

LICENSING SUB COMMITTEE

Minutes of the meeting held on 23 October 2018 at 10.00 am in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillors Bambridge, Tomlinson and Wright

645. ELECTION OF CHAIRMAN

Councillor Bambridge proposed, Councillor Wright seconded and Members agreed that Councillor Tomlinson be the Chairman for the meeting.

646. APOLOGIES FOR ABSENCE

There were no apologies.

647. DECLARATIONS OF INTEREST

There were no declarations of interest.

648. APPLICATION FOR PREMISES LICENCE - THE DIGI DINER, 59 HIGH STREET, MARGATE

Also present:

Officers: Alison Stocker, Licensing Officer
Jade Malyn, Licensing Officer

Applicant: Mr Osman

Applicant's representative: Mr Dillon

Objector: Ms Vanzetta

The Licensing Officer outlined the report to the Licensing Sub-Committee in respect of the application for premises licence for The Digi Diner, 59 High Street, Margate.

The Objector addressed the Sub-Committee.

The Applicant's representative asked questions of the Objector.

The Applicant's representative addressed the Sub-Committee.

The Applicant addressed the Sub-Committee.

The Licensing Officer asked a question of the Applicant.

Members asked questions of the Applicant.

The Legal Officer asked questions of the Applicant.

The Objector asked a question of the Applicant.

Further to debate, the Sub-Committee AGREED:

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 of the agenda report.

Having heard from the Licensing Officer, Applicant and Objector, the Sub-Committee considered everything put before them, orally or in writing. The Sub-Committee were receptive to the concept put before them involving games and food, and the regeneration of the High Street. Members considered the promotion of the following Licensing Objectives: 1) the prevention of crime and disorder, 3) the prevention of public nuisance and 4) the protection of children from harm.

The Sub-Committee had regard to the aims of its Licensing Policy at para. 1.4 which refer to integration with policies and strategies which will, amongst other things, encourage young people and culture, and continue to develop and encourage an early evening and night time economy which is both viable and sustainable. The application was consistent with these objectives.

As part of the operating schedule, in response to the representations, and further to discussions at the hearing, the applicant confirmed that he was prepared to offer the following conditions (the wording of which has been formalised below):

- (1) A CCTV system will be fitted at the premises in line with the plans at Annex 1 (basement and ground floor).
- (2) The CCTV system will be maintained and serviced on a regular basis and records kept to that effect.
- (3) CCTV shall be operational at all times that members of the public and / or staff are on the premises.
- (4) Images will be retained for a period of at least one calendar month by whatever means the licence holder deems appropriate.
- (5) The Police, Thanet District Council, and Trading Standards will have access to these images at any reasonable time.
- (6) The Police, Thanet District Council, and Trading Standards will be allowed to take a recording by way of tape, CD Rom or any other means immediately on the request being made.
- (7) Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during trading hours who is able to provide a recording of any incident at the request of Police or Thanet District Council.
- (8) All staff shall be fully trained in Challenge 25 and the training will be fully auditable and available to any responsible authority on request. Staff to sign to confirm that they have been trained.
- (9) Notices to advise customers that Challenge 25 is in force will be prominently displayed in all areas.

- (10) All refused sales to be recorded at the time in a book, which will be available for inspection by the Police, Thanet District Council, and Trading Standards.
- (11) The refusal register should be checked and reviewed weekly by the DPS and signature applied to the book to verify.
- (12) Alcohol that is purchased at the premises shall not leave the internal parts of the premises. This shall result in patrons leaving temporarily to smoke having drinks removed from them.
- (13) Last entry to the premises shall be 0030hrs on Fridays and Saturdays.
- (14) A contact telephone number (landline or mobile) shall be made available, on request, to neighbours and any person with good cause.
- (15) A litter picking system shall be operated for the area immediately outside the front of the premises which shall be cleared of litter at least 3 times each day when the premises are operational.
- (16) Wall mounted cigarette bins / trays shall be provided either side of the entrance to the premises at the front.
- (17) No children of 16 years or under shall be allowed on the premises after 2300hrs each day when the premises are operational.

- 1 The Sub-Committee considered that each of the above conditions were both appropriate and proportionate to the promotion of the licensing objectives. With those conditions in place and implemented, the Sub-Committee considered that any concerns raised about the licensing objectives would be met.
- 2 In deciding to impose the above conditions which had been offered and no more, the Sub-Committee was mindful of the fact that it would not be proportionate to overly regulate a new premises licence. The operation and effects of the operation of the premises were yet to be experienced. To the extent that any fears raised as to anti-social behaviour, noise, and low level crime were realised, the review mechanism under the 2003 Act provided an appropriate balance. Under that procedure, the premises licence holder could be brought back before the Sub-Committee where a range of options could be considered, including more stringent conditions.

- 3 For the above reasons, and having regard to the fact that there were no representations from any responsible authority (apart from Environmental Health which had been agreed) the Sub-Committee decided to grant the licence for the hours sought (as per the application) subject to the conditions set out above.
- 4 Any party may appeal this decision to the magistrates' court within 21 days of notification of this decision.

Meeting concluded : 10.45am