

Our ref PW/BM/GFO001-1-7/5841

Your ref

09 November 2021

Dear

**Review of Premises Licence for Faith in Strangers, 17 Ethelbert Crescent, Cliftonville, Margate, CT9 2DY**

We represent the interests of Ms [redacted] and [redacted] of Flat [redacted], Cliftonville Court, Edgar Road, Cliftonville, Margate, CT9 2EA.

Please take this letter as their formal representation to the review of the above premises licence under Section 51(3)(c).

Our clients are "other persons" who are affected by the licensable activities carried out at the above premises.

Amanda Berry, a senior Environmental Health practitioner at Margate Council has brought the review against the premises licence for breaching the licensing objective of:

- The prevention of public nuisance.

Our clients have read the application for review and support the comments made in the application. We had been instructed to instigate review proceedings against the premises should Amanda not have done so.

Our clients are near neighbours of the premises, from within the same building, and their continued trading style has caused significant noise nuisance and disturbance leading them to make formal complaints to the Environmental Health Department on a regular basis.

We can confirm that we will provide detailed evidence and a case summary to support this representation, and will attend and represent our clients' interests before the hearing of the Licensing Sub-Committee.

Our clients live in Cliftonville Court, which is a block of 12 flats sitting directly above Faith in Strangers. Our clients' flat is 1 of 3 which share a floor with the ceiling of Faith in Strangers. Our clients have lived there for over two and a half years and, prior to the nightclub opening at Faith in Strangers, were happy and had no nuisance to contend with in their home life. Prior to the nightclub opening, it was felt that Cliftonville Court was a peaceful residential area to live with a strong sense of community. This was why our clients moved to this address.

About 7-8 months ago, Faith in Strangers changed its business model from a private members co-working space to a night club. The premises were granted planning permission and a premises licence to trade as a private members co-working space with "spoken word poetry nights and academic talks." If the premises had continued to trade in line with the granted planning permission and premises licence then there would be no complaint. Our client feels that there has been a cynical breach of the planning and licensing process to ensure the grant of a premises licence which has allowed them to change their business model and trade as a nightclub.

Most weekends, our clients suffer from audible noise disturbance from the music played at the premises from 7pm. From 9pm they can feel the bass and are able to hear song melodies and lyrics. This noise continues to get louder and create more of a disturbance as more patrons enter the premises. It is impossible to relax and enjoy a normal home life with this continuing disturbance. It is not even possible to watch the television, listen to music or read a book. They then have to live with drunken cheering, whooping, scraping of furniture, use of electric hand driers in the bathrooms and general noise disturbance. By 1am the noise is so debilitating and continues until about 2.30am that sleep becomes impossible.

Towards the end of a trading session, when the music stops, this is followed by the sound of furniture being moved around the venue as it closes up. They also then hear loud anti-social behaviour from people leaving the premises as they stay and hang around once the premises close. This can be for a considerable time after the premises have made them leave, but not move on.

There have been DJs playing at the premises, or live music performances for at least 34 times over the 20 week period from May to October. This is considerably outside what was promised during the original planning and licensing process.

As a result of this, our client has maintained a sound diary which will be produced for the hearing. In addition, they have liaised with the Environmental Health Officers who have installed sound recording equipment over 4 events. As a result of these readings, Environmental Health have instigated a licensing review of the premises licence under the Licensing Act. In addition, they have served a noise abatement notice on the premises licence holder alleging a statutory nuisance.

What is significantly disappointing is, notwithstanding the service of the abatement notice alleging a statutory nuisance and the review hearing, the disturbance has continued.

On Saturday 8<sup>th</sup> November, the bass noise from the DJ started at 7.30pm, and by 9pm it was so loud that it made watching the TV impossible and was vibrating through the flat in every room. This was followed by patron noise, cheering and furniture scraping with hand dryers in the toilets going on into the early hours. At a time when one would expect the premises licence holder would be promoting the licensing objectives in an attempt to persuade the residents they can behave responsibly, they continue to commit a public and a statutory nuisance.

This repetitive bass beat carried on until 2.30am. It became louder after midnight and the types of patron noise and melodies could be heard and increased after 1am. The patrons were noisy and caused a disturbance at around 2.30am with drunken shouting and the furniture being scraped until nearly 3am.

Our clients concerns are that notwithstanding the launch of the review and the statutory nuisance noise abatement notice, that the operators have no intention of making meaningful changes.

It is frustrating for them that they have had to report and call out the Environmental Health officers on multiple occasions even after the abatement notice and review have been launched. This continued nuisance leads our clients to the view that the premises licence holders have no intention to abate the nuisance.

As well as the noise nuisance that is created directly from the premises, and their style of operation, our clients are seeing increasing anti-social behaviour as the venue has become more popular as a late night music venue. This leads to a nuisance being created in that there is often drunken shouting in the street and bins being kicked over when people leave the venue.

As the premises is one of the latest operating premises in the area, it attracts drinkers from other bars when they close earlier. After 11pm, queues generate for customers to get into Faith in Strangers. These are not well managed or controlled and, as a result, this creates noise nuisance and smokers congregating under our windows. As the entrance to the venue is small, customers regularly mistake the entrance to the residential flats for the club. As a result of this, our clients' doorbell is regularly rung in the early hours. In addition, our clients have been followed into their building by drunken people believing that they were going into Faith in Strangers. Family members have been scared by patrons of Faith in Strangers banging and shaking the main entrance door, demanding to be let in. There are regular occasions when intoxicated customers stop our clients on the doorstep asking for directions to the venue.

These disturbances and examples of public nuisance are directly attributed to the premises causing stress, anxiety and lack of sleep to our clients.

This has led, at times, to them having to sleep in a camper van away from Faith in Strangers to ensure a better night's sleep. Clearly this is not acceptable and is a direct cause of the operating style of the premises.

The prior use of the premises, as a nightclub (Frank's) was at a time when there were significantly more noise attenuation measures in the building.

We understand that Faith in Strangers, in preparing to open their premises, removed key sound proofing measures from the venue from when it has previously traded as a night club. As a result of this, there are insufficient noise attenuation measures in the building which causes noise nuisance throughout.

Of considerable concern is that there has been no attempt by the premises licence holder to propose any remedial action to remove the ongoing public and statutory nuisance. We can confirm that additional information will be provided for the Licensing Sub-Committee hearing when it will be submitted to the Licensing Sub-Committee that the hours and style of operation need to considerably change so as to promote the licensing objective of prevention of public nuisance and ensure there are no continuing breaches of the statutory noise abatement notice.

Yours faithfully

Woods Whur



ORIGINAL



## LICENSING REPRESENTATION FORM

### Section 1: Licence Application Details

☒ I wish to **object** to the following application i.e. I wish to support the review of the licence

Name of Applicant (if known):	Faith in Strangers Margate	
Premises Name and Address:	17 Ethelbert Crescent	
	Margate	
	Postcode:	CT9 2DY

### Section 2: Your Details

(If you are acting as a representative, please go to Section 3)

Title

- ☐ Mr  
☐ Mrs  
☒ Miss  
☐ Ms  
☐ Other (please state)

Surname:	Forenames:	
Address	Flat Cliftonville court Edgar road	
	Margate	
	Postcode:	CT9 2EA

Telephone		Email	
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(You must provide your full residential address (or business address, if your objection relates to the impact of the licence upon your business premises))

### Section 3: Representative Details

(If you represent residents or businesses, please complete the details below)

Name of Representative/Organisation			
Address of Representative/Organisation			
		Postcode	
Telephone			Email

I AM (Tick as appropriate):

- ☐ Representative or Residents Association
- ☐ Representative of Trade/Business Association
- ☐ Ward Councillor
- ☐ MP
- ☐ Other (please specify)

### Section 4: Reason(s) for Representation

Under the Licensing Act 2003, for a representation to be relevant, it must set out the likely effect of granting the application on the promotion of the four licensing objectives. Any representations that are considered to be frivolous or vexatious will not be accepted.

Please fill in the reason(s) for your representation in the space provided below under each of the Licensing Objectives (where relevant). You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation. Please attach any supporting documents/ further pages as necessary, numbering all additional pages. Try to be as specific as possible and give examples, where possible.

Licensing Objective	Reason for Representation
Prevention of Public Nuisance	Faith in Strangers have Continuous high volume music this prevents My 2 year old Son, My Partner and myself from sleeping. - Loud music until 2Am - Constant Shouting/Screaming from drunk customers.

Continued from previous  
page: Prevention of Public  
Nuisance

- Constant use of loud dryers
- dragging of tables / chairs at late hours
- When people are leaving they are being loud, aggressive and come onto the car park. (Also verbally abused us)
- bottles smashing throughout the night.

