

This report will be made public on 5 December 2017

Folkestone

Hythe & Romney Marsh
Shepway District Council



Report Number **DCL/17/27**

To: Licensing Sub-Committee
Date: 13 December 2017
Status: Non-Executive Decision
Head of service: Ben Geering

SUBJECT: AN APPLICATION FOR A NEW PREMISES LICENCE TO COVER THE WHOLE OF SAGA, ENBROOK PARK, SANDGATE HIGH STREET, SANDGATE (INCLUDING THE EXTERNAL AREAS)

SUMMARY: This report sets out the facts for the Licensing Committee to consider in determining a new premise licence. The licensing committee is the Licensing Authority acting in a role previously taken by the Magistrates Court. It is, therefore, not appropriate for officers to make additional comments other than in the capacity as a Responsible Authority under the legislation of the Licensing Act 2003. Therefore there are no comments from Legal, Finance or other officers included in this report

REASONS FOR DETERMINATION:

The Committee is obliged to determine the application with a view of promoting the licensing objectives. In making its decision the Committee must also have regard to all the representations made and the evidence it hears. The Committee is obliged to have regard to the national guidance and the councils own licensing policy.

DETERMINATION:

The Licensing Sub-Committee is asked to:

- 1. Note the contents of Report DCL/17/27**
- 2. Determine the application. The options for determining the application are set out in section 5 below.**

1. BACKGROUND

- 1.1 The Licensing Act 2003 provides that the sale or supply of alcohol on and off the premise and other licensable activities must be authorised by a premise licence.
- 1.2 The premises does have a current premises licence. This licence only covers internal areas. When the Pavillion was constructed a licence was granted for live and recorded music until 23.00. The music caused noise nuisance in adjacent domestic premises on Military Road and the licence was called in for a review. On review a condition was put on the licence as follows:-

No live amplified instruments or vocalist performances can be held on the premises.

1. Performances can take place at a frequency of no more than twice a week for a maximum of 4 hours per performance. There will be a maximum of 65 events per year, of which no more than 12 may involve live music.
2. External speakers are not to be used for announcements or recordings.
3. All windows and doors to remain closed for the duration of any performance.
4. Advisory signage to be posted to remind patrons to keep noise to a minimum when leaving the premises.
5. The applicant must introduce a system for staff to supervise patrons to ensure that they leave the premises quickly and with minimum disruption to residents.

This application contains no reference to this in either the application or the operating schedule.

- 1.3 A copy of the application is enclosed as Appendix 1.
- 1.4 The premises are situated in sloping landscaped park land adjacent to Military Road, Enbrook Road and Sandgate High Street. There is a car park to the rear near Enbrook Road. On the eastern side is a modern block of mainly offices. On the western side bounded by Military Road is the Saga Pavillion. This a composite structure of steel, glass and canvas. This building has the Saga nursery underneath for use by Saga staff. The Pavillion is in regular use for events and functions and is where the live and recorded music would be played. Saga holds garden parties and functions in the park land and desires the licence to be extended to the outside areas.
- 1.5 Current licence details (where appropriate) are enclosed in Appendix 2.

2. APPLICATION

- 2.1 An application has been made for a new Premises Licence by the licence holder Saga Group Limited

- 2.2 The application is in relation to Saga, Enbrook Park, Sandgate High Street, Sandgate
- 2.3 The application is for plays, films, performance of dance, the provision of late night refreshment, the sale of alcohol, recorded and live music, Monday to Sunday 11.00 to 2300. Opening hours to be 11.00 to 23.30 Monday to Sunday.
- 2.4 The applicant is mindful of their responsibilities and has received copies of the objections (see Appendix 3).

3. OBSERVATIONS

- 3.1 The Committee must take such steps, as it considers necessary for the promotion of the licensing objectives:
- The prevention of crime and disorder
 - Public Safety
 - The prevention of public nuisance
 - The protection of children from harm
- 3.2 The Shepway DC Licensing Policy is available at:
http://www.shepway.gov.uk/media/4022/Licensing-Policy-Statement-2016-2021/pdf/Shepway_District_Council_-_Licensing_Policy_Statement_2016-2021.pdf
- 3.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available at:
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

4. RELEVANT REPRESENTATIONS

- 4.1 This hearing has been required by the Licensing Act 2003 because representation has been made by:

Responsible Authority	Comments
Kent Police	None
Environmental Health (Pollution)	Objections. EP have been in discussion with the applicant and may withdraw their objection subject to acceptable conditions.
Environmental Health (Commercial)	None
Kent Fire and Rescue	None
Planning	None
Child Protection Agency	None

- 4.2 10 Representations have been received from other interested parties by the Licensing Authority regarding the application. These objections can be found in Appendix 3.

5. OPTIONS

- 5.1 The licensing sub-committee has the following options:

- a) Grant the Licence variation as requested.
- b) Grant the Licence variation but add conditions.
- c) Reject whole or part of the application.

- 5.2 The committee is asked to note that it may not add conditions or reject the whole or part of the application merely because it considers it desirable to do so. The committee must only consider evidence that relates to the 4 licensing objectives. Any conditions must promote the licensing objectives.

6. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

Arthur Atkins, Environmental Health and Licensing Manager

Telephone: 01303 853242

Email: arthur.atkins@shepway.gov.uk

No published documents have been relied upon in the preparation of the report.

Appendices:

Appendix 1. Application

Appendix 2 Current licensing hours and conditions.

Appendix 3 Relevant Representations

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