

# Public Document Pack



Date: 17 July 2023  
Our ref: Licensing Sub-Committee Agenda  
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## LICENSING SUB COMMITTEE

25 JULY 2023

A meeting of the Licensing Sub Committee will be held at **2.00 pm on Tuesday, 25 July 2023** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

### Membership:

Councillor Currie (Chair); Councillors: Dennis and Makinson

## AGENDA

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 NEW PREMISES LICENCE AT THE SMOKED STREET KITCHEN, 92 HIGH STREET, BROADSTAIRS** (Pages 5 - 44)

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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 NEW PREMISES LICENCE AT THE SMOKED STREET KITCHEN – 92 HIGH STREET BROADSTAIRS**

Licensing Sub-Committee	<b>25<sup>th</sup> June 2023</b>
Report Author	<b>Alison Brock – Technical Support Team Manager</b>
Status	<b>For Decision</b>
Classification:	<b>Unrestricted</b>

### **Executive Summary:**

**To consider a report to amend the Council’s current Knowledge Test.**

### **Recommendation:**

The instructions of the Board 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 Local Government (Miscellaneous Provisions) Act 1976

### **Legal**

The Licensing Board 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 Convention on Human Rights. The Licensing Board 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.

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 Board 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 Board with regard to the grant/refusal of a licence or any of the conditions

attached to it. The risk of appeal/challenge is increased if any decision made is not evidence-based and proportionate.

Whilst there is no statutory guidance with regards to the definition of a fit and proper person, in 2018 The Institute of Licensing produced guidance on determining the suitability of applicants and licensees in the Hackney Carriage and Private Hire Trades in order to bring clarity and conformity to the definition of a 'fit and proper person'.

## **Risk Management**

This section of the report should address each step of our Risk Management process that has been adopted to identify, evaluate and control and mitigate risks. Full details are provided in our Risk Management Strategy, but in summary the following should be considered:

### Identify

Asking the following questions can help identify risks:

- If in a year from now we haven't achieved this objective, why – what could have stopped us?
- What could realistically go wrong?
- What do we need in order to achieve this objective? Do we depend on others to succeed?
- What opportunities might arise?

### Evaluate

The purpose of this step is to understand the scale of the risks that have been identified and whether or not we need to take action to lower or manage the impact and/or likelihood.

### Control and Mitigate

Risk treatment involves taking actions to reduce likelihood of the risk occurring, or limiting the impact if the risks did materialise.

There are 4 principal ways in which we can respond to risks, these are known collectively as 'the Four Ts': Treat, Tolerate, Transfer, Terminate.

## **Corporate**

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

Priority 1: Growth

Priority 2: 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 new premises licence at Smoke Kitchen 92 High Street Broadstairs has been received.
- 1.2 The application is attached at Annex 1 along with the plan at Annex 2.

### 2.0 The Current Situation

- 2.1 Applicants who apply for a new 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, a 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 Two representations were received. These are attached at Annex 3 & 4 Some of the comments made within the representation at Annex 4 are not valid under the scope of the Licensing Act and have been removed.
- 2.3 There have been no representations from the Police, Fire Service or Licensing Officer.
- 2.4 The applicant has agreed the following conditions the Environmental Health department.
  - a) The rear garden area will be closed to patrons after 22:00pm each day
  - b) No drinks to be taken into the front garden area after 22:00pm each day
  - c) Only the internal areas and external bar will be part of the licenced premises, see plan at Annex 2.

Condition C above means that no music will be allowed in the rear garden or the front decked area as they are not licensed areas.

- 2.5 The premises previously had a licence that was surrendered by the owner when they closed the business.

Sale of alcohol and Recorded Music (both on the premises) – 10am – Midnight  
Monday – Saturday and Midday – 23:30pm on Sundays

The hours applied for in this new application are less than the previous licence.

- 2.6 The representations were sent to the applicant who replied and this was forwarded to the objectors. This is attached at Annex 5.

