

AGENDA

LICENSING SUB-COMMITTEE MEETING

Date: Friday, 9 October 2020
Time: 10.00am
Venue: Virtual Meeting Via Skype*

Membership:

Councillors Derek Carnell, Carole Jackson and Lee McCall.

Quorum = 3

Pages

Information for the Public

*Members of the press and public can listen to this meeting live. Details of how to join the meeting will be added to the website after 4pm on Thursday 8 October 2020.

Privacy Statement

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1. Apologies for Absence and Confirmation of Substitutes
2. Notification of Chairman and Outline of Procedure
3. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or

person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the meeting while that item is considered.

Advice to Members: If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

Part B Report for the Licensing Sub-Committee to decide

4. Application for a new Premises Licence

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To consider a new premises license for Neptune's Cafe, Shellness Road, Leysdown.

Issued on Monday, 28 September 2020

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of this Committee, please visit www.swale.gov.uk

Swale Borough Council

Report to: Licensing Sub – Committee (Under the Licensing Act 2003)
Date: 9TH October 2020
Report Author: Christina Hills – Licensing Officer
Subject: Neptune’s Beach Café, Shellness Road, Leysdown on Sea, Sheerness,
Kent ME12 4RH

Purpose and summary of report:

To consider an application, to which representations have been made, for a new Premises Licence application under the Licensing Act 2003 – application reference number SHE/SWALE/189/0752

Recommendations:

The Committee is asked to determine the application and decide whether to grant a licence. Members asked to consider the application on its merits.

Background papers: The Licensing Act 2003
Home Office Guidance Documents issued under Section 182 of the Licensing Act 2003 as amended
Swale Borough Council Statement of Licensing Policy

The Licensing Act 2003 Act requires the Council to publish a ‘Statement of Licensing Policy’ that sets out the policies the Council will generally apply to promote the licensing objectives when making a decision on applications made under the Act. The Policy will be available at the meeting for reference purposes.

Under the 2003 Act, it is the duty of all licensing authorities that, in carrying out their functions, they must have regard to guidance issued by the Secretary of State under section 182. The Guidance cannot anticipate every possible scenario or set of circumstances that may arise. Provided that the licensing authority has properly understood and considered the Guidance, it may depart from it when it has reason to do so. However, as the licensing authority is under a duty to have regard to the Guidance, it will need to give full reasons for its departure from it. This would be a key consideration for the courts should departure from the Guidance result in a determination which gives rise to an appeal or judicial review. Should the need arise the Guidance will be available at the meeting for reference purposes.

The Licensing Authority must, under the Act refer any application for hearing to the Licensing Panel, if relevant representations are made by a responsible authority or other person. A copy of the Council’s approved procedure for hearings of the Panel in relation to an application, along with a copy of the Hearings Regulations has been circulated to all parties prior to the meeting.

Report Title:

Application for: A Premises Licence to be granted under the Licensing Act 2003

Purpose of the report:

The report advises Members of an application for a Premises Licence to be granted under the Licensing Act 2003, made by Henry Eakin, in respect of premises at Neptune's Beach Café, Shellness Road, Leysdown on Sea, Sheerness, Kent ME12 4RH (Appendix A) in respect of which (5) representations have been received from members of the public (1) by the parish council and (1) from a ward Councillor (Appendix B).

1. Issues to be decided

Members are asked to determine whether to:

- (i) grant a licence subject to conditions consistent with the Operating Schedule modified to such an extent as considered appropriate for the promotion of the licensing objectives and any mandatory conditions,
- (ii) grant a licence but excluding any of the licensable activities applied for,
- (iii) grant a licence but refusing to specify a premises supervisor,
- (iv) reject the application.

2. Background

The Licensing Act requires the Council as licensing authority to carry out its various licensing functions so as to promote the following four licensing objectives:

- (i) the prevention of crime and disorder;
- (ii) the protection of public safety;
- (iii) the prevention of public nuisance;
- (iv) the protection of children from harm

3. The Application

- 3.1 On 18 August 2020 an application was made which was fully complete, from Mr Henry Eakin for the grant of a Premises Licence under section 17 of the Licensing Act 2003 in respect of premises at Neptune's Beach Café, Shellness Road, Leysdown on Sea, Sheerness, Kent ME12 4RH. The application is for the sale of alcohol and recorded music. The proposed hours of the licensable activities are as follows:

Sale of Alcohol	
Monday to Thursday	10:00 – 23:00
Friday	10:00 – 24:00
Saturday and Sunday	10:00 – 01:00

Recorded Music – May to September each year indoors and outdoors	
Monday to Sunday	16:00 – 22:00

Members will be aware the recorded music that under the provisions of the Deregulation Act 2015 recorded music is deregulated between the hours of 08:00

and 23:00 for audiences of less than 500 and therefore is not something that can be considered by the Licensing Sub-Committee.