All of this prevents my son from sleeping due to loud noises scaring him.

I, \_\_\_\_\_, hereby declare that all information I have submitted is true and correct.

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

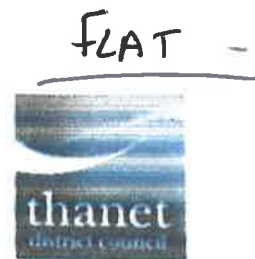
Date: 10/11/2021

Please send the completed form to:

Licensing Team  
Thanet District Council  
PO Box  
Margate  
Kent, CT9 1XZ

Email: [Licensing@thanet.gov.uk](mailto:Licensing@thanet.gov.uk)

COPY  
ORIGINAL SENT  
VIA EMAIL



## LICENSING REPRESENTATION FORM

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	Margate	
	Postcode:	CT9 2DY

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Title

- ☐ Mr  
☐ Mrs  
☒ Miss  
☐ Ms  
☐ Other (please state)

Surname:	Forenames:	
Address	FLAT CLIFTONVILLE CT.	
	EDGAR ROAD, MARGATE	
	KENT	
	Postcode:	CT9 2EA

Telephone		Email	
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(You must provide your full residential address (or business address, if your objection relates to the impact of the licence upon your business premises))



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	Postcode:	

Telephone		Email	
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Licensing Objective	Reason for Representation
Prevention of Crime & Disorder	Patrons of F.I.S. leaving the venue intoxicated and apparently unaware of the residential setting; they are <del>very</del> unduly loud. In terms of crime and disorder, they are on occasion destructive, violent and disrespectful in their actions and behaviour - not least of all in where they choose to "relieve themselves."

Prevention of Public Nuisance	On top of the noise-generating patrons as they leave the venue in the early hours, the venue itself has speakers beyond the capability of their soundproofing. This is a problem that has existed since 2018 - evident from a complaint from my late mother, and previous owner of Flat 2, Mary Strachan which she lodge with Environmental Health, after the noise disturbance of 'only' a party. From my brother's experience of staying in the flat over the weekend of 26 <sup>th</sup> June, there has been no improvement to the level of noise disturbance.
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Protection of Children from Harm	The building and areas around F.I.S. are becoming increasingly unsanitary - due to aforementioned reasons. F.I.S. is opposite a popular play area and, for reasons I'm unable to comprehend, has an operating DJ/night-club within a residential building where children live. My own niece's and nephews have been unable to visit, as often as they once did, for weekends by the sea in Flat 2 because of the levels of noise generated/lack of soundproofing the F.I.S. business.
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Public Safety	Again, in reference to the intoxicated patrons of F.I.S. I would feel significantly more at risk outside of Cliftonville Court at night than I should be. It is very far from <del>for</del> the concept of a shared work-space / art centre that I expected & I feel it captures a whole different market - one that I feel has no place in the family community at Cliftonville Court.
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I, \_\_\_\_\_, hereby declare that all information I  
have submitted is true and correct.

Signed: _____	Date: 2/11/2021
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**Please send the completed form to:**

Licensing Team  
Thanet District Council  
PO Box  
Margate  
Kent, CT9 1XZ  
Email: [Licensing@thanet.gov.uk](mailto:Licensing@thanet.gov.uk)

ORIGINAL



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Margate		
	Postcode:	CT9 2DY

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#### Title

- ☐ Mr  
☐ Mrs  
☐ Miss  
☒ Ms  
☐ Other (please state)

Surname	Forenames	
Address		
Flat Cliftonville Ct.		
Edgar Rd		
Margate	Postcode:	CT9 2EA

Telephone		Email	WA
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(You must provide your full residential address (or business address, if your objection relates to the impact of the licence upon your business premises))

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Address of Representative/Organisation		
	Postcode	

Telephone		Email	
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- ☐ MP
- ☐ Other (please specify)

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Licensing Objective	Reason for Representation
Prevention of Public Nuisance	<p>Dear Sir/Madam.</p> <p>I had no objection to the initial granting of a licence to FIS before their business began as the written information we were given (P10)</p>

Continued from previous  
page: Prevention of Public  
Nuisance

(held without PC.) stated that  
the space would be for small  
groups of people doing social  
activities with snacks & hot  
drinks provided. However  
that has now become a  
musical venue for most  
weekends with rowdy  
behaviour by patrons  
leaving in early hours of the  
morning. Case was pointed  
out would not be so. I  
live on the third floor of the  
building it can hear quite  
clearly loud music in my  
flat above for the club.  
Case is now known to be  
people. I can hear which songs  
are being played above the  
volume of my TV. FIS have  
been told of this but have so  
far not taken any more  
not decreased the volume.

I, [Signature], hereby declare that all information I  
have submitted is true and correct.

Signed: [Signature]

Date: 01.11.21

Please send the completed form to:

Licensing Team  
Thanet District Council  
PO Box  
Margate  
Kent, CT9 1XZ  
Email: [Licensing@thanet.gov.uk](mailto:Licensing@thanet.gov.uk)



## LICENSING REPRESENTATION FORM

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Premises Name and Address:	17 Ethelbert Crescent	
Margate		
	Postcode:	CT9 2DY

### Section 2: Your Details

(If you are acting as a representative, please go to Section 3)

Title

- ☐ Mr  
☐ Mrs  
☐ Miss  
☐ Ms  
☐ Other (please state)

Surname:	Forenames:	
Address	Flat	
Cliftonville Court		
Edgar Road		
	Postcode:	CT9 2EA

Telephone		Email	
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(You must provide your full residential address (or business address, if your objection relates to the impact of the licence upon your business premises))



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Address of Representative/Organisation			
		Postcod	
Telephone		Email	

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- ☐ Representative of Trade/Business Association
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- ☐ MP
- ☐ Other (please specify)

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Licensing Objective	Reason for Representation
<b>Prevention of Crime &amp; Disorder</b>	



<b>Prevention of Public Nuisance</b>	<p>I am sending this regarding the 'Faith in strangers' problems we've been having since them opening. I live with my family in a flat storeys above them.</p> <p>We've had a number of occasions where the music was so loud our sons couldn't sleep in their own room, as they're bedroom is above faith in strangers bar. I have heard glasses smash, people being sick and also fights.</p> <p>Not to mention I've even witnessed a man urinating in a bush outside the place and the man himself and his friends laughing about him doing it.</p> <p>It's not the only problem we've had, I've also had to tell people where faith and strangers is as they've tried entering our building which is scary for my kids.</p> <p>I think this all needs to be dealt with, it's not fair on the children that live in this cliftonville court that have to put up with sleepless nights due to the thumping music</p>
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<b>Protection of Children from Harm</b>	
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<b>Public Safety</b>	
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I, \_\_\_\_\_, hereby declare that all information I have submitted is true and correct.

Signed: 	Date: 28.10.2021
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Please send the completed form to:

Licensing Team  
 Thanet District Council  
 PO Box  
 Margate  
 Kent, CT9 1XZ  
 Email: [Licensing@thanet.gov.uk](mailto:Licensing@thanet.gov.uk)

ORIGINAL FLAT



## LICENSING REPRESENTATION FORM

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Premises Name and Address:	17 Ethelbert Crescent	
Margate		
	Postcode:	CT9 2DY

### Section 2: Your Details

(If you are acting as a representative, please go to Section 3)

Title

- ☐ Mr  
☒ Mrs  
☐ Miss  
☐ Ms  
☐ Other (please state)

Surname:	Forenames:	
Address	Cliftonville Court	
Edgar Road		
Margate		
	Postcode:	CT9 2EA

Telephone		Email	
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(You must provide your full residential address (or business address, if your objection relates to the impact of the licence upon your business premises))

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(If you represent residents or businesses, please complete the details below)

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Address of Representative/Organisation			
		Postcod	

Telephone		Email	
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Licensing Objective	Reason for Representation
<b>Prevention of Crime &amp; Disorder</b>	

<p><b>Prevention of Public Nuisance</b></p>	<p>Being an owner occupier of 20 years standing in the block of flats the last 3 years have been hell since Faith in Strangers moved in. All in all we have endured remedial work whilst Faith in Strangers converted the premises during day time hours, to the DJs now to 3am each week.</p> <p>After some respite over lockdown, they have become more of a nightmare since they started operating as a nightclub.</p> <p>My husband and I are both in our 80s and do not enjoy perfect health. The noise from their music on weekends is often loud enough that it prevents us sleeping even though we are on the top floor of the building.</p> <p>Late night revellers come up to Faith in Strangers post 11pm making drunken noise. They then leave the venue in the early hours of the morning being more anti-social e.g. shouting / swearing when waiting for taxis and urinating in our front door entrance.</p> <p>Our front door is often mistaken for FIS' entrance and we have been disturbed by people trying to gain access by ringing our doorbell.</p> <p>We are also occasionally disturbed by their flashing lights underneath our window.</p>
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<p><b>Protection of Children from Harm</b></p>	
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<p><b>Public Safety</b></p>	
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I, \_\_\_\_\_, hereby declare that all information I have submitted is true and correct.

