

**APPLICATION FOR REVIEW OF PREMISES LICENCE – THE
FALCON INN 460 MARGATE ROAD
BROADSTAIRS**

Licensing Sub-Committee **30 January 2018 at 10.00 am**

Report Author **Philip Bensted, Regulatory Services Manager**

Portfolio Holder **Cllr Lin Fairbrass, Community Safety & Environmental Services**

Status **For Decision**

Classification: **Unrestricted**

Ward: **St. Peters**

Executive Summary:

To consider this application to review the premises licence made by Acting Chief Inspector Rhiannan Pepper.

Recommendation(s):

The instructions of the Sub-Committee are requested

CORPORATE IMPLICATIONS

Financial and Value for Money	None
Legal	<p>There is a right of appeal to a Magistrates' Court within 21 days of the date of the decision of the Licensing Sub-Committee.</p> <p>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.</p>
Corporate	None.
Equalities Act 2010 & Public Sector Equality Duty	<p>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.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p>

1.0 Introduction and Background

- 1.1 An application has been received for the review of the premises licence held by Ekogenia Limited in respect of the premises known as the Falcon Inn, 460 Margate Road, Broadstairs from Rhiannan Pepper, Acting Chief Inspector of Police.
- 1.2 These premises have held a premises licence since November 2005. The licence was transferred to Ekogenia Limited in 2009. Sandra Alison Jackson became the designated premises supervisor in October 2017. A copy of the premises licence is appended at Annex 1. A map of the area showing the location of these premises is at Annex 2.
- 1.3 Licensable activities are shown on that premises licence and the times can be found at Annex 1, together with the conditions attached to the licence.
- 1.4 The grounds for review of the licence are set out in the application, which is appended at Annex 3.

2.0 General Points

- 2.1 Applicants for review of a premises licence are required, as part of the licensing procedure, to send copies of the application to other responsible authorities. The Licensing Authority must advertise the review for twenty eight days, giving interested parties the opportunity to make representations. Representations have been received from Environmental Protection which are appended at Annex 4. The application was advertised by notice on the premises and on the public notice board in the Gateway, the main Council Offices.
- 2.2 Before determining the application, the Licensing Authority must hold a hearing to consider it and any relevant representations. The Authority must, having regard to the application and any relevant representations, take such steps, if any, mentioned under 'options' at paragraph 3, it considers appropriate for the promotion of the licensing objectives. The Guidance issued by the Home Office should also be considered.
- 2.3 The licensing objectives are the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm. Reasons must be given for any decision made by the Sub-Committee.

3.0 Options

- 3.1 To modify the conditions of the licence (for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added).
- 3.2 To exclude a licensable activity from the scope of the licence.
- 3.3 To remove the designated premises supervisor.
- 3.4 To suspend the licence for a period not exceeding three months.
- 3.5 To revoke the licence.
- 3.6 To take none of these steps and take no action, or, take informal action such as a warning or guidance.

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Reporting to:	Penny Button, Head of Neighbourhood Services, ext 57425

Annex List

Annex 1	Premises licence
Annex 2	Map of the area
Annex 3	Review application
Annex 4	Environmental Protection representations

Background Papers

Title	Details of where to access copy
N/A	None

Corporate Consultation

Finance	N/A
Legal	N/A