### **3.0 Options**

- 3.1 To approve the application with conditions agreed by Environmental Health
- 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 – Plan  
Annex 3 – Representation  
Annex 4 - Representation  
Annex 5 - 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>



**Application for a premises licence to be granted 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         Jamie child          
*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description			
<b>92 high street</b>			
<b>Post town</b>	broadstairs	<b>Postcode</b>	ct10 1jj

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as **appropriate** **Please tick as**

a)	an individual or individuals *		please complete section (A)
b)	a person other than an individual *		
i	as a limited company/limited liability partnership	Y	please complete section (B)
ii	as a partnership (other than limited liability)		please complete section (B)
iii	as an unincorporated association or		please complete section (B)
iv	other (for example a statutory corporation)		please complete section (B)

# Agenda Item 3

## Annex 1

c)	a recognised club		please complete section (B)
d)	a charity		please complete section (B)
e)	the proprietor of an educational establishment		please complete section (B)
f)	a health service body		please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales		please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England		please complete section (B)
h)	the chief officer of police of a police force in England and Wales		please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
- statutory function or
- a function discharged by virtue of Her Majesty's prerogative

**(A) individual applicants** (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b> 16/03/1981		I am 18 years old or over		Please tick yes	
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

# Agenda Item 3

## Annex 1

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)

**Second individual applicant** (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	<span style="background-color: yellow; display: inline-block; width: 20px; height: 15px;"></span>
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b> over		I am 18 years old or		Please tick yes	
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

**(B) Other applicants**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

Name  
smoked street kitchen

# Agenda Item 3 Annex 1

Address 92 high street Broadstairs Kent Ct10 1jj
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)  company
Telephone number (if any)
E-mail address (optional) keepitsmoked@gmail.com

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
28	06	2023

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises

A restaurant containing seating of 10 on the decking, 30 inside the main restaurant and 20 in the rear garden – sale of alcohol permitted on the front decking for take away pints in plastic  
 Alcohol to be sold inside and in the rear garden

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

## Agenda Item 3 Annex 1

Provision of regulated entertainment (please read guidance note 2)		Please tick all that apply
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)	Yes on occasions
f)	recorded music (if ticking yes, fill in box F)	Yes
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)	

<b>Provision of late night refreshment</b> (if ticking yes, fill in box I)	
<b>Supply of alcohol</b> (if ticking yes, fill in box J)	Yes

**In all cases complete boxes K, L and M**

# Agenda Item 3 Annex 1

## A

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon	-----	-----		<b><u>Please give further details here</u></b> (please read guidance note 4)	Both
Tue	-----	-----			
Wed	-----	-----	<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Thur	-----	-----			
Fri	-----	-----	<b><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></b> (please read guidance note 6)		
Sat	-----	-----			
Sun	-----	-----			

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon	-----	-----	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue	-----	-----			
Wed	-----	-----	<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Thur	-----	-----			
Fri	-----	-----	<b><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></b> (please read guidance note 6)		
Sat	-----	-----			
Sun	-----	-----			

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon	-----	-----	<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Tue	-----	-----	
Wed	-----	-----	
Thur	-----	-----	<b><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></b> (please read guidance note 6)
Fri	-----	-----	
Sat	-----	-----	
Sun	-----	-----	



**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon	-----	-----	<b>Please give further details here</b> (please read guidance note 4)		
Tue	-----	-----			
Wed	-----	-----	<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Thur	-----	-----			
Fri	-----	-----	<b>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</b> (please read guidance note 6)		
Sat	-----	-----			
Sun	-----	-----			

# Agenda Item 3 Annex 1

## E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	Y
Mon	1pm	10pm	<b>Please give further details here</b> (please read guidance note 4) We will not be having live music every week but when we do it will be between these times and days Live music will only be held on the premises		
Tue	1pm	10pm			
Wed	1pm	10pm	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)  Mainly summer time		
Thur	1pm	10pm			
Fri	1pm	10pm	<b>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</b> (please read guidance note 6)		
Sat	1pm	10pm			
Sun	1pm	9pm			

# Agenda Item 3 Annex 1

## F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	Y
Mon	12pm	11pm	<b><u>Please give further details here</u></b> (please read guidance note 4) music will be played through a speaker system only on the premises		
Tue	12pm	11pm			
Wed	12pm	11pm	<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)  N/a		
Thur	12pm	11pm			
Fri	12pm	11pm	<b><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</u></b> (please read guidance note 6)		
Sat	12pm	11pm			
Sun	12pm	11pm			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon	-----	-----		<b><u>Please give further details here</u></b> (please read guidance note 4)	Both
Tue	-----	-----			
Wed	-----	-----	<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur	-----	-----			
Fri	-----	-----	<b><u>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</u></b> (please read guidance note 6)		
Sat	-----	-----			
Sun	-----	-----			