<p>Signed: _____</p>	<p>Date: 31-10-2021</p>
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**Please send the completed form to:**

Licensing Team  
Thanet District Council  
PO Box  
Margate  
Kent, CT9 1XZ

Email: [Licensing@thanet.gov.uk](mailto:Licensing@thanet.gov.uk)

ORIGINAL



## LICENSING REPRESENTATION FORM

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Premises Name and Address:	17 Ethelbert Crescent	
Margate		
	Postcode:	CT9 2DY

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Title

- ☐ Mr  
☒ Mrs  
☐ Miss  
☐ Ms  
☐ Other (please state)

Surname:	Forenames:	
Address	Cliftonville Court	
Edgar Road		
Margate		
	Postcode:	CT9 2EA

Telephone	01843	Email	
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Address of Representative/Organisation		
	Postcod	

Telephone		Email	
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- ☐ Representative of Trade/Business Association
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Licensing Objective	Reason for Representation
<b>Prevention of Crime &amp; Disorder</b>	

<b>Prevention of Public Nuisance</b>	<p>I have lived on the 1st floor of Cliftonville Court for 50 years and I brought up my family here, I am now in my 80s.</p> <p>I find it hard to sleep without fresh air in my bedroom but since Faith in Strangers started having DJs I have to close my bedroom window at night. Otherwise all the shouting from people leaving and waiting for taxis under my flat wakes me up most weekends.</p> <p>I also hear the thump, thump, thump of the music on Friday and Saturdays which disturbs me when watching television.</p> <p>I support my neighbours and would ask for Faith in Strangers to play their music at a much quieter level and to stop serving alcohol at 11pm so that people don't come up from Margate town centre and congregate under my flat when I am trying to sleep.</p>
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<b>Protection of Children from Harm</b>	
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<b>Public Safety</b>	
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I, \_\_\_\_\_, hereby declare that all information I have submitted is true and correct.

Signed: _____	Date: 01/10/2021
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**Please send the completed form to:**

Licensing Team  
 Thanet District Council  
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 Margate  
 Kent, CT9 1XZ  
 Email: [Licensing@thanet.gov.uk](mailto:Licensing@thanet.gov.uk)



# LICENSING REPRESENTATION FORM

## Section 1: Licence Application Details

- ☐ I wish to **object** to the following application This a variation on a license and I wanted the points below to be considered when it is reviewed.

FAITH IN STRANGERS
17 ETHELBERT CRESCENT

## Section 2: Your Details

(If you are acting as a representative, please go to Section 3)

Title

- ☐ Mr  
☐ Mrs  
☐ Miss  
☐ Ms  
☐ Other (please state)

Surname:	Forenames:	
Address	DALBY SQUARE	
Postcode:	CT9 2ER	

Telephone		Email	
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(You must provide your full residential address (or business address, if your objection relates to the impact of the licence upon your business premises))

**Prevention of Public Nuisance**

Looking at the original license granted I cannot see where it states that the venue would become a nightclub operating until 3am a few nights per week.

Whilst it faces the seafront, nearby residents sometimes feel the impact of very late night street noise (2/3 am) from his customers leaving the venue or smoking outside it.  
No one who lives nearby got to choose whether we had a '3am close' venue. It just happened one day.

I know it's a popular venue and is lovely inside but the owner hasn't seemed mindful of the impact his post-midnight business has on those living nearby. He could adjust his hours and frequency of late night events to be more considerate of late night noise that impacts those who live nearby.

Residents near the sea front noticed increased noise on the street at 2-3.30am after events such as the Dreamland After-Parties. Can the owner prevent his customers making excessive noise when they leave in the middle of the night?

As his customers smoke outside, there can be increased noise outside at times as some move along to the end of the square instead of standing outside his venue. The sound travels. Up to midnight it isn't that bad but 2/3am it can be very noticeable. In this area we are used to street noise up until around midnight (especially in summer) but it's fairly rare from 1am onwards.

I know he can't be blamed for all the street litter directly outside his premises (as the arcade customers contribute to it too) but fab butts etc. never seem to be swept up by either owner and relying on TDC street cleaning isn't enough as they hardly clean the area more than once per month. Many customers don't seem to use the fag bin on his wall or the public street bin.

This might sound nit-picky and a bit trivial but it's actually fairly irritating as local residents do the bulk of street cleaning as volunteers and a number of residents fund a private street cleaner to help. It would be polite of the owner to keep his frontage clean too.

Copy  
Also sent via  
email

Flat



## LICENSING REPRESENTATION FORM

### Section 1: Licence Application Details

☒ I wish to **object** to the following application i.e. I wish to support the review of the licence

Name of Applicant (if known):	Faith in Strangers Margate	
Premises Name and Address:	17 Ethelbert Crescent	
Margate		
	Postcode:	CT9 2DY

### Section 2: Your Details

(If you are acting as a representative, please go to Section 3)

Title

- ☐ Mr  
☐ Mrs  
☐ Miss  
☒ Ms  
☐ Other (please state)

Surname: ****	Forenames:	
Address	Flat ., Cliftonville Court, Edgar Road, Margate	
	Postcode:	CT9 2EA

Telephone		Email	
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(You must provide your full residential address (or business address, if your objection relates to the impact of the licence upon your business premises))

### Section 3: Representative Details

(If you represent residents or businesses, please complete the details below)

<i>Name of Representative/Organisation</i>			
<i>Address of Representative/Organisation</i>			
		<i>Postcode:</i>	
<i>Telephone</i>		<i>Email</i>	

I AM (Tick as appropriate):

- ☐ Representative or Residents Association
- ☐ Representative of Trade/Business Association
- ☐ Ward Councillor
- ☐ MP
- ☐ Other (please specify)

### Section 4: Reason(s) for Representation

Under the Licensing Act 2003, for a representation to be relevant, it must set out the likely effect of granting the application on the promotion of the four licensing objectives. Any representations that are considered to be frivolous or vexatious will not be accepted.

Please fill in the reason(s) for your representation in the space provided below under each of the Licensing Objectives (where relevant). You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation. Please attach any supporting documents/further pages as necessary, numbering all additional pages. Try to be as specific as possible and give examples, where possible.

Licensing Objective	Reason for Representation
<p><b>Prevention of Crime &amp; Disorder</b></p>	

<p><b>Prevention of Public Nuisance</b></p>	<p>My husband, 4 year old daughter, and I live at Flat Cliftonville Court which is located above Faith in Strangers. FIS is on the first floor of the building and we are on the fifth floor. We bought our flat in 2017.</p> <p>Since FIS started their programme of events we have been consistently woken up (or prevented from sleeping) by thumping music from inside the venue, and noise and shouting from out on the street. Our flat is not the worst affected, as we are three floors up from Faith in Strangers. However, the music is loud and audible within our flat from around 10.30/11pm onwards, and we can clearly hear the beat and bass of the music, as well as the tonal variations within the songs. Often at around 1-3am we hear shouting out on the street as patrons leave, which regularly wakes us up. We have also had our buzzer rung on several occasions with people looking for the entrance to the nightclub. I have also noticed evidence of our recessed doorway being used as a urinal.</p> <p>This is a residential area which was always very quiet at night prior to the arrival of Faith in Strangers. There should not be a nightclub in this location. Before FIS opened we were told that it was going to be a co-working space with some 'cultural' and 'arts' events in the evenings, and their planning application and late license was granted on this basis. Their soundproofing is inadequate for live DJs and loud music, which is what their business has morphed into.</p> <p>Every single one of the 12 flats within this building can hear the noise from the venue (albeit to varying degrees depending on their location within the building). Even in our flat, located 3 floors up from the premises, we can hear furniture scraping and hand driers going off, as well as the music which they play.</p>
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One of the arguments made by FIS regarding the suitability of a nightclub in this location was due to the historic precedent of Franks, which closed in the early 2000s. I visited Franks in 2016 (then vacant and disused) and the space I saw then is unrecognisable from the space I see now.

