
APPLICATION FOR PREMISES LICENCE – URCHIN WINES 160 NORTHDOWN ROAD MARGATE

To: **Licensing Sub-Committee – 28th June 2016 at 10 am**

Portfolio Area: **Regulatory Services**

By: **Regulatory Services Manager**

Classification: **Unrestricted**

Ward: **Cliftonville West**

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 Orson Marmion-Warr 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. 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. No public objections have been received.
- 2.2 The applicant is further required to give notice of the application to responsible authorities. Planning have made representations which can be found at Annex 3.
- 2.3 The Police and Environmental Protection had made representations which have been withdrawn. They have agreed times and conditions with the applicant. The agreed times for the supply of alcohol are 12 noon to 10 p.m daily, opening times 12 noon to 10.30 p.m daily. The conditions agreed include internal lobby entrance doors to be fitted with automatic self-closers, beverages purchased must leave the premises in a sealed container, signage to be positioned at exits requesting patrons to make as little noise as possible, persons under 18 years to be accompanied by a parent or guardian, CCTV shall be installed and recording at the premises.

- 2.4 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.
- 2.5 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.
- 2.6 Where a premises licence is granted mandatory conditions will apply under Sections 19 – 21 of the Act. These refer to films, Security Industry Authority licensed staff, 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.
- 2.7 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 31st May.

3.0 **Options**

- 3.1 Grant the application with conditions consistent with the Operating Schedule accompanying the application and the conditions mentioned at paragraphs 2.3 and 2.6.
- 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 Orson Marmion-Warr.
- 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	Planning representations

Background Papers

Title	Where to Access Document
None	N/A

Corporate Consultation Undertaken

Legal	N/A
Finance	N/A