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
Mon	-----	-----		Outdoors	
				Both	
Tue	-----	-----	<b>Please give further details here</b> (please read guidance note 4)		
Wed	-----	-----			
Thur	-----	-----	<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)		
Fri	-----	-----			
Sat	-----	-----	<b>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</b> (please read guidance note 6)		
Sun	-----	-----			

# Agenda Item 3 Annex 1

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon	-----	-----		<p><b><u>Please give further details here</u></b> (please read guidance note 4)</p> <p><b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)</p> <p><b><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></b> (please read guidance note 6)</p>	Both
Tue	-----	-----			
Wed	-----	-----			
Thur	-----	-----			
Fri	-----	-----			
Sat	-----	-----			
Sun	-----	-----			

# Agenda Item 3 Annex 1

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8) Yes	On the premises	Y			
Day	Start	Finish		Off the premises				
		h		Both				
Mon	12pm	10.30 pm	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)					
Tue	12pm	10.30 pm						
Wed	12pm	10.30 pm						
Thur	12pm	10.30 pm				<b>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</b> (please read guidance note 6)		
Fri	12pm	10.30 pm						
Sat	12pm	10.30 pm						
Sun	12pm	10.30 pm						

**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):**

<b>Name</b> Melissa beedon
<b>Date of birth</b>

# Agenda Item 3 Annex 1

<b>Address</b>  Cliff send Kent	
<b>Postcode</b>	ct12 5ld
<b>Personal licence number (if known)</b>	
<b>Issuing licensing authority (if known)</b> BIIAB hospitality training solutions	

## 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

<p><b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)</p>	<p><b><u>State any seasonal variations</u></b> (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: 15%;">Start</th> <th style="width: 15%;">Finish</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Mon</td> <td style="text-align: center;">12pm</td> <td style="text-align: center;">11pm</td> </tr> <tr> <td style="text-align: center;">Tue</td> <td style="text-align: center;">12pm</td> <td style="text-align: center;">11pm</td> </tr> <tr> <td style="text-align: center;">Wed</td> <td style="text-align: center;">12pm</td> <td style="text-align: center;">11pm</td> </tr> </tbody> </table>	Day	Start	Finish	Mon	12pm	11pm	Tue	12pm	11pm	Wed	12pm	11pm	
Day	Start	Finish											
Mon	12pm	11pm											
Tue	12pm	11pm											
Wed	12pm	11pm											



# Agenda Item 3

## Annex 1

			<p><b>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</b> (please read guidance note 6)</p>
Thur	12pm	11pm	
Fri	12pm	11pm	
Sat	12pm	11pm	
Sun	12pm	11pm	

### 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)

if any events go forward we will have someone on the door to ensure safety. All supervisors will report anything to the local authority if needed. We have fire safety procedures in place.

**b) The prevention of crime and disorder**

we will have cameras set up through the restaurant, anything that's needed will be reported to the correct authorities, we have a proof of age policy in place, we will also have security if needed during specific events I.e live music

**c) Public safety**

plastic glasses will be used on the decking, fire system  
 In place, security when needed, first aid kits available  
 Public liability insurance will also be in place

**d) The prevention of public nuisance**

# Agenda Item 3

## Annex 1

the restaurant will not be serving alcohol past 11pm and we will have signs up about noise when people are leaving the restaurant, all music will be finished by 11pm

**e) The protection of children from harm**

alcohol will not be served to anyone under the age of 18 and id will be asked for if needed.

**Checklist:**

**Please tick to indicate agreement**

•	I have made or enclosed payment of the fee.	Y
•	I have enclosed the plan of the premises.	Y
•	I have sent copies of this application and the plan to responsible authorities and others where applicable.	Y
•	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	Y
•	I understand that I must now advertise my application.	Y
•	I understand that if I do not comply with the above requirements my application will be rejected.	Y
•	[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

**Part 4 – Signatures** (please read guidance note 11)

# Agenda Item 3

## Annex 1

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>● [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li>   <li>● The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	Jamie child
Date	25/05/2023
Capacity	Director

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local

- authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways:

- 1) by providing with this application, copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