Franks had no windows at all – the historic openings built in the 1960s were fully blocked up with dense blockwork. Furthermore, there were dropped ceilings and dry-lined walls, fitted with sound insulation, and there was no exposed concrete frame at all. All of these old soundproofing measures were ripped out, new large windows were installed, and the bare concrete frame of the building is now exposed, which means that the noise from the venue vibrates and reverberates through the building through the concrete structure. Nightclubs generally do not have windows because glass will never block noise transfer, and they rarely coexist in the same building as residential units. The two uses are not compatible.

The noise we suffer is not just from within the premises though. The thumping music makes going to sleep harder, but once we are asleep we are then regularly woken up by noise from out on the street at around 1-3am. We have heard people fighting, shouting, screaming, swearing etc. and this is common on Friday and Saturday nights. The entrance/exit to FIS is on the ground floor of the building, whereas they are located on the first floor, and I don't think anyone is employed to make sure people leave quietly and with consideration to the neighbours.

This ongoing and consistent noise nuisance, which occurs every weekend, affects our family's sleep and has a negative impact on our lives, and prevents us from enjoying our home peacefully on the weekends – which we (and the others who live here) have a right to do.

<b>Protection of Children from Harm</b>	
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<b>Public Safety</b>	
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I, \_\_\_\_\_, hereby declare that all information I have submitted is true and correct.

Signed: 	Date: 03/11/21
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**Please send the completed form to:**

Licensing Team  
Thanet District Council  
PO Box  
Margate  
Kent, CT9 1XZ  
Email: [Licensing@thanet.gov.uk](mailto:Licensing@thanet.gov.uk)



## **CASE OUTLINE**

### **Review of Premises Licence for Faith in Strangers, 17 Ethelbert Crescent, Cliftonville, Margate, CT9 2DY**

#### **Valid representation**

1. Please note that we represent the following in the review of the above premises licence. All have submitted valid representations to the review.

Cliftonville Court, Edgar Road, Margate, Kent,  
CT9 2EA (will be attending hearing)

Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA (will be attending hearing)

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- Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA (will be attending hearing)

- Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA

N/B: Cliftonville Court, Edgar Road, Margate, Kent, CT9 2EA) did not submit a valid representation in time, but supports the review and has also instructed Woods Whur.

2. Initially we were instructed by , and have now been instructed to represent the above.

3. All of the above listed residents have been affected by the operating of Faith in Strangers to such a degree that a clear public nuisance has been ongoing, causing them substantial disturbance and loss of private amenity.

Attached to this note are:

- The noise diary
- Original design and access statement for planning permission
- Original licence application

#### **Background Information**

4. Initially, we were instructed to represent the interests of N of Cliftonville Court, Edgar Road, Cliftonville, Margate, CT9 2EA.

5. Prior to the review being launched, we had been advising them of their options, and if a review had not been launched by the Environmental Health Officer, then a review would have been launched by them.

6. As a result of liaising with them after the review has been launched, we have been asked to represent the interests of those listed above. Our clients have read the application for review, and support the comments made in the application. All of those listed above are near neighbours of the premises, from within the same building, and Faith in Strangers continued trading style has caused significant noise nuisance and disturbance, leading them to support this review application. Ms Wilson-Powell and Pritchard have made a number of complaints to the Environmental Health department, as the public nuisance has been sustained, continued and is still ongoing.

7. Cliftonville Court is a block of 12 flats, sitting directly above Faith in Strangers. Ms Wilson-Powell and Pritchard share a floor with the ceiling of Faith in Strangers. They have lived there for 2 and a half years, and prior to the nightclub opening in Faith in Strangers, were happy and had no nuisance to contend with in their home life. Prior to the night club opening, it was felt by all residents that Cliftonville Court was a peaceful residential area to live, with a strong sense of community.

8. Some 8 months ago, Faith in Strangers changed its business model from a private members co-working space to a night club. It is critical to note that the operation was granted planning permission and a premises licence under the Licensing Act 2003, after the authorities and local residents were told that it would trade as a "private members co-working space with spoken word poetry nights and academic talks."

9. Our clients had no objection to this, nor would they have any complaint should that be the style of operation. Due to the passage of time and continued ongoing public nuisance, our client now feels that this has been a cynical breach of the planning and licensing process to ensure the grant of a premises licence which has allowed them to change the business model and trade as a night club.

10. Most weekends public nuisance is created as a result of music being played at the premises from 7pm. From 9pm, the bass can be felt travelling through the building, and it is possible to hear song melodies and lyrics. This noise becomes louder and creates more disturbance as more patrons enter the premises. As a result, it is impossible to relax and enjoy a normal home life with this continuing disturbance.

11. Watching the television, listening to music or reading a book has become near impossible due to the noise breakout through the building.

12. As well as the noise travelling through the building, there has been an increase in drunken cheering, whooping, scraping of furniture, use of electric hand-dryers in the bathrooms and a general noise disturbance of the customer base whilst in the premises and on leaving.

13. Regularly, the noise is that debilitating from 11pm, continuing to 2am/3am and later that sleep becomes impossible.

14. At the end of any trading session when the music stops, customers leave noisily, they regularly stay outside the premises creating anti-social behaviour and noise. This can be for a considerable time after the premises have closed.

15. There have been DJs or live music playing at the premises for over 35 occasions during a 20 week period from May to the date of the review. This bears no resemblance to what was promised during the original planning and licensing process.

16. As a result of all of this, our client is regularly complaining to the Environmental Health department, who advised the creation of a sound diary, the contents of which are attached to this case outline.

17. The noise nuisance has led the Environmental Health Officer to issue a noise abatement notice against the premises.

18. Against the backdrop of a noise abatement notice and the review of the premises licence, not only have the instances of nuisance not reduced, they have become more frequent and more impactful to those who made representations. There has been no meaningful action to mitigate the noise nuisance. It is the clear evidence of Ms Wilson-Powell and Pritchard that the noise nuisance has become louder and more impactful since this time.

19. An example of this is on Saturday 8<sup>th</sup> November, the bass noise from the DJ starting at 7.30pm became so loud by 9pm that there were vibrations felt throughout the flat. This was followed by patron noise, cheering and furniture scraping with the hand-dryers in the toilets until the early hours.

20. At a time one would expect the premises licence holder would be promoting the licensing objectives in an attempt to persuade the residents they can behave responsibly, they continue to commit a public and statutory nuisance. This carried out until in excess of 2.30am.

21. It is clear from the behaviour of the premises licence holder during the currency of the review, and the launch of the statutory noise nuisance abatement notice, that they have no intention of making meaningful changes.

22. As the premises are one of the latest operating premises in the area, they attract drinkers from other bars who close at an earlier time. Regularly, after 11pm, queues are generated for customers to get into Faith in Strangers. The queue is not managed or controlled and as a result, there is regular anti-social behaviour outside of the premises. Our clients have been followed into the building by drunken people believing that they were going into Faith in Strangers, and have had family members scared by this behaviour.

23. The nuisance has been so significant that it has led to our clients having to sleep in a camper van away from their home to ensure a better night's sleep. Clearly, this is not acceptable at any time but is worse as the winter months approach.

24. It is understood that the premises used to trade as a night club - Frank's - but this was at a time when there was significantly more noise attenuation measures in the building. Whilst preparing to open their premises, Faith in Strangers removed key soundproofing measures from the venue from when it previously traded as a night club. As a result of this, there are insufficient noise attenuation measures in the building which cause noise nuisance throughout.

25. At the time of writing this note, we are not aware that the premises licence holder has attempted to propose any remedial action to the Environmental Health Officer, nor the residents. It would be expected that this would be the position taken by a responsible operator in the face of ongoing public and statutory nuisance claims.

### Section 182 Guidance

26. The relevant sections of the statement are as follows:

(2.15) "The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter."

(2.16) "Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health."

(2.19) "Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave."

(11.1) "The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate."

(11.19) "Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence."

(11.20) "In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review."

(11.23) ... "But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence."

#### Licensing Act 2003 - Statement of Licensing Policy

27. The local licensing policy deals with the prevention of public nuisance at paragraph 5, the relevant sections for this case are as follows:

(5.1) "Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Licensing Authority wishes to proactively maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide."

(5.2) "The Licensing Authority intends to interpret 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti- social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area."

(5.3) "Applicants need to clearly understand that the Licensing Authority will pay particular attention whether or not to impose stricter conditions, including controls on licensing hours, with a view to protecting the quality of life of residential occupiers."

