

# **Review of the Licence for Dreamland Events and Amusements Building and Park Premises Licence**

**Licensing Sub Committee** Wednesday 24th July 2024

**By** Penny Button (Head of Neighbourhoods)

**Cabinet Portfolio** Cllr Keen, Cabinet Member for Community

**Key Decision** No

**Decision classification** Unrestricted

**Ward:** Margate Central

## **Purpose of the Report**

Following an application for an expedited premises licence review made by T/Supt 10447 Carter on behalf of East Kent Division Kent Police under s.53A of the Licensing Act 2003 that was received on 5th July at 14.55pm, a Licensing sub committee was held on 9th July.

Following recommendations from Kent Police the licensing sub committee agreed interim steps.

This report is to consider a full review of the licence for Dreamland within 28 days of receipt of the initial application as is required under section 53A of the Licensing Act.

## **Recommendation(s):**

The Licensing Sub Committee is asked to consider the report and make a decision based on the report, that decision can be a combination of any of the following:

1. Make no changes to the current licence;
2. Modify the conditions of the licence, taking into account the recommendations;
3. Exclude certain licensable activities;
4. Remove the DPS;
5. Suspend the licence for up to a period of up to 3 months;
6. Revoke the licence.

The Licensing Sub-Committee must make its decision on the day or within 5 working days beginning with the day or the last day on which the hearing was held.

## **1. Summary of Reasons**

- 1.1 Under Section 53A of the Act, the licensing authority must within 48 hours of receipt of the application consider if it is necessary to take any interim steps prior to a full

review of the premises licence. A full review has to be held within 28 days of receipt of the application.

- 1.2 The expedited review was held on 9th July, the decision of the meeting is attached at Annex B.

## **2. Background**

- 2.1 Following an incident at Dreamland on 29th June an application for a premises licence review was received from T/Supt 10447 Carter on behalf of the East Kent Division, Kent Police under s.53A of the Licensing Act 2003. The application was received on 5th July at 14.55 and the signed certificate was received on 5th July at 16.11pm. Both are attached at Annex Ai & ii - both restricted due to sensitive information.

- 2.2 An expedited premises licence review was held on 9th July. The decision of the Licensing Sub-Committee is attached at Annex B & Conditions at Bii

- 2.3 The full review hearing was advertised in accordance with the hearing regulations and relevant authorities have been provided the documents in order that they may make relevant representations. - Annex C

- 2.3 A copy of the current Premises Licence with the additional conditions from the meeting on 9th July is attached at Annex D

## **3. Relevant Issues**

- 3.1 Representations received - from the public (14) are attached at Annex E  
Two further representations were received but not within the required timescale published on the Notice.
- 3.2 Representations from other bodies, Kent Police, Southeastern attached at Annex F
- 3.3 Document with conditions from the Police - this document has been restricted due to sensitive information. Annex G(i)
- 3.4 Police comments from Dec 22 new Dreamland Licence Application Hearing - Annex G(ii)
- 3.5 Conditions recommended by Kent Police, these have been taken from the document (Gi) mentioned above - Annex H
- 3.6 Representation from Environmental Health - Annex I
- 3.7 Representation from Senior Licensing Officer - Annex J

## **4. Alternative Options**

- 4.1 There are no alternative options available as after a full hearing has been conducted the Licensing Sub Committee is required to make a decision taking into consideration the recommendations as set out in the recommendations section and as detailed below:
- a. Make no changes to the current licence;
  - b. Modify the conditions of the licence, taking into account the recommendations;
  - c. Exclude certain licensable activities;
  - d. Remove the DPS;
  - e. Suspend the licence for up to a period of up to 3 months;
  - f. Revoke the licence.

## **5. Consultation**

- 5.1 Notice of the review was published allowing comments and recommendations to be received - a copy of the notice is attached at Annex C

## **6. Corporate Implications**

### **6.1 Finance and Resources**

- 6.1.1 There are no financial implications arising from this report

### **6.2 Legal and Constitutional**

- 6.2.1 Under the Licensing Act 2003, local licensing authorities have the power to grant, review, and revoke premises licences. Section 53A specifically provides for expedited reviews in cases where the premises are associated with serious crime and/or serious disorder.