The opening hours for the premises will be the same as that for the sale of alcohol from May to September. From October until March the premises will close at 18:00 and therefore the proposed licensable activities will cease at that time also.

The applicant also completed section 14 of the application form relating to late night refreshment which is the sale of hot food between the hours of 23:00 and 05:00. However, as he intends the sale of hot food at the premises to stop at 23:00 this would not be included on any granted premises licence as it is not within the licensable hours.

3.2 A copy of the application, which includes the operating schedule that details the steps the applicant intends to take to address the licensing objectives is shown at Appendix A.

3.3 The application has been correctly advertised in the local press on 26 August 2020. The consultation period ended on 16 September 2020. The required public notice was correctly displayed during the whole of the consultation period.

3.4 The proposed Designated Premises Supervisor is Henry Eakin.

3.5 **Representations**

3.6.1 Representations from responsible authorities:

- Kent and Medway Fire & Rescue Service – No representations
- Kent County Council Trading Standards – No representations
- Kent County Council Services Children and Families – No representations
- Kent County Council Public Health – No representations
- Environmental Health – Swale Borough Council – Have made no representations however they seek the attachment of the following conditions to assist in the promotion of the licensing objectives:

- Kent Police – Have made no representations however they seek the attachment of the following conditions to assist in the promotion of the licensing objectives:

Condition 1

All persons who sell or supply alcohol to customers must have licensing training.

Training should take place within six weeks of employment

1. Any new employees will be supervised until the training has taken place.
2. Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation.
3. Training records must be kept on the premises and shall contain the nature, content and frequency of all training.

4. Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from Swale Council on demand either electronically or hard copy.

Condition 2

CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.

1. Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, and kept for a period of 31 days and handed to Police on demand.
2. The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority on demand.
3. The recording equipment and discs/tapes shall be kept in a secure environment under the control of the DPS or other responsible named individual.
4. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.
5. In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the Police Licensing Officer immediately (licensing.north.division@kent.pnn.police.uk)

Condition 3

An incident log shall be kept at the premises, and made available on request to a police officer, police licensing officer or council authorised licensing officer. It must be completed within 24 hours of the incident and will record the following:

1. all crimes reported to the venue
2. all ejections of patrons
3. any complaints received concerning crime and disorder
4. any incidents of disorder
5. all seizures of drugs or offensive weapons
6. any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
7. any visit by a relevant authority or emergency service.

Condition 4

The premises licence holder or designated premises supervisor must keep a refusal register. Staff to be trained to complete a refusal book/record immediately after the refusal but no later than the end of their shift. The register must be kept on the premises and will detail

Day, Date & Time of refusal

1. Item Refused

2. Name or description of person refused sale
3. Reason for refusal
4. Each entry is to be checked and signed by the DPS/Licensee no later than 1 week after the entry has been made.

The register must be made available for Police, Police Licensing Officer and authorised officers from Swale Council on demand either electronically or hard copy.

3.6.2 The applicant has agreed to these conditions being imposed on any granted premises licence

3.6.3 There have been (5) representation(s) from members of the public as well as (1) representation from the parish council and (1) from a ward councillor. These are shown at Appendix B.

Responsible Authority / Other person	Licensing Objective	Associated Documents	Appendix
Members of the Public	Public Nuisance Public Safety Crime and Disorder Protection of Children from Harm	(5) letters and emails of which 1 email is on behalf of a group of residents	B
Parish Council	Public Nuisance Public Safety Crime and Disorder Protection of Children from Harm	1 email	B
Ward Councillor	Public Nuisance Public Safety Crime and Disorder Protection of Children from Harm	1 email	B

3.6.4 In an email to the licensing team of 4 September 2020 the applicant has indicated that he would be willing to curtail licensing activities at 23:00 each day. This is shown as Appendix C

4. Policy Considerations

The following provisions of the Secretary of State's Guidance apply to this application:

Chapter 2 – The licensing objectives

Chapter 8 – Applications for premises licences

Chapter 9 – Determining applications

Chapter 10 – Conditions attached to Premises Licences

The following paragraphs of the Council’s Statement of Licensing Policy apply to this application:

Sections 3.1 -3.4, 17.1-8, 17.20-23 – These sections set out the Council’s approach with regard to licensing and details other mechanisms to deal with potential problems.

Section 1.1 to 1.4 – These sections set out the four licensing objectives and identifies matters that may be relevant to the promotion of each licensing objective.

5. Determining the application – Options of the Panel

