

**APPLICATION FOR PREMISES LICENCE –  
THE DIGI DINER, 59 HIGH STREET, MARGATE CT9 1DX**

**Licensing Sub-Committee Tuesday 23 October 2018 - 10am**

Report Author **Jane Bennett Licensing Team Leader**  
 Portfolio Holder **Cllr Lesley Ann Game – Safer Neighbourhoods**  
 Status **For Decision**  
 Classification: **Unrestricted**  
 Ward: **Margate Central**

**Executive Summary:**

To consider this application for a premises licence in respect of The Digi Diner in the light of representations received.

**Recommendation(s):**

The instructions of the Sub-Committee are requested

**CORPORATE IMPLICATIONS**

<b>Financial and Value for Money</b>	None
<b>Legal</b>	<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 with regard to the grant/refusal of a licence or any of the conditions attached to it.</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>
<b>Corporate</b>	None.
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	<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,</p>

	gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.
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## **1.0 Introduction and Background**

- 1.1 Application has been made by The Digi Diner Ltd for a premises licence which includes the supply of alcohol and regulated entertainment on the premises.
- 1.2 The Application Form 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. Two public objections were received.
- 2.2 The applicant is further required to give notice of the application to responsible authorities. Environmental Health have agreed conditions with is at Annex 3. Two members of the public have submitted objections which are at Annex 4.
- 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 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 30 September 2018.

## **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 and 2.5.
- 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 Robert Osman.
- 3.5 Grant the application subject to different conditions in respect of different parts of the premises or different licensable activities.

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### Annex List

<i>Annex 1</i>	Application form
<i>Annex 2</i>	Map of the area
<i>Annex 3</i>	Environmental Health agreed conditions
<i>Annex 4</i>	Two members of public objections

### Background Papers

Title	Details of where to access copy
N/A	

### Corporate Consultation

<b>Finance</b>	N/A
<b>Legal</b>	N/A