

LICENSING SUB COMMITTEE

Minutes of the meeting held on 3 March 2020 at 10.00 am in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillors Rogers, Wright and Dexter

682. ELECTION OF CHAIRMAN

Councillor Wright proposed, Councillor Dexter seconded and it was agreed that Councillor Rogers be the Chairman.

683. APOLOGIES FOR ABSENCE

There were no apologies for absence.

684. DECLARATIONS OF INTEREST

There were no declarations of interest.

685. PREMISES LICENCE FOR BOMBA KEBAB, 6 CLIFF TERRACE

Also present:

Officers: Penny Button, Head of Safer Neighbourhoods
Gavin Happe, Interim Senior Litigation Lawyer
Christopher Brown, Environmental Protection Officer

Applicant: Mr Halil Tekagac

Applicant's representatives: Caner Avci, Abullah Gumus

Members of the public making representations: Mr Paul Stephens, Ms Claire Stephens

The Head of Safer Neighbourhoods outlined the report.

The Applicant's representative addressed the Sub-Committee.

Members asked questions of the Applicant.

The Environmental Protection Officer addressed the Sub-Committee.

A representation was received from a member of the public.

All parties summarized their representations.

Further to debate, Members agreed:

This was an application for a new premises licence made under Part 3 of the Licensing Act 2003, in respect of premises known as Bomba Kebab at 6 Cliff Terrace, Margate, Kent, CT9 1RU. The Applicant was Mr Halil Tekagac.

The application before us is specifically for the provision of late night refreshment only.

Prior to the hearing the Environmental Health Service agreed with the Applicant the following times during which the licensable activity could be carried out and one further condition:

- For the Provision of Late Night Refreshment:

Monday to Sunday 23:00 hours until 02:00 hours the following day
Friday and Saturday 23:00 hours until 02:30 hours the following day

- Opening Hours:

Monday to Sunday 14:00 hours until 02:00 hours the following day
Friday and Saturday 14:00 hours until 02:30 hours the following day

- Condition:

From 01:00 hours until the premises closes (02:00 hours) Sunday to Thursday, late night refreshment shall only be permitted in the form of deliveries to external addresses. The premises shall not permit walk-in patrons to be served after 01:00 hours.

We have received evidence from the Applicant, the Environmental Health Service, and from two interested parties. We have paid very close attention to all of the material which has been placed before us.

We understand the concerns that have been expressed and acknowledge that there is some localised noise nuisance and anti-social behaviour taking place in the vicinity of the premises. However, we note that these concerns are not directly attributable to the operation of this premises.

Taking everything into consideration, we are satisfied that this application can be granted in the terms agreed between the Applicant and the Environmental Health Service (as set out above), subject to the following, additional conditions, which we consider to be both appropriate and necessary for the promotion of the licensing objectives, in particular, the objective relating to the prevention of public nuisance, we have noted that during the course of the hearing, the Applicant indicated his agreement to the adoption of these conditions which are:

Additional Conditions:

1. Any tables and chairs placed outside the premises for the use of patrons must be removed and secured by 22:00 hours on every day that the premises is open for business.
2. The Premises Licence Holder must provide a refuse bin outside the premises for use by patrons.

The Sub-Committee would like to thank each of the parties for their participation in and contribution to this hearing, and would like to remind the Applicant, as the holder of a new premises licence, of the importance of complying fully with the conditions on the licence, as failure to do so could result in the licence being reviewed.

686. PREMISES LICENCE FOR ST MILDREDS BAY, WESTGATE

Also present:

Officers: Penny Button, Head of Safer Neighbourhoods

Gavin Happe, Interim Senior Litigation Lawyer
Christopher Brown, Environmental Protection Officer
Katy Lane, Environmental Protection Officer

Applicant: Mr Glicksman
Applicant's representative: Mr Kheng

Members of the public making representations: Ms Yull, Mr Haystead, Ms Holmes, Mr Cottrell

Penny Button, Head of Safer Neighbourhoods outlined the report.

The applicant's representative addressed the Sub-Committee.

The Environmental Protection Officer asked questions of the applicant

Members of the public asked questions of the applicant.

Members asked questions of the applicant.

The Environmental Protection Officer addressed the Sub-Committee.

Members of the public asked questions of the Environmental Protection Officer.

Members asked questions of the Environmental Protection Officer.

Members of the public addressed the Sub-Committee.

All parties summarized their representations.

Further to debate, Members agreed:

This was an application to vary Premises Licence Number LN/2005118, relating to premises known as The St Mildred's Bay, Beach Road, Westgate on Sea, Kent, CT8 8AD.

The Applicant, represented by Mr Kheng, submitted an amendment to his original application for a variation of the Premises Licence, on 6th February 2020, reducing the scope of what was originally sought. It is the amended application that was put before the Sub-Committee at this hearing.

The amendment to the application, redefined the area to be licenced excluding part of the promenade. The following licensable activities were removed from the application; films; live music; recorded music (save top the extent that it was already authorised by the existing premises licence); and the performance of dance.

The portion of the application relating to late night refreshment:

- Provision shall take place indoors only.
- Hours applied for:
 - Sunday to Thursday, inclusive, from 23:00 hours until 00:15 hours the following day
 - Friday and Saturday from 23:00 hours until 01:15 hours the following day
 - On the day following a Friday, Saturday and Sunday of a Bank Holiday weekend and on the day following Christmas Eve hours extended to 01:45 hours
 - On the day following New Year's Eve hours extended until 02:45 hours

The portion of the application relating to sales of alcohol (in addition to the existing premises licence):

- On the premises:
 - Seven days a week, from 08:00 hours until 10:00 hours
 - Sunday from 23:30 hours until 00:15 hours the following day
 - Monday to Thursday inclusive from 00:00 hours until 00:15 hours
 - Friday and Saturday from 00:00 hours until 01:15 hours the following day
 - On the day following a Friday, Saturday and Sunday of a Bank Holiday weekend and on the day following Christmas Eve hours extended until 01:45 hours
 - On the day following New Year's Eve hours extended until 02:45 hours.
- Off the premises:
 - Seven days a week from 10:00 hours until 23:00 hours

The portion of the application relating to Opening Hours:

- Sunday to Thursday, inclusive, from 06:00 hours until 00:30 hours the following day
- Friday and Saturday from 06:00 hours until 01:30 hours the following day
- On the day following a Friday, Saturday and Sunday of a Bank Holiday weekend and on the day following Christmas Eve hours extended until 02:00 hours
- On the day following New Year's Eve hours extended until 03:00 hours

We have heard evidence from the Applicant, the Environmental Health Officer, and a number of local residents, in addition to a considerable number of written representations. We have paid very close attention to all of the material put before us.

We note, in particular, that local residents have a genuine concern regarding the potential for the operation of these premises to result in noise outbreak causing prejudice to the Prevention of Public Nuisance Licensing Objective.

In all the circumstances and having considered all of the evidence before us, we are satisfied that the revised application to vary this Premises Licence can be granted.

However, in order to prevent prejudice to the Licensing Objectives, specifically the Prevention of Public Nuisance objective, and to help allay the concerns expressed by local residents; we consider it both appropriate and necessary in all the circumstances, for the promotion of the Licensing Objectives to impose the following condition on the licence:

Condition

- "All doors and windows at the premises must be closed at 21:00 hours each day except to allow for access to and egress from the premises."

We also noted that the existing Premises Licence does stipulate that sales of alcohol are to be ancillary to a table meal.

Meeting concluded : 1.15pm