(5.6) "When addressing the issue of prevention of public nuisance, the applicant should have considered those factors that impact on the likelihood of public nuisance. These may include:

- The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship
- The hours of operation, particularly if between 2300 and 0700

- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
  - The design and layout of premises and in particular the presence of noise limiting features
  - The occupancy capacity of the premises
  - The availability of public transport
  - Last admission time
  - The steps the applicant has taken or proposes to take to ensure that staff leave the premises quietly
  - The steps the applicant has taken or proposes to take to prevent disturbance by patrons arriving or leaving the premises
  - Whether routes to and from the premises, on foot or by car or service or delivery vehicles, pass residential premises.
- 
- Whether other measures have been taken or are proposed such as the use of CCTV or the employment of licensed door supervisors.
  - The arrangements made or proposed for parking by patrons, and the effect of this parking on local residents.
  - The likelihood of any violence, disorder or policing problems arising if a licence were granted.
  - Whether taxis and private hire vehicles serving the premises are likely to disturb local residents.
  - The siting of external lighting, including security lighting that is installed inappropriately.
  - Whether the premises would result in increased refuse storage or disposal problems or additional litter in the vicinity of the premise and any measures or proposed measures to deal with this.
  - The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees.”

(5.7) “The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance
- Control of operating hours for all or parts (e.g. garden areas) of premises
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises
- Liaison with public transport providers
- Siting of external lighting, including security lighting
- Management arrangements for collection and disposal of litter
- Effective ventilation systems to prevent nuisance from odour.”

## Conclusions

28. It is clear that the operators of Faith in Strangers have no desire to operate in line with how planning permission and licensing were granted for the use of the space.

29. The evidence produced in written form and orally before the Licensing Sub-Committee will show that there is a continuing and substantial public and statutory nuisance taking place at the premises as a result of the style of operation.

30. Those who have made representations and live in close proximity to the premises have no faith that any changes will occur to promote the licensing objectives. As a result of complaints made, a statutory noise abatement notice being served and review proceedings for public nuisance, there have been no improvement. There have been no attempts by the premises licence holder to meet with residents and to explain future operations, and how they would mitigate to avoid public nuisance.

31. Rather than attempt to mitigate the problems, the opposite has been the case, and the position is there is a continuing and enhanced nuisance taking place during this period running up to the review.

32. As well as the night time issues detailed above, the movement of furniture and use of electric hand-dryers in the premises cause issues. Our client would ask that the electric hand-dryers are replaced towel dryers so the issue of noise from electric hand-dryers is removed. In addition, a simple solution with regard to the furniture scraping along the floor would be the addition of rubber socks or a carpet to mitigate those concerns.

33. Those who have made representations would therefore ask that the Licensing Sub-Committee determine that the remedial action needed in relation to the licence is to reduce all licensable activities to 2300 hours.

34. A consistent public nuisance is created after that time by the premises licence holder, and it should be determined that the hours for all licensable activities should be reduced to those hours. The conditions attached to the premises licence have had no effect in promotion of the licensing objectives, and the appropriate and proportionate response is to reduce hours and therefore remove the late night disturbance and nuisance.

Paddy Whur  
42-46 Princelet Street  
London  
E1 5LP





Below is a list of the live DJ events that Faith in Strangers have held since opening as a nightclub. In addition to the below, we are often disturbed on Thursday nights or nights when there isn't a DJ present but there is still music, however, live music is the biggest source of nuisance. We've included dates when we were away from the flat to show the high frequency of events - neighbours who were in the building were disturbed by the events when we weren't here. TO BE CLEAR - music mentioned is throughout our flat, in every room, the volume levels make all ordinary weekend activities like sitting down to a meal or watching TV, having a bath or reading a book

Key: Event held after licence review announced

Date	Act	Away?	Disturbed From	Disturbed To	Notes
Fri 21 May 21:J		Away			
Sat 22 May 21: E			2000	After midnight	Music audible over the TV. Patrons shouting. Music started early evening and got gradually louder until we could make out every lyric. Doors squeaking to the toilet and electric hand dryer audible every few minutes. Whooping / cheering got louder throughout the night. Unclear how social distancing rules are being adhered to as if people are dancing. Furniture scraping throughout
Thu 27 May 21: -			? (we were out early evening)	After midnight	Music audible, strong pounding bass. Ibiza house music style prevented sleep. Hand dryer, squeaking doors and furniture scraping throughout. Drunk people tried to enter the building, targeted us in after an evening out.
Sat 29 May 21: F		Away			
Fri 04 Jun 21: T			21:00	02:00	Can hear every word of conversation from patrons on balcony. Music audible over the television from 2100. Shouting cheering from patron. Music kept us awake. Woken up at 7am by scraping furniture
Sat 05 Jun 21: N	id		15:30	02:30	Music initially started at 15:30 and was unbearably loud (patio doors open?) continued for c.30 mins at this level. Loud conversations on patio. Music stopped and started again at a lower level later in the evening. Volume increased throughout the evening to the loudest it has been. Temporarily left the flat to go to a neighbour's to get some respite, however, volume was almost as loud in their flat so returned to ours
Fri 11 Jun 21: T			? (we were out early evening)	After midnight	Bass audible over the TV. Sleep interrupted, hand dryers, furniture scraping etc. Volume was disturbing but not at previous levels
Sat 12 Jun 21: S	y		? (we were out early evening)	After 02:00	Much louder than prior night, sleep interrupted, hand dryers, furniture scraping etc. Drunken people looking for FTS scared our family who were visiting by rattling the front door demanding to come. Doorbells rung twice in the early hours
Fri 18 Jun 21: B		Away			
Sat 19 Jun 21: J	ion	Away			
Fri 25 Jun 21: Y		Away			
Sat 26 Jun 21: H		Away			
Fri 02 Jul 21: P			Pre 2100	02:00	Music audible over the television from 2100 and got incrementally louder. Singing and drunken conversations from balcony. Hand dryers, doors banging, furniture dragging. Kept us awake until 2am.
Sat 03 Jul 21: J			21:30	04:00	Loudest night so far, structure of the building felt like it was 'shaking' with people dancing / jumping in time with the music. Screaming, shouting, crowd chanting encore, encore. Bass pounding. Music stopped at 0230, however furniture scraping continued after and shouting as people left the venue. Furniture scraped from 8am following Sunday
Fri 09 Jul 21: E			Not noted	03:15	Loud music audible from balcony with door open. ABBA, Tom Jones, Sade lyrics / songs audible past midnight. Bass audible over the TV, hand dryer, furniture scraping. Music stopped at 01:30. Between 01:30 and 03:15 furniture being scraped all over the floor and drunk people shouting and screaming as they were leaving
Sat 10 Jul 21: M			Not noted	03:00	Volume progressively louder throughout the night. Patrons chanting, hand dryer audible. Volume went up at 1am to match the volume of patrons singing. Volume further went up at 01:30 as crowd worked into a crescendo. Music stopped at 02:30, furniture and patrons shouting continued to disturb sleep until 3am. Furniture scraping started again at 8am
Thu 22 Jul 21: L	ber		Not noted	01:00	Bass audible over the TV, music not as loud as normal but patrons much louder and ramped it up particularly from 22:15. Furniture scraping hand dryer etc.. Music audible to 00:30 with cleaning up noise keeping up until after 1am
Fri 23 Jul 21: A			Not noted	After midnight	Vocal / bass music disruptive. Drunken chatter from balcony. Audience getting progressively louder once inside, furniture scraping and hand dryer. Kept us awake till after midnight
Sat 24 Jul 21: Ne					Nothing noted
Sat 31 Jul 21: Ne		Away			