### **Home Office online right to work checking service.**

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at

# Agenda Item 3

## Annex 1

<https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

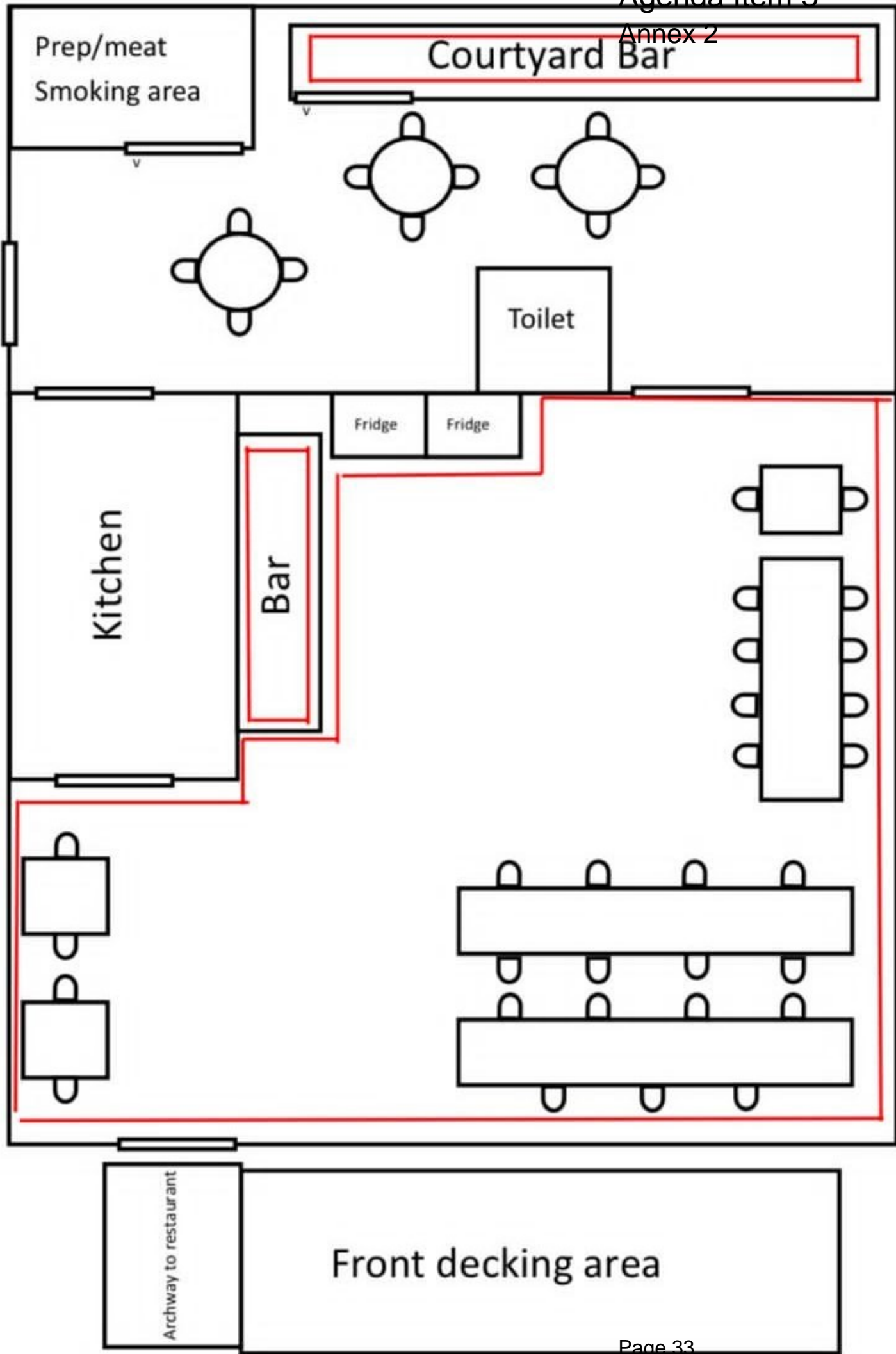
In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

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## Licensing Representation Form. online form - Reference Number - 9225

1 message

**Thanet Forms** <no-reply@form.thanet.gov.uk>  
To: licensing@thanet.gov.uk

21 June 2023 at 18:09

Team notification

### Licence application details

**Please confirm if you would like to support or object to the following application**

I confirm that I wish to object to the following application

**Name of Applicant (if known)**

Smoked Street Kitchen

**Premises Name**

Smoked Street Kitchen

**Premises address**

92 High Street, Broadstairs, Kent, CT10 1JJ  
Broadstairs Ct10 1JJ  
[Map It](#)

**Are you acting as a representative?**

No

### Your details

**Title**

Ms

**Name**

B:

**Postcode**

CT10 1PH

**Addresses**

[King Edward Avenue, Broadstairs, CT10 1PH](#)

**address**

[., King Edward Avenue, Broadstairs, CT10 1PH](#)

**Contact telephone number**

07990 977138

**Email address**

### Reason(s) for Representation

**Prevention of Crime & Disorder**

None

**Prevention of Public Nuisance**

The small courtyard area behind the venue is right next to a residential building and the noise and disturbance to residents caused by live music and an outdoor cocktail bar will be immense operating five nights a week will be

immense. This is an overwhelmingly residential part of the High Street and many of the residents impacted are elderly. Furthermore, the position of the outdoor area between buildings means the sound which is amplified.

This is a change of use to the premises which had previously been a daytime restaurant only.

**Protection of Children from Harm**

None

**Public Safety**

None

**Declaration**

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**Confirmation**

- I confirm that I have read all of the relevant information on how to object and the information in relation to the four licensing objectives

**Declaration**

- 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.



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### Licensing Representation Form. online form - Reference Number - 9332

1 message

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**Thanet Forms** <no-reply@form.thanet.gov.uk>  
To: licensing@thanet.gov.uk

27 June 2023 at 18:50

Team notification

#### Licence application details

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**Please confirm if you would like to support or object to the following application**

I confirm that I wish to object to the following application

**Name of Applicant (if known)**

New Premises Licence Application ("Application")

**Premises Name**

Applicant: Smoked Street Kitchen ("Applicant")

**Premises address**

Premises: [92 High Street, Broadstairs, Kent, CT10 1JJ](#) ("Premises")  
Broadstairs CT10 1JJ  
[Map It](#)

**Are you acting as a representative?**

No

#### Your details

---

**Title**

Mr

**Name**

S

**Postcode**

**Addresses**

[Vere Road, Broadstairs, \(](#)

**address**

[Vere Road, Broadstairs,](#)

**Contact telephone number**

**Email address**

#### Reason(s) for Representation

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**Prevention of Crime & Disorder**

N/A

**Prevention of Public Nuisance**

In accordance with the provisions of the Licencing Act 2003 ("Act") we hereby give notice of our objection by way of written representation to the above-detailed Application for a Supply of Alcohol, Live Music and Recorded Music

# Agenda Item 3

## Annex 4

Licence for the Premises on the terms as applied for by the Applicant.

We enclose the minutes of our recent Board meeting confirming the Board's group decision to make this objection.

We acknowledge that notice of this objection will be given to the Applicant. Please note, however, that we do not consent to our name, address or contact details being provided to the Applicant due to our members residing in close proximity to the Premises.

The following are our grounds of objection:

4. Our residential properties at [Vere Road, Broadstairs](#) are located immediately adjacent to the Premises. We are a group made up of an older generation who have purchased our properties due to the quiet and undisturbed nature of the surroundings. Consequently, the hours proposed by the Applicant in its Application are causing great concern and therefore we must object most strongly to the granting of the Application.

5. We have taken the opportunity to review the Thanet District Council Statement of Licensing Policy and there are a number of matters contained within the paragraph headed "5.0 Prevention of Public Nuisance" which are relevant to whether or not the Application should be granted.

a. At 5.1: "The Licensing Authority wishes to proactively maintain and protect the amenity of residents ... from the potential consequence of the operation of licensed premises..."

b. At 5.2: "The Licencing Authority intends to interpret 'public nuisance in its widest sense and takes it to include issues such as noise,...., litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area"

c. At 5.3: "...the Licencing Authority will pay particular attention...with a view to protecting the quality of life of residential occupiers"

d. At 5.6: "When addressing the issue of prevention of public nuisance, the applicant should have considered those factors that impact on the likelihood of public nuisance. These may include:

The location of premises and proximity to residential and other noise sensitive premises..."

...

Whether routes to and from the premises, on foot or by car or service or delivery vehicles, pass residential premises.

...

Whether taxis and private hire vehicles serving the premises are likely to disturb local residents.

...

Whether the premises would result in increased refuse storage or disposal problems or additional litter in the vicinity..."

