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
On and Off the premises subject to Mandatory Conditions

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence
Shepherd Neame Ltd, 17 Court Street, Faversham, Kent, ME13 7AX
01795 532206

Registered number of holder, for example company number, charity number (where applicable)
138256

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

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 – Canterbury City Council

This Premises Licence Update Issued on - 13th February 2020

Premises Licence first issued on - 6th September 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

None

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

None

Annex 4 – Plans

Plans considered – February 2014

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LICENSING REPRESENTATION FORM

Section 1: Licence Application Details

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

<i>Name of Applicant (if known):</i>	<i>Shepherd Neame</i>	
<i>Premises Name and Address:</i>	<i>Botany Bay Hotel, Marine Drive</i>	
	<i>Postcode:</i>	<i>CT10 3LG</i>

Section 2: Your Details

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

Title

xMr

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

<i>Surname:</i>	<i>Forenames:ROBERT</i>	
<i>Address</i>		
<i>MARINE DRIVE</i>		
	<i>Postcode:</i>	<i>CT10 3LU</i>

<i>Telephone</i>		<i>Email</i>	
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(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>Telephone</i>		<i>Email</i>	
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I AM (Tick as appropriate):

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

If an objection is being made on behalf of a group (e.g. a parish council or residents' association), then proof of the group's decision to make the objection must be sent along with the objection form. This could be a document such as minutes of a meeting.

Section 4: Reason(s) for Representation

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Annex 3

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.

The prevention of crime and disorder.

This relates to any crime, disorder or anti-social behaviour at the premises or related to the management of the premises. A licence holder/applicant cannot generally be held responsible for the conduct of individuals once they leave the premises;

Public safety.

This relates to the safety of the public on the premises, i.e. fire safety, electrical circuitry, lighting, building safety or capacity, and first aid.

Prevention of public nuisance.

This can relate to issues such as hours of operation, noise emanating from the premises, vibrations, lighting and litter.

Protection of children from harm.

This relates to protecting children from the activities carried out on the premises whilst they are there. The law already provides special protections for children under 18 to buy alcohol.

Licensing Objective	Reason for Representation
Prevention of Crime & Disorder	Patrons purchasing alcohol and/or food from the outside bar will take it off the premises and consume on the grass area in front of the Hotel. This will increase rubbish left there (insufficient bins) and increase noise nuisance and antisocial behaviour outside the Hotel.

Prevention of Public Nuisance	<p>Patrons purchasing alcohol and/or food from the outside bar will take it off the premises and consume on the grass area in front of the Hotel.</p> <p>This will increase rubbish left there (insufficient bins) and increase noise nuisance and antisocial behaviour outside the Hotel.</p>
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Protection of Children from Harm	
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Public Safety	<p>Patrons purchasing alcohol and/or food from the outside bar will take it off the premises and consume on the grass area in front of the Hotel.</p> <p>This will increase rubbish left there (insufficient bins) and increase noise nuisance and antisocial behaviour outside the Hotel.</p>
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I/We fully understand that this Representation will be made available to the applicant and included in the Sub Committee's Hearing papers which are publically accessible documents, and any subsequent appeal court proceedings.

I, _____ Robert _____, hereby declare that all information I have submitted is true and correct.

Signed:	Date: 24 February 2023
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Please send the completed form to:

Licensing Team
Thanet District Council

Agenda Item 3

Annex 3

Cecil Street, Margate
Kent, CT9 1XZ
Email: Licensing@thanet.gov.uk

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Agenda Item 3

Annex 4

Shepherd Neame response to objections

We would like to address the concerns of the objector to the licence variation for The Botany Bay Hotel. We will also aim to outline the application in more detail.

Our application is only for an outside bar servery and the rationale is that an outside bar will alleviate the pressure on the inside bars which in turn creates a better environment for those guests staying at the hotel.

The application was advertised in line with the Licensing Act 2003 regulations – both on site (for 28 days) and in the local newspaper.

We have offered 3 conditions in respect of installing extra rubbish bins and signage and offering recyclable glasses to anyone outside. We have received no objections from any of the responsible authorities which includes the Planning Department.

To address some of the points raised:

We do not feel that the installation of an outside bar would cause a significant increase in customers or that anyone would make a special journey to the site because it was there. Customers will still be able to use the outside space with or without the bar in the way that they do now, as the current licence allows for on and off sales.

We are not aware of any complaints or anti-social behaviour to date and as previously stated neither the Police nor Environmental Health have objected. It would also be the case that the outside bar would be manned by staff who would effectively be managing the area and monitoring customers behaviour. Currently it is difficult to do this as all staff are inside the building.

Last summer the site operated an outside bar for a short time (by way of TEN's) and it generated no extra rubbish, noise or anti-social behaviour that we are aware of. Therefore the site has proven that it can run and control an outside bar and the customers that use it.

The outside bar forms part of a wider development which will provide a large amount of seating outside therefore customers would not need to leave the area and sit elsewhere.

The grassed area referred to in the objection is an area of open public space, people can buy food and drink from any outlet and sit there. Unfortunately we cannot control this but we can ensure that customers act responsibly on our property.

In conclusion:

We feel that this is a proportionate application that does consider the local area and residents. We have offered the following conditions:

- Recyclable cups and glasses will be available for customers sitting outside or taking drinks away.
- Outside bar to be manned at all times when open and to close by 9pm.
- Additional bins to be placed outside along with signs advising guests to respect the area.

We very much hope that the above will allay the fears of the objector and show that we are responsible operators.

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