#### **6.2.2 Summary Review Process:**

Upon receiving an application for a summary review, the licensing authority must hold an initial interim steps hearing within 48 hours to decide on any immediate measures necessary to address the serious crime/disorder. Conduct a full review hearing within 28 days.

Notice Periods:

Interim Steps - The licensing authority must give immediate notice of the interim steps decision to the premises licence holder.

Full Review Hearing - The authority is required to give at least 10 working days' notice of the full review hearing to all relevant parties, including the premises licence

holder, the chief officer of police, and any other person who made relevant representations.

#### 6.2.3 Interim Steps Taken:

Interim steps can include modifying the conditions of the licence, excluding a licensable activity, removing the designated premises supervisor (DPS), or suspending the licence. These steps remain in effect until the full review hearing unless modified by the licensing authority.

#### 6.2.4 Full Review Hearing:

During the full review hearing, the Licensing Committee or Sub Committee has several options, including:

Modifying the conditions of the licence.

Excluding certain licensable activities.

Removing the DPS.

Suspending the licence for up to three months.

Revoking the licence entirely.

#### 6.2.5 Procedural Fairness and Human Rights:

The decision-making process must comply with principles of procedural fairness and the Human Rights Act 1998, ensuring that:

All parties have a fair hearing (Article 6), The right to respect for private and family life (Article 8).

Any interference with the premises' use is proportionate and justified (Article 1 of Protocol 1).

#### 6.2.6 Risk of Legal Challenge:

In making its decision, the committee must have regard to the statutory guidance issued under Section 182 of the Licensing Act 2003, which provides comprehensive advice on the application of the licensing objectives. The committee must have regard to the local licensing policy, which outlines the council's approach to licensing and any specific local considerations.

Failure to adhere to statutory procedures, including notice periods and fair hearing requirements, could result in decisions being challenged and potentially overturned on appeal. Therefore, it is crucial that the council follows all regulatory requirements meticulously.

The premises licence holder and the police have the right to appeal the committee's decision to the magistrates' court within 21 days. It is therefore essential that the

committee's decision is clearly reasoned, well-documented, and based on the evidence presented, to withstand any potential legal challenges.

### **6.3 Council Policies and Priorities**

6.3.1 This report relates to the following corporate priorities:-

- To keep our district safe and clean

### **6.4 Risk**

6.4.1 Section 53A of the Licensing Act which requires that the licensing Authority must consider a matter brought to their attention within 48 hours of receipt of such a matter from the senior police officer. Failure to follow this would result in the Licensing Authority being in breach of the mentioned regulation. The Council should also ensure that in making a decision on the matter and expediting the matter, the Council also follows local government legislation in order to ensure that their decision on the matter is beyond reproach.

### **6.5 Climate Change and Biodiversity**

6.5.1 There are no climate change and biodiversity implications arising directly from this report.

## **7. Equality, Equity and Diversity Implications**

7.1 There are no equality, equity and diversity implications arising directly from this report.

## **8. Crime and Disorder Implications and Community impact**

8.1 Thanet District Council has a legal duty to ensure that public spaces and leisure facilities can be accessed by residents without any fear for their safety due to crime and disorderly behaviour at these places.

## **9.0 Subject History**

9.1 The representations made in the Police Expedited Review Application are in respect of incidents that happened on 29th June 24.

9.2 A Licensing Sub-Committee expedited review hearing was held on 9th July 24.

## **Annexes**

Annex A - Application and Certificate - Both restricted  
Annex B & Bii - Decision of Licensing Sub-Committee Expedited Review & Conditions  
Annex C - Published Notice  
Annex D - Copy of current Premises Licence  
Annex E - Representations received from the public  
Annex F - Representations received from Kent Police and Network Rail/Southeastern  
Annex Gi & ii - Representations from Kent Police (Gi restricted)  
Annex H - Recommendations from police document Gi  
Annex I, li & lii - Representations from Environmental Health  
Annex J - Representation from Senior Licensing Officer

## **Background Papers**

None

**Report Author(s) Contact:** Alison Brock (Technical Support Manager)

**telephone:** 01843 577416

**email:** licensing@thanet.gov.uk

### **Report Sign Off**

**Legal** [ ]

**Finance** Matthew Sanham (Head of Finance, Procurement and Risk)