



TDC Licensing &lt;licensing@thanet.gov.uk&gt;

**License Variation - LN/200501118**

1 message

&lt;@thanet.gov.uk&gt;

21 February 2020 at 15:14

To: TDC Licensing &lt;licensing@thanet.gov.uk&gt;

Licensing,

Environmental Health were asked to comment on the above application. During the consultation period we have agreed changes to the application with the agent however there are still elements of the application that have not been agreed. We would therefore object to the application but would withdraw our objection if the applicant agreed to our further requests.

The premises known as Pav's Tea Gardens was granted a licence in 2005. However the license agreed at this time has not used to its full extent and has generally been used as a 9-5 daytime beach cafe. The premises is in a residential area of Westgate with only one other licensed premises adjacent (Millie's Beach Bar). Millie's bar has a license condition which restricts alcohol in the external area until 9pm daily. The nearest residential premises is 10 metres away from the building facade. The plan attached shows the proximity of premises to residential I have also attached photographs (marked No1 to No6) of the area to support my comments.

My main concern with this license variation is noise pollution. The application proposes times which I feel are excessive, in fact I feel that the current times licensed in 2005 are excessive. If this was a new application I would be requesting much more stringent controls given the environment the premises sits in.

The licensable area includes an external garden/patio area. By having this area licensed the proprietor will be able to have live music externally until 11pm daily (as per the Live Music Act). I do not feel that external music is appropriate at this premises at any time of the day and the proprietor will be open to nuisance complaints should he decide on this avenue. The photographs attached marked No4 and No5 show the proximity of this area to the nearest residential.

I have agreed with the agent on the following opening hours for the premises:

- Monday to Saturday - 06:00am until 00:30am
- Sundays, Good Friday and Christmas Day - 06:00am until 00:00 Midnight
- New Years Eve - 06:00am until 01:30am (into New Years Day)

I have agreed an extension to the current licensed hours so that there is a period of half an hour between the end of the service of alcohol and late night refreshment. This will aid dispersal of patrons and allows a 'drinking up time' which can be seen as good practice.

We have also agreed to permit the Alcohol off Sales from 10:00am until 23:00pm daily.

I acknowledge the request to remove the Films, Live Music and Performance of Dance element from the license. We have agreed to add the following to the recorded music element:

- New Years Eve - 12 Noon until 01:00am (into New Years Day)

We have been unable to agree on the elements below:

To try and reduce any noise transference to nearby residential premises I propose that the proposed external bar building is closed at 9pm daily. While the external area will still be used the new bar will result in an intensification of this area and associated noise. Therefore I propose the following condition to reduce such noise effect:

- The external bar to the West side of the premises should be closed to patrons at 21:00pm daily

I note from the plan submitted that the applicant proposes a new door configuration onto the garden area, I also note that the windows facing residential all have openers. With this in mind I feel that nearby residents need to be protected from patron and associated noise. You will note from the attached photographs marked No1 and No2 the distance between the premises and residential property. I also highlight that the residential rooms overlooking the premises are both a mixture of bedrooms and living rooms. As previously explained the premises has not been used to its full license potential and has generally not been open past 5pm and I therefore feel that the condition below is justified:

- All doors and windows at the premises should be kept closed after 21:00pm except for access and egress.

I object to any extension in the Alcohol and Late Night Refreshment element that is already currently licensed. I would however agree to an extension for New Years Eve as listed below:

- New Years Eve - 12 Noon until 01:00am for Alcohol and Late Night Refreshment.

In light of not being able to fully agree to all of the above I must object to this license variation. This objection is made on and in support of the licensing objective 'The Prevention of Public Nuisance'.

Regards


*Environmental Protection Officer*

☎ 01843 57

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