

Philip Bensted

From: Christopher Brown
Sent: 12 December 2017 15:10
To: [REDACTED]@gmail.com
Cc: [REDACTED]@kent.pnn.police.uk; TDC Licensing; Philip Bensted; TDC Planning Enforcement
Subject: Re : TEN application - New Years Eve - The Bake and Alehouse, 21 St Mildreds Road Westgate
Attachments: F_TH_11_0034--313833.pdf; 3298_001.pdf

Mr Morphy,

I have been asked to comment on the above TEN application on behalf of Environmental Health.

I note that the application is for an extension in hours from 23:30pm until 01:00am on 31st December 2017 into the 1st January 2018.

On checking our records I note that your planning permission (attached) limits the operational hours to 08:00am until 23:30pm Monday to Saturday and 10:00am until 23:30pm on Sunday. By operating this TEN you will be in breach of your planning permission. I have checked the Environmental Health Officers comments and the hours were conditioned to protect residential amenity.

I have also attached the revised guidance from section 182 of the Licencing Act 2003. Section 7.7 states that 'A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required'.

Based on this information Environmental Health will object to your application on the grounds of the prevention of Public Nuisance and the Prevention of Crime and Disorder. Unfortunately this position will not change unless the planning permission was to change. If you wish to investigate this please contact the Planning Department directly.

Regards,

Christopher Brown
Environmental Protection Officer
Thanet District Council
www.thanet.gov.uk
Direct Dial: 01843 [REDACTED]
E-mail: [REDACTED]@thanet.gov.uk

Thanet District Council



Notification of Grant of Permission to Develop Land
Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) Order
2010

To: Mr [REDACTED]
[REDACTED]
Westgate on Sea
Kent
CT8 [REDACTED]

F/ TH/ 11/0034

TAKE NOTICE that THANET DISTRICT COUNCIL, the District Planning Authority under the Town and Country Planning Acts, has **granted permission** for:

Proposal: Change of use from office to a micro pub (use class A4)

Location: 21 ST MILDREDS ROAD, WESTGATE ON SEA, CT8 8RE

referred to in your application for permission for development validated 17/01/2011.

The reason for the grant of permission is that:

In the view of the District Planning Authority and having taken all material considerations into account there is insufficient demonstrable harm arising from the proposal to warrant withholding planning permission.

In coming to this decision regard has been had to the following policies:

Thanet Local Plan Policy - D1

South East Plan Policy - BE1

This permission is SUBJECT TO the conditions specified hereunder:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

GROUND:

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 Prior to the first use of the development hereby permitted refuse storage facilities shall be provided in accordance with details, which shall first be submitted to and approved in writing by the Local Planning Authority.

GROUND:

To secure a satisfactory standard of development and in the interests of the amenities of the area, in accordance with policy D1 of the Thanet Local Plan.

- 3 The premises hereby approved shall not be used other than between the hours of 0800 and 2330 Monday to Saturday in any week and between the hours of 1000 and 2330 on any Sunday or Bank Holiday.

GROUND:

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy D1 of the Thanet Local Plan.

- 4 At no time shall amplified music be played from the premises.

GROUND:

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy D1 of the Thanet Local Plan.

- 5 The development hereby approved shall be carried out in accordance with the submitted Block Plan received 17 January 2011.

GROUND:

To secure the proper development of the area.

Dated: 18/03/2011

Thanet District Council
P.O. Box 9
Cecil Street
Margate
Kent CT9 1XZ

Signed



B White
Director of Regeneration Services

7. Temporary Event Notices (TENs)

7.1 This Chapter covers the arrangements in Part 5 of the 2003 Act for the temporary carrying on of licensable activities which are not authorised by a premises licence or club premises certificate.

General

7.2 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or “TEN”).

7.3 The TEN must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act. The form requires the user to describe key aspects of the proposed event, including the general nature of the premises and the event, the licensable activities intended to be carried on at the proposed event, including whether they will include any relevant entertainment as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (i.e. displays of nudity designed to sexually stimulate any member of the audience including, but not limited to, lap dancing and pole dancing).

7.4 Unless it is sent electronically, it must be sent to the relevant licensing authority, to the police and “local authority exercising environmental health functions” (“EHA”) at least ten working days before the event. A premises user may also give a limited number of “late TENs” to the licensing authority less than 10 working days before the event to which they relate, although certain restrictions apply (see paragraphs 7.12-7.14). “Working day” under the 2003 Act means any day other than a Saturday, Sunday, Christmas Day, Good Friday or Bank Holiday. For limited purposes in relation to a TEN, the 2003 Act defines a “day” as a period of 24 hours beginning at midnight.

7.5 If a TEN is sent electronically via GOV.UK or the licensing authority's own facility, the licensing authority must notify the police and EHA as soon as possible and no later than the first working day after the TEN is given.

7.6 The police or EHA (“relevant persons” for the purposes of TENs) may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead. A relevant person may also intervene by agreeing a modification of the proposed arrangements directly with the TENs user (see paragraph 7.36). If a relevant person sends an objection, this may result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate. When giving a TEN, the premises user should consider the promotion of the four licensing objectives. The licensing authority may only otherwise intervene if the statutory permitted limits on TENs would be exceeded (see paragraphs 7.15-7.22).

7.7 A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.