
REPORT ON PROSECUTIONS, APPEALS, LICENSING UP-DATE

To: Licensing Board – 23rd February 2010

By: Licensing & Land Charges Manager

Classification : Unrestricted

Summary This report sets out details of a Licensing up-date since the last Board on 12th January 2010

For information

- (i) A Licensing Sub-Committee met after Licensing Board on the 12th January. The Sub-Committee considered a new application for an off licence. After representations made by the Police the licence was granted with a number of conditions.
- (ii) Environmental Health withdrew the review of the premises licence at St. Augustines, Westgate. The licence holder has agreed to a number of measures, including secondary glazing, to prevent noise nuisance issues at the premises. Following discussions between the Police and the licence holder at the Lido complex, Cliftonville, temporary event notices were withdrawn by the applicant.
- (iii) The appeal brought by Bar 26 against the revocation of the premises licence by a Licensing Sub-Committee on the 1st December last, was heard by Margate Magistrates' Court on the 26th January. The appeal was dismissed and the Council were awarded £200 costs. There was also an appeal to be heard over two days in February brought by the Police against a Sub-Committee decision in August 2009 to reduce hours at the premises and impose conditions. In view of the previous decision to confirm the revocation of the licence the Police have withdrawn this appeal.
- (iv) Cllr M Tomlinson and I attended the quarterly meeting with the Thanet Hackney Carriage Association. A number of matters were discussed. The Hackney Carriage trade were reminded about standards of dress, clean vehicles and assisting with luggage and promoting the area. I was asked to send a letter to Private Hire Operators also in this regard which has been done.

- (v) Following complaints from members of the public and an investigation by Licensing Officers a Private Hire Operator and driver have had their licences suspended. A further driver has been advised that any renewal application (if made) will need to be considered by the Licensing Board. There is a right of appeal to the Magistrates' Court against the suspensions.
- (vi) Revised Guidance has been issued by the Secretary of State under the 2003 Licensing Act. This follows new provisions under the 2009 Policing and Crime Act which came into force on the 29th January 2010. The provisions enable Councillors, in their capacity as elected members of the Licensing Authority, to act as 'interested parties', and request reviews of premises licences if they are concerned about licensable activities at premises.
- (vii) Under the same 2009 Act, the Local Government (Miscellaneous Provisions) Act 1982 has been amended in respect of Sex Establishments. The amendment introduces a requirement that lap dancing and pole dancing clubs will require a sex entertainment venue licence. I will be taking a report to Council shortly so that adoption of the relevant provisions can be considered.
- (viii) New Mandatory conditions will apply from April in respect of premises licences and club premises certificate. This will affect existing as well as new premises. The conditions relate to irresponsible drink promotions and free tap water being available. In October further mandatory conditions will apply in relation to proof of age and the supply of alcohol in smaller measures.

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