

Application for Premises Licence at Botany Bay Kiosk, Marine Drive, Kingsgate.

Licensing Sub-Committee **26 March 2019**

Report Author **Penny Button, Head of Safer Neighbourhoods**

Portfolio Holder **Cllr L Game**

Status **For Decision**

Classification: **Unrestricted**

Ward: **Kingsgate**

Executive Summary:

To consider this application for a premises licence in respect of Botany Bay Kiosk, Marine Drive, Kingsgate in light of the representations received.

Recommendation(s):

The instructions of the Sub-Committee are requested.

CORPORATE IMPLICATIONS

Financial and Value for Money	Whilst there are no direct financial implications should the decision of the Sub-Committee be appealed there will be cost implications in terms of legal representations in Magistrates' Court
Legal	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. 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 SubCommittee 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.
Corporate	None
Equality Act 2010 & Public Sector Equality Duty	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

	<p>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, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p>
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CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	✓
Promoting inward investment and job creation	✓
Supporting neighbourhoods	✓

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	
Supporting the Workforce	
Promoting open communications	✓

1.0 Introduction and Background

- 1.1 An application has been received for a premises licence which includes the supply of alcohol on and off the premises.
- 1.2 The Operating Schedule, showing the proposed licensable activities and hours are appended in Annex 1. In summary the applicant is proposing to serve alcohol between the hours of 10:00 and 21:00 daily both on and off the premises.

2.0 The Current Situation

- 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 premise. These requirements appear to have been complied with. Eight public objections have been received which are appended in Annex 2.

The applicant is further required to give notice of the application to responsible authorities. Kent Police have no objections to the proposals. Environmental Health have agreed a condition with the applicant which is appended in Annex 3. Kent Fire and Rescue Service have contacted the applicant with advice which is appended in Annex 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 SubCommittee must also have regard to its statement of licensing policy and the Guidance issued under the Act.

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.

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.

3.0 Options –

- 3.1 Grant the application with conditions consistent with the Operating Schedule accompanying the application, agreed and mandatory conditions.
- 3.2 Refuse the application
- 3.3 Refuse to specify a person in the licence as the designated premises supervisor. The proposed designated premises supervisor is Ross Andrews.
- 3.4 Grant the application subject to different conditions in respect of different parts of the premises or different licensable activities.

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Reporting to:	Gavin Waite, Director of Operational and Commercial Services.

Annex List

Annex 1	Operating Schedule
Annex 2	Public Representations
Annex 3	Agreed Environmental Health Conditions.
Annex 4	Kent Fire and Rescue Service Representations