Fri 06 Aug 21	20:00	After 3am	Music, bass, furniture moving, drunken chatter on balcony from 8pm, noise from patrons incrementally louder throughout the night. George running a fever (Covid), patron noise on the balcony meant she could not sleep at any point. At 23:20 our bed was physically shaking with bass. Hand dryer got more frequent throughout the night. Shouting at midnight. Music stopped at 02:30, however, patrons shouting as leaving with an argument between two girls ongoing for 20 minutes until after 3am under our bedroom window
Sat 07 Aug 21	?	02:00	Music much louder than previous night. Loud soul and jazz with jarring vocals, furniture scraping etc. From 22:00 volume was too loud to watch TV. Patrons getting incrementally louder and drunker throughout the night. Music audible until 01am, however, patrons much louder and shouting in the street from people leaving / congregating outside kept waking us up to 2am
Fri 13 Aug 21	21:30	Not noted	Worse noise for weeks, loud bass and house music made watching TV pointless from 21:30. Bass pounding, screaming and shouting from patrons.
Sat 14 Aug 21			Nothing noted
Fri 20 Aug 21		After 2300	Music incredibly loud up until 2300 at which point it was turned down. Kept awake till gone midnight. Patrons, handdryers etc. still audible though. Drunken chatter on balcony
Sat 21 Aug 21	20:00	Left at 2200 to stay in camper van	Music at same level as previous night. Patrons, hand dryers etc. Went to sleep in camper van to get some rest
Fri 27 Aug 21	Away		
Sat 28 Aug 21	Away		
Fri 03 Sep 21	?	After midnight	Loud house music, not possible to watch TV, patrons cheering / whooping. Hand dryers and furniture scraping
Sat 04 Sep 21	20:30	04:00	Louder than previous night. Not possible to watch television. Music very vocal and patrons singing, cheating and shouting with music all evening until 2am. E.g. could hear Madonna word for word at 2am. After music stopped, furniture scraping, drunk people leaving, hand dryers etc kept us awake until 4am.
Fri 10 Sep 21	?	After midnight	Kept awake, details of times not noted
Sat 11 Sep 21	20:00	03:00	Utterly ridiculous level of noise, drums from the band making the building shake from 8pm. DJ set continued straight after. Hand dryers, furniture scraping, patrons at their noisiest
Fri 17 Sep 21	20:00	02:30	Patron noise from balcony. Music audible over the TV. Lyrics etc can be made out after 2300, music carried on until 2am. Patron noise from people leaving
Sat 18 Sep 21	20:00	03:30	Patrons singing on balcony. Music incrementally louder, started to be really intrusive from 2330, song lyrics etc identifiable e.g. Madonna hung and Like a Prayer. Patrons noisier throughout both on the street and in nightclub. Music stopped 02:30, furniture scraping kept us awake until 03:30
Sun 19 Sep 21	?	00:30	Kept awake, music disturbing until after midnight
Sat 25 Sep 21	21:00	03:30	Music audible from 21:00 and increased throughout the night. One of the loudest nights of the year. Patrons whistling, shouting and stomping on floor until after 01:30. Endless handdryer/furniture scraping. Music / lyrics / patrons audible until 02:30. Furniture scraping via cleaning kept us awake until 03:30
Sun 03 Oct 21	14:30	02:30	Pounding bass started much earlier in the middle of the afternoon and went on for 12 hours keeping us awake. Slept in campervan in the street to get away but music still audible outside in street. This followed the prior evening being kept awake until 1am and prior evening passed 23:00 (no DJ on those evenings), so this was 3rd night in a row of disturbance.
Sat 09 Oct 21	?	03:00	Patrons shouting on balcony. Incredible loud music in flat, impossible to do anything inc sleep, have a meal etc. Drunken fights on street underneath after midnight (patrons kicking bins and mentioned FIS in the argument). Music, bass, furniture scraping, hand dryer etc. Large groups congregating outside FIS to smoke.
Fri 22 Oct 21	?	00:30	Kept awake, music disturbing until after midnight
Sat 06 Nov 21	19:30	02:30	Music louder after midnight. Melodies still audible after 1am. Drunk shouting at 02:30, furniture being scraped around until 3am. Furniture scraping again from 8am on Sunday morning.
Fri 12 Nov 21	?	After 1am	
Sat 13 Nov 21		After 01:30	Worse than prior night. Bass, music audible etc, hand-dryers furniture scraping
Fri 19 Nov 21	20:00	02:30	Worse volume for months. Started at 20:00, flat was shaking with bass. Patrons screaming / shouting after midnight. Music went on until 02:30 with repetitive bass, hand dryers etc. Furniture scraping after close. Furniture scraping started again at 07:00 and loud bottle bins being emptied at pre 8am.

# Flying Colours

## DESIGN AND ACCESS STATEMENT 20.06.2018

Franks Nightclub

Ethelbert Crescent/Edgar Road, Cliftonville, CT9 2AF

Application for Change of Use.

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### 1 - Proposal

This planning application seeks permission for change of use. The property has been previously been granted planning permission :

*[Previous Application - F/TH/17/0132 , Change of Use from Nightclub (Use Class Sui-Generis) to Restaurant (Use Class A3), **offices and 1No 3-bed self contained flat**]*

Advice was taken from the pre-application meeting and the letter in response ((PRE/PRE/18/0011)).

*Please note circumstances have changed and the new tenants are now only taking the first floor of the property.*

The Owners have been seeking a new tenant for the site since July 2016. The new tenants seek to discard the residential planning and retain the current use predominantly as Office (B1) but add ancillary use as a members Bar and Restaurant A3/A4, with the sale of hot food and an arts venue (D1) - Mixed Use. The main floor space will function as B1 no less than 51% percent of the time.

Please Recycle



# Flying Colours

The space will provide a place for freelancers, small businesses and entrepreneurs to rent a desk on an ad hoc or permanent basis and then relax in the evenings with their guests. It will enhance and celebrate Margate's arts and culture scene by hosting arts, performance and dining events. Entry to the workplace and establishment will only be granted to:

- Fully registered members
- Signed in guests of members
- Temporary members (ticketed)

This model has proved highly successful, internationally, by forming a creative entrepreneurial community among members. The new tenant has a proven track record of this with Creative Blocks and Curio Cabal in Shoreditch, London.

The space will be a well thought-out and forward thinking design, focussed on the sea view and bringing the external elements of nature inside. Flying Colours will strive to be energy efficient and incorporate sustainable technology at every feasible opportunity.

The project is very well suited to the economic plans for Cliftonville and Thanet, providing workspace and facilities for the local community, whilst helping contribute to the development of Cliftonville as a desirable residence to potential migrants from London and further elsewhere.

Cliftonville Court Residence and Leisure Complex was originally designed to be a social and economic hub in the local area. Flying Colours will contribute to restoring the building to its intended use and help to diversify the the local identity.

## 2 - Existing Site

The old Franks Nightclub is on the north-east corner of the Cliftonville Leisure Centre Complex. The site also contains Bugsy's Bowling Alley, Cains Amusements, Olympia Cafe as well as twelve existing flats known as Cliftonville Court set back from the front elevation. The site also benefits from being all in one ownership.



# Flying Colours



Franks has been vacant since the early 2000s. The rest of the site is active and in full and diverse occupancy. Both levels have previously enjoyed expansive sea views and the ground floor was a successful pub, The Bowlers Arms, for nearly 40 years. The last tenants operated a pub on the ground floor and a nightclub on the first floor.

### **3 - Use Class**

See drawing **[FR.PFP.00\_Proposed\_Floor\_Plans]**

Advice has been taken from the pre-application meeting and response (PRE/PRE/18/0011)

Since then the tenants have decided to take the first floor only and remodel the business with a stronger, member based, offering.



# Flying Colours

## **4 - Opening Hours**

Our office facilities will house many start-ups, sole traders and small companies that will be under their own time demands and pressures to meet deadlines. For this reason we will require 24 hour access for our members to use the space to work. The hours that we host licensable activities will be in accordance with permissions set by the Thanet District Council Licensing Department.

## **5 - Waste and Extraction.**

The existing bin storage is perfectly adequate to serve the needs of proposed operations. Waste and recycling will be arranged to be collected after 9am as to not cause a nuisance to neighbouring residents.

The kitchen extraction system will meet all requirements of health and safety, building regulations and the outlet will be out to the private bin store area, at the back of the site. This is following the same route as the previous tenants.

See drawing for extraction route (**FR.PFP.00\_Proposed\_Floor\_Plans**)

## **6 - Cycle Storage**

See drawing (**FR.PFP.00\_Proposed\_Floor\_Plans**)

The Pre-Application response (PRE/PRE/18/0011) called for:  
"...secure and covered cycle parking should be provided in accordance with KCC standards."

This will be achieved by making use of the securely locked and covered bin storage area as shown in the previously stated drawing.

## **7 - Access**

See drawing for entrance and exit (**FR.EEL.01\_Existing\_Elevations**)

See drawing for fire escapes (**FR.PFP.00\_Proposed\_Floor\_Plans**)

Access to the site will use the northwest door, through a member only access system which leads into the lobby/reception area.

There are three alternative fire exits.



## **8 - Highways**

A condition of the previous planning permission stated that doors should not open out onto the public highway. Flying Colours seek no changes to current planning use. In the unlikely event that there is a queue to gain access, there is ample space in our lobby area, waiting on the public highway should not happen.

The business is being built for the local community, therefore the need for people to drive is not anticipated. If car parking is required then there is ample parking space available on the public car park above Olympia Cafe.

The building is served by local buses and taxi firms.

## **9 - Public Nuisance**

As the space is a members only location with a guest sign in system, anti-social behavior is not anticipated nor any late night disturbances. Any performances will take place at the furthest point from the above residence, towards the Ethelbert Terrace Road. Our House Rules, which will be signed by members upon joining, will be strictly enforced and any anti-social behavior will result in membership being revoked.