6. We, as close proximity residents have concerns about all of the above and have seen no evidence of steps having been taken to minimise any effect that granting the Application would have on the local area, especially with reference to the ages of the residents.

7. The sale of alcohol and playing of live music will surely increase the noise levels of the local vicinity. The Applicant has erected an outside bar area at the Premises where it is believed that the live music intended is to be played. This threatens the local residents' ability to enjoy the currently peaceful surroundings.

8. We, therefore, object to the Application on public nuisance grounds.

# Agenda Item 3

## Annex 4

Given the content of this letter, it is our firmly held opinion that it would be entirely inappropriate for the Thanet District Council to grant the Application and we would therefore respectfully submit that the same should be refused.

### Protection of Children from Harm

N/A

### Public Safety

N/A

### Supporting documentation

#### Please upload any supporting documents

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- [minutes\\_june\\_egm\\_oppose\\_license.pdf](#)

### Declaration

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#### Confirmation

- I confirm that I have read all of the relevant information on how to object and the information in relation to the four licensing objectives

#### Declaration

- 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.

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**Re: Smoked Street Kitchen - New Premises Licence**

1 message

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**Smoked Street Kitchen** < >  
To: TDC Licensing <licensing@thanet.gov.uk>

3 July 2023 at 09:21

Further to the two complaints raised, I would like to reply as follows:

Ms B.

Firstly the dates and times applied for on the licence for alcohol and music were agreed with Katy Lane from the licencing department at the council who came to meet with us at Smoked and gave the impression that these times would not be a problem. The music was only ever agreed to be inside the restaurant, not in the garden and would not be 5 nights a week only on certain occasions for certain events.

This property has for the past 20 years plus always held a drinks licence and had live music in the garden each year for folk week since 2008-2019 when Sinatra's cafe bar was there.

The flats next door to Smoked were built during the time of this property being a cafe/restaurant licenced venue and were bought in the knowledge of knowing there had been a business running here for many years and no previous objections have been known.

I have taken over the tenancy of [92 High Street, Broadstairs](#) from the people who owned Sinatra's Cafe Bar and still own the freehold of the property, who held an alcohol licence the whole time so I cannot see why a change of use has been stated in the complaint as Sinatras and Yun restaurant, after Sinatras closed, was also an evening business.

Ms Bailey I also note does not live close to Smoked either, so struggle to comprehend why she may have an issue with noise when she lives several streets away from my restaurant.

Mr S

I would like to stress although I am the owner of the business, I have managers who are involved in the running of the day to day business who have considerable previous experience in this industry. My general manager Mrs Lauren Debling ran Sinatra's Cafe Bar for 10 years plus, my other manager Melissa Beedon holds a personal

# Agenda Item 3

## Annex 5

licence and is used to the industry also. In the whole time Mrs Debling was manager of Sinatra's not one complaint was made to the licencing dept of the council or the police for any disturbances or issues.

Smoked is a restaurant and we aim to offer the cocktails for an added experience, this is not a pub venue but a restaurant.

Please refer to the above comments about the property being a cafe/restaurant bar before the flats were built and purchased, so Mr Shafto must have been aware of [92 High Street](#) being a business for over 25 years plus even when Daisy's was there previous to Sinatra's. His comment about purchasing their properties due to the quiet and undisturbed nature of the surroundings which is surprising when the properties front the high street with high foot fall from pubs and other licenced restaurants including a licenced restaurant on the corner of Vere Road.

As previously stated no music will be held in the garden and only on certain occasions inside as agreed with Ms Lane and no alcohol would be served after 10pm.

I would like to reiterate that Mrs Debling has many years of experience running a business and is the daughter of Mrs Alger who still owns the property and has an exemplary record.

Hopefully the above has helped to address and clarify the concerns raised and that the license can now be granted as a lot of money and time has gone into building this business and was relying on the summer months as the next few months will be the most important in making this business work which I feel smoked can become a successful business to add diversity in an eating establishment by offering a different and welcoming place for customers to eat.

Also I would like to note if a meeting is still required I would like to request this happen as soon as possible as I said above the summer months will be most important to us to really get the business up and going as a lot of money has gone into the business and effort and in this climate it is extremely hard for businesses as it is.

Thank you

Jamie child

Sent from [Mail](#) for Windows

# Agenda Item 3

## Annex 5

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