

LICENSING SUB COMMITTEE

Minutes of the meeting held on 16 June 2020 at 10.00 am and Online Only.

Present: Councillors Ara, Currie and Huxley

All Members attended the meeting via Google Hangouts.

691. ELECTION OF CHAIRMAN

Councillor Huxley proposed, Councillor Ara seconded and it was agreed that Councillor Currie be the Chairman.

692. APOLOGIES FOR ABSENCE

There were no apologies for absence.

693. DECLARATIONS OF INTEREST

There were no declarations of interest.

694. PREMISES LICENCE FOR THE ST MILDREDS BAY, ST MILDREDS GARDENS, WESTGATE-ON-SEA, CT8 8TP

Also present:

Officers: Penny Button, Head of Safer Neighbourhoods
Gavin Happé, Interim Senior Litigation Lawyer
Katy Lane, Environmental Protection Officer
Alison Brock Licensing Officer
PC Paul Diment, Kent Police

Applicant: Mr Paul Glicksman

Applicant's Representatives: Sarah Clover, Michael Kheng

Members of the public making representations: Roger Cottrell, Elise Fitzgerald, Dave Haystead, Alison Yuill

Alison Brock, Licensing Officer, presented the report.

The Applicant's representative addressed the Sub-Committee

Members asked questions of the representative.

Environmental Health addressed the Sub-Committee.

Kent Police addressed the Sub-Committee.

Members of the public addressed the Sub-Committee.

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, Mr Paul Glicksman, represented by Ms Sarah Clover, has applied to vary his premises licence by way of deleting two conditions which are currently on the Premises Licence.

1. "Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal."

AND

2. "It is an implied condition of this licence that suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or as an ancillary to meals served in the licensed premises."

In considering this application we have concentrated on the substance of this Application only, it is not within the Sub-Committees remit on this occasion to consider other issues including the hours of operation of these premises.

The Sub-Committee has been informed that an agreement has been reached between the Applicant and the Kent Police, out of which two additional conditions have been proposed and agreed by the Applicant. These conditions are:

1. "All off sales of alcohol shall be supplied in non-glass containers with the exception of any sale of alcohol that is for delivery via a delivery service or any alcohol that a customer may have not finished and wishes to take home, i.e. an unfinished bottle of wine."

AND

2. "The hours of off sales shall be limited to between 1000hrs and 2200hrs seven days a week."

We have heard or received evidence from the Applicant, the Environmental Health Officer, Kent Police, the RNLi and a number of local residents, including a considerable number of written representations. We also note that the Westgate-On-Sea Town Council support the application.

We have paid very close attention to all of the material and evidence which has been 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. And we do not minimise those concerns.

We have also noted that the Guidance issued under section 182 of the Licensing Act 2003 stipulates that we should accept the advice of the Police on matters relating to the prevention of crime and disorder. The Police have made it very clear that there is no evidence which would indicate that any of the licensing objectives would be prejudiced were this Application to be granted.

We accept that Mr Glicksman is an experienced operator of licenced premises, running as he does, Pauls Bistro, without complaint. We understand that the Applicant intends, once the restrictions occasioned by the Coronavirus Pandemic have been lifted, to operate the premises as a high end bar and restaurant.

In all the circumstances and having considered all of the evidence before us, we are satisfied that this application can be granted, subject to the addition of the two conditions agreed between the Applicant and the Police, which we consider to be appropriate, proportionate and necessary, for the promotion of the licensing objectives.

We are satisfied that the Licensing Act 2003 provides sufficient safeguards, including the mechanism to review the premises licence, in the event that the operation of these premises should fall short of the aspirations Mr Glicksman has put before this sub-committee.”

Meeting concluded : 12.25 pm