
APPLICATION FOR PREMISES LICENCE – THE WAVES 2 HENGIST ROAD MINNIS BAY BIRCHINGTON

To: **Licensing Sub-Committee – 10th March 2016 at 10 am**

Portfolio Area: **Regulatory Services**

By: **Regulatory Services Manager**

Classification: **Unrestricted**

Ward: **Birchington North**

Summary **To consider this application for a Premises licence in the light of objections which have been received.**

For decision

1.0 **Introduction and Background**

1.1 Application has been made by The Waves B & B Ltd for a premises licence which includes the supply of alcohol.

1.2 The Operating Schedule, showing the proposed licensable activities and hours are appended at Annex 1. The applicant has removed recorded music from the application. A map of the area showing the location of these premises is at Annex 2.

2.0 **General Points**

2.1 Applicants for a premises licence are required, as part of the licensing procedure, to display a public notice which provides information to the public regarding the manner in which objection may be made. Similarly public notice of the application should be published in a local newspaper circulating in the vicinity of the premises. These requirements appear to have been complied with. Three public objection letters have been received which are identical and a copy is appended at Annex 3.

2.2 The applicant is further required to give notice of the application to responsible authorities. The Police have agreed changes to hours and a number of conditions with the applicant which can be found at Annex 4. Environmental Protection have made no representations.

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

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

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

2.6 The application should be determined within twenty working days beginning with the day after the end of the period during which representations may be made. Representations had to be made by the 27th February.

3.0 **Options**

3.1 Grant the application with conditions consistent with the Operating Schedule accompanying the application and the conditions mentioned at paragraphs 2.2 above.

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

3.3 Refuse the application.

3.4 Refuse to specify a person in the licence as the designated premises supervisor. The proposed designated premises supervisor is Steven Hayden.

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

4.0 **Corporate Implications**

4.1 **Financial**

4.1.1 None.

4.2 **Legal**

4.2.1 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.

4.2.2 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 Convention 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.

4.3. **Corporate**

4.3.1 None.

4.4 Equity and Equalities

4.4.1 Not relevant.

5.0 Recommendation

5.1 The instructions of the Sub-Committee are requested.

Contact Officer:	Philip Bensted, Regulatory Services Manager, ext 7630
Reporting to:	Penny Button, Head of Neighbourhood Services, ext 7425

Annex List

Annex 1	Operating Schedule
Annex 2	Map of the area
Annex 3	Public objection letter
Annex 4	Police agreed hours and conditions

Background Papers

Title	Where to Access Document
None	N/A

Corporate Consultation Undertaken

Legal	Colin Evans Assistant Litigation Solicitor ext 7457
Finance	N/A