CCTV will monitor the entrance and exit and all members will be reminded often to respect neighbours when leaving the property. The building was built as a leisure complex and has ample material between floors to resist the transmission of airborne noise.

# Flying Colours

Dear Thanet Licensing,

It is with great excitement and enthusiasm that we present our license application to bring our new business, Flying Colours, to Cliftonville.

## Our application includes:

- Operating Schedule
- Site map
- Internal Layout
- Existing Building elevations

## About the business

Flying Colours will be a vibrant, modern and forward thinking co-working space for freelancers and small businesses, providing desks, small office units, general work space and office facilities. Flying Colours aims to attract some of the most innovative and creative industries to Cliftonville by offering a space that combines the stunning beauty of the local landscape with our own inimitable concept and design. In addition to providing a space to work, Flying Colours will also offer a social space for members and their guests to relax during evenings and weekends. A provision of hot food, beverage, art, live performance, screenings and academic talks will form the mainstay of our entertainment and cultural programme.

As our business model is structured on a membership platform, we believe antisocial behaviour will be close to or non-existent. In circumstances in which this may occur then those members access will be revoked and reported to the police. We are sensitive to the potential for public nuisance that any business can bring to the area; we will be doing all that we can to prevent neighbouring residents to be affected by our operation. We believe this is paramount in ensuring that we can build a community drawn from and beneficial to, the local residents and neighbourhood. Ultimately, we wish to be a catalytic force in the regeneration of Cliftonville. Patrons will be asked to wait in the lobby area for taxis or if by foot then leaving quietly. Patrons will also be reminded that this will be monitored via our external CCTV. We have strict house rules to create a community built on respect, which provides an inspiring environment for our members to thrive and develop, anyone that challenges that will not be welcome.

We are fully aware of the socio-economic challenges that the area has faced and we expect to be part of a changing tide, attracting new and innovative industries to the area. In order to meet our own economic challenges as a business, we will be under an imperative to maximise our income by offering a space that operates with many functions - some of which would benefit from late opening hours. Our social hours are intrinsic to our business plan, ability to launch and survive in an area still in the early stages of regeneration.

We understand our business model is more unique and a little more complicated than usual, so please do not hesitate to contact us with any questions.

## Contact

Yours faithfully,  
Richard & Jeremy, Flying Colours





## Operating Schedule in Respect of Premises License Application

### Premises Address

Franks, 1st Floor, Ethelbert Crescent, CT9 2DY

### Description of Premises

The old Franks Nightclub is on the north-east corner of the Cliftonville Leisure Centre Complex. The site also contains Bugsy's Bowling Alley, Cairns Amusements, Olympia Cafe as well as twelve existing flats known as Cliftonville Court set back from the front. The site also benefits from being under one ownership.

Franks has been vacant since the early 2000s. The rest of the site is active and in full and diverse occupancy. The facade, which faces out onto a beautiful coastal vista, has recently been refurbished to its original 1960s glory. Both levels were previously occupied by a traditional pub called The Bowlers Arms, for nearly 40 years.

The new tenants Seaco Ltd trading as 'Flying Colours' wish to use the premises as an Office with ancillary use as a bar, kitchen/hot food preparation and performance space for private use through a membership system.

The space will provide a place for freelancers, small businesses and entrepreneurs to rent a desk on an ad hoc or permanent basis and then relax in the evenings with their guests. It will enhance and celebrate Margate's arts and culture scene by hosting arts, performance and dining events.

### Access

Entrance is from the mainroad, Ethelbert Crescent, under the Bugsy's Bowling signage. Door access is controlled through our smart phone technology software which logs all visits from members and any guests are signed in through our visitor software system. Membership will be subject to identity checks and the agreement to our meaningfully enforced house rules.

### Layout

The space will predominantly be used as B1 Office space, where members will use the space to carry out the tasks associated with their individual companies and businesses. During evenings and weekends the space will adapt into a social space, which will fall under a mixture of Uses A3/A4/D1.

The premises is 550 sqm in total, of which 297.50sqm is proposed for licensing.

Office and Mixed Use Areas - 251.9sqm

Terrace - 29.6sqm

Bar area - 16sqm

Lobby - 30 sqm

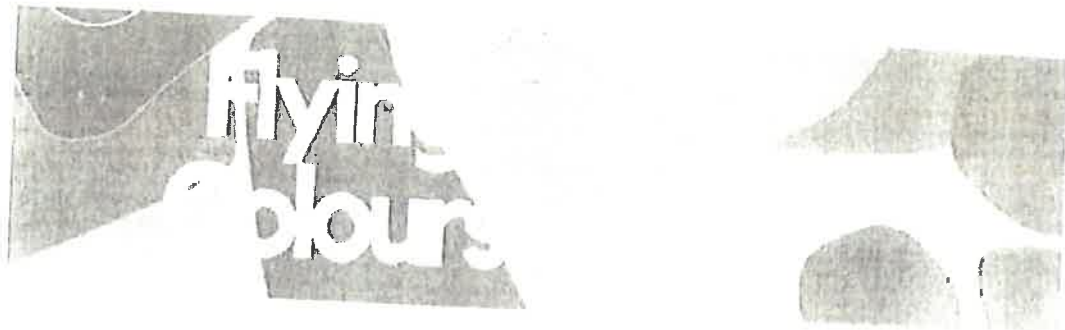
Kitchen area - 25sqm

Toilets - 15.1 sqm

Rest of the premises is hallways, stairs and storage.  
Please see 'Licensing Plan.pdf'

### Existing

The premises are currently B1 use with a pending planning application for B1 and mixed use A4/A3/D1. All building works, electrical installations and finishes will conform to the required current building regulations - all finishes will be class 1 or equivalent.



#### **Operating Hours:**

##### **Opening Times**

###### **Office**

24 hours access for office work purposes is asked for in our planning application. We expect most workers to enter the office from 9am.

Please note access to the property is via our smart phone technology and can have time based restrictions on when people can enter.

###### **Social Hours**

Monday - Thursday - 18:00 - 01:00

Friday - Saturday - 11:00 - 03:00

Sunday - 11:00 - 01:00

###### **Sale Of Alcohol**

Sunday - Thursday 11:00 - 00:30

Friday - Saturday - 11:00 - 02:30

30 minutes drinking up time accounted for.

Although no performances will take place during the day, we may have a product launch or presentation during office hours where alcohol may be sold.

###### **Licensable activities such as performances**

Monday - Thursday - 18:00 - 00:30

Friday - Saturday - 11:00 - 02:30

Please note 30 minutes prior to closing for members to not rush out all at once.

###### **Performance Space**

The performance space will be a small area in front of the large panoramic windows, with the sea as the backdrop. Performances will range from screenings, music performances, academic talks, comedy, theatre and workshops. As well as offering a space for product launches and conventions.

###### **The Bar**

High quality alcohol ranging from craft beers and ales, biodynamic/organic wines, rare liquor and cocktails will be served.

###### **The Restaurant/Cafe**

Various cuisine will be offered, with opportunity for chefs to test their new menus or restaurant concepts. Our in-house offering will be healthy items, speciality coffee and loose leaf teas.

###### **The Owners:**

Jeremy Duffy has owned and operated a successful bar/restaurant/cafe in Shoreditch since 2013. During this time Jeremy has overseen the numerous licensed events.

Richard Rendles has 6 years experience in child protection and 7 years experience in fire safety and emergency response.

Jeremy and Richard are attending their personal license course on the 6th of July, for the provision and sale of alcohol.

**Appearance:**

Housed on the first floor of a restored 1960's building, Flying Colours will have minimal impact on the public highway.

**Licenceable activities:**

Playing recorded music (as background music)  
Performance of music, dance, plays, film screenings etc  
Sale of alcohol for consumption on the premises

**Steps to Promote the Licensing Objectives****General**

Flying Colours will primarily be a member lead workspace, promoting innovation, social responsibility and community. It will be a place for creative professionals and artists to work in an environment suitable for and conducive to the forward thinking industries that they are part of.

Subscription based membership will be gained providing adequate documentation to prove identity and residence. Full members will be allowed to bring a limited number of guests to the space for meetings or social events. All entrants will be required to agree to strict house rules.

