



**Kent  
Police**

Chief Officer of Police Representation in relation to an  
application for variation of premises licence made under Part  
3 Section 34 Licensing Act 2003 (S35 Licensing Act 2003)

**Details of person or body making representation**

Name of Chief Officer of Police	Ch / Insp Ruffle
Postal Address: (Area Headquarters)	Police Station Fort Hill Margate Kent CT91HL
E-mail address	licensing.east.division@kent.police.uk
Telephone Number:	01227 868414

**Details of premises representation is about**

Name of Premises:	The St Mildred's Bay
Address of premises:	Beach Rd Westgate on Sea CT88TP
Date application received by police	24/03/2020
Date representation sent to Licensing Authority	02/04/2020

*Must be within 28 days of receipt –  
The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, Part 4 Reg. 22*

**The Chief Officer of Police has received an application for the variation of a premises licence made under the provisions of Section 34 Licensing Act 2003, and under Section 35 of that Act asks the Licensing Authority to consider these representations in respect of: -**

*Please tick one or more of the licensing objectives that the representation relates to:*

Prevention of crime and disorder	X
Public Safety	X
Prevention of public nuisance	X
Protection of children from harm	X

The relevant representations within the meaning of S.35(5) of the Licensing Act satisfy the requirements of S.35 (6) of that Act and are as follows:

**Please give the reason for the representation and detail the evidence supporting it:**

See attached document

**Suggested conditions that could be added to the licence to remedy the representation or other suggestions the Licensing Sub Committee may take into account:**

*Please use separate sheets where necessary. Consider s106 Licensing Act 2003.*

The Police seek the attachment of the following condition to assist in the prevention of crime and disorder. Public Safety, Prevention of public nuisance and Protection of children from harm.

- 1) All off sales to be in sealed containers, cans or bio-degradable containers but not glass.
- 2) No off sales after 19:00 hours each day.

Signed: \_\_\_\_\_

Date: ...01/04/2020

Print name: .....

Force Number: .....

pp Chief Officer of Police for the Police Area in which the licensed premises are situated

Representation may be made at any time during the 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant. Please return this form along with any additional sheets to the Licensing Authority. This form must be returned within the Statutory Period.

**Please Give the reason for the representation and detail the evidence supporting it.**

The wish to make representation under the licensing objectives

Public Safety

Prevention of Public nuisance

Protection of children from harm.

The Police wish to make representation to this application to remove the 2 x conditions as stated above.

This premises have been used as a restaurant, however an application was received by the police 24/01/2020 for the premises to be used as a public house with off and on sales of alcohol. Whilst the police had no evidence to support a representation at the time, we did not have sight of subsequent additional amendments to the original application which have since been granted.

For the change of use to a pub / late night venue the Annex 2 conditions could be deemed not relevant. However, the main concern is with regards to these premises having requested alcohol both off and on the premises.

Currently these premises have the approval and authority for alcohol sales both off & on premises. These premises are very close to the beach and local residents. This beach is used by residents all year round and holiday makers when the weather allows. Under the current conditions any alcohol sold from these premises within the times allowed could be in open vessels, most likely glass. There is no obligation or condition that the pub would be required to collect or even remove such glassware from the beach. As a result, if these glasses are left uncollected, they could be broken and create a safety hazard to people, including children, dogs, and wildlife and increasing pollution in the area.

Therefore, the prevention of public nuisance, public safety and protection of children from harm objectives would be compromised if this variation to remove the conditions relating to off-sales is granted. This would be the only premises in St Mildred's Bay allowed to sell alcohol for consumption off premises in open vessels. An increase in the availability of alcohol in open vessels is likely to also create an increased nuisance for local residents from evening beach parties and other gatherings and increase the risk of underage drinking by those attracted to the area due to the above availability in the evenings. The premises owners and operators must be aware of their responsibilities regarding the promotion of the licensing objectives.

With regards to this variation, S.35 (4) of the Licensing Act 2003 allows, in addition to the option of rejecting the application, for the modification of any of the conditions of the licence.

The police therefore request that if the existing conditions are removed the following conditions are added to mitigate the impact.

1. "ALL OFFSALES WILL BE IN SEALED CONTAINERS, CANS OR BIO-DEGRADABLE CONTAINERS, NOT GLASS" is added as a safeguard to the above explained risks to public safety.
2. "NO OFF SALES AFTER 19:00 HOURS EACH DAY