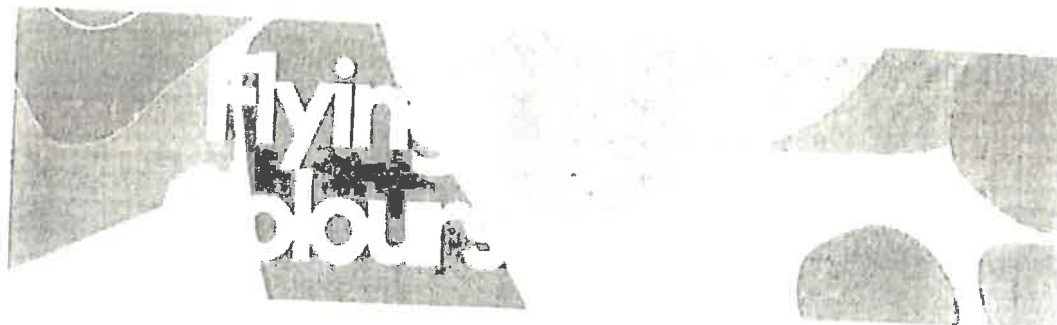
Our aim is to create a familiar and familial membership base that has a vested interest in the space and the surrounding community.

By denying general admittance, we will greatly reduce the likelihood of crime and public nuisance. Similarly, our stringent membership policies will negate the risk of children being exposed to an adult environment. The existing infrastructure of the space, rated suitable for a high capacity nightclub, coupled with our own highly specified building plans will negate the risks to public safety.

**Prevention of Crime and Disorder**

The owners and managers of Flying Colours are aware of the problems alcohol presents in terms of violent crime and anti social behavior in the district and more beyond. The following steps will be taken to prevent problems arising as a result of our business operation.

- Members will go through a vetting process before being accepted.
- All visitors are required to be signed in by a member and digital records are kept.
- CCTV will be fitted throughout the premises, internally and externally. This can be monitored both on and off site and recordings will be kept for one month and made available to the police on request. There will be 6 internal cameras covering all member areas, entrances, fire escapes door and 2 external cameras covering the entrance and back gate.
- Signage will be displayed advising customers that CCTV is in operation
- Drinks will not be promoted irresponsibly.
- There is an outdoor terrace for smokers. Members will be reminded to be quiet in this area.
- Free drinking water will be offered to all customers
- We are an office and workspace predominately and do not anticipate a drug use on the premises, but staff will be trained to look out for unusual behaviour and check toilets for signs of drug taking during social periods.



- The management is aware of problems with gang related crime in the area. Because of the nature of the premises, we do not anticipate any gang related problems. Nonetheless, staff will be made aware of potential issues
- Flying Colours is located on the main road, members will be able to walk down well-lit streets limiting the danger to people leaving the premises.
- Our location is served by various taxi companies and we will publicise their contact details on internal signage.
- Members have to be over 18 to join, though we expect most to be over 25.
- All staff with alcohol serving responsibility will be trained in the licensing objectives. A record will be kept.

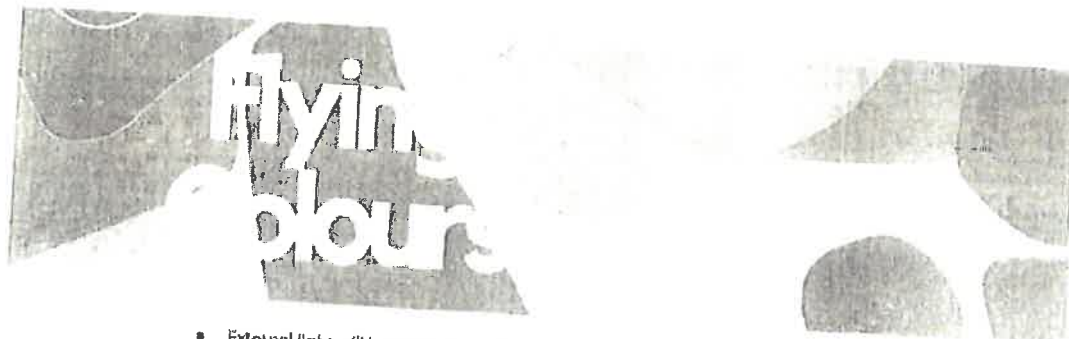
#### **Public Safety**

- All building works will comply with up to date Building Regulations
- The capacity of our events will comply with the parameters set by building regulations, fire safety and associated risk assessments.
- The premises are inclusive and will be designed to comply with approved document M-2010.
- A suitable and sufficient Fire Risk Assessment will be carried out once the final layout and design has been agreed with building control.
- A suitable and sufficient Health and Safety Risk Assessment will be carried out once the final layout and design has been agreed with building control.
- First Aid equipment will be kept on site. A qualified first aider will be on site during hours when alcohol is sold.
- Records of annual fire testing and electrical equipment testing will be kept onsite.
- Unfortunately we are unable to provide wheelchair access to the first floor

#### **Prevention of Public Nuisance**

The premises faces the coastline to its north and a car park to the west. Residential properties are located above the rear of our location and to the west on Edgar Road. The following factors will reduce the impact of airborne noise on the surrounding homes:

1. The concrete slab structure, purpose built to house entertainment facilities below residential properties.
  2. Speaker placement towards the front of the space, on isolators.
  3. Furniture and treatments chosen to reduce dissonance and problematic frequencies.
  4. A company ethos of promoting high fidelity over high volume.
  5. The ceilings and floors resist the transmission of airborne sound such that the weighted standardised difference ( $D_{nT}, W + C_{tr}$ ) shall not be less than 53 decibels.
- There is an outdoor terrace for smokers. Members will be reminded to be quiet in these areas.
  - Provision has been made for bins and glass recycling to take place in the morning after 8am.
  - Outdoor queues are not anticipated - We have an 11 meter hallway entrance / lobby.
  - Commercial waste will collect weekly between 7 and 8am. Refuse will be stored in 360 litre Eurobins in the private communal bin store area at the back of the building. Collections will be increased if necessary.
  - Deliveries will come after 8am.
  - Several local taxi firms serve the area. Customers will be asked to wait inside our entrance hall until their taxi has arrived. Taxis will be able to collect from the main road, outside the premises, which should not disturb local residents.
  - The premise is served by its own car park, which can be used by customers.



- External light will be restricted to the front entrance area and balcony. External light will be selected and sited so as not to cause light pollution that will negatively affect local residents.
- We do not anticipate crime nor disorder being a problem at our establishment, due to the membership based entry scheme.
- Members will be reminded that external CCTV will be checked and memberships will be revoked for anyone causing a public nuisance.

#### **Protection of Children from Harm**

- Members ages will be verified upon application to join.
- Children are only permitted to be on the premises when accompanied and supervised by an adult.
- No children will be allowed on the premises beyond 18:00, unless at a dining or performance event.
- If alcohol is served at a food event during the day, a Challenge 25 scheme will be employed and all staff trained in respect of this. Records of training signed and kept on file.
- Children will not be allowed in close proximity to the bar.
- There will be no entertainment of an adult or sexual nature or gambling on the premises.
- Children will not be in the premises when any film screenings or live performances that come with an 18+ certificate or are otherwise unsuitable for children are showing.

#### **Our operations will also consider the following:**

##### **Waste, Recycling and Sustainability**

- Flying Colours will display signage for all appropriate waste and recycling procedures to make sure staff are aware of all regulations.
- Flying Colours will have mixed recycling for cardboard waste and will have a weekly glass collection.
- Glass recycling will be dealt with in the allocated time slots to avoid noise pollution in the evening.
- Flying Colours will clean areas of the street outside and notify the council of any waste left on the street nearby by external sources.
- Flying Colours will avoid the use of plastic cups, straws and utensils wherever possible.
- Energy efficiency will be considered at every aspect of our daily operations.



**Public Notice  
Licensing Act 2003**

**Seaco Ltd trading as Flying Colours**

**Units: 1st Floor, The Old Mill, Upchurch - CT19 2DY**

Has applied to Thanet District Council, P.O. Box 9, Cecil Street, Margate, Kent for a Premises licence certificate under the above act. A copy of the application may be inspected during normal office hours at the Thanet District Council offices, address above.

The licensable activities will be:

Flying Colours will be a vibrant, modern and forward thinking co-working space for freelancers and small businesses, providing desks, small office units, general work space and office facilities. Flying Colours aims to attract some of the most innovative and creative industries to Cliftonville by offering a space that combines the stunning beauty of the local landscape with our own inimitable concept and design. In addition to providing a space to work, Flying Colours will also offer a social space for members and their guests to relax during evenings and weekends. A provision of hot food, beverage, art, live performance, screenings and academic talks will form the mainstay of our entertainment and cultural programme.

Any representations in respect of the application should be made in writing to the Licensing Department, Thanet District Council, P.O. Box 9 Cecil Street, Margate, Kent before the 30/07/16.

It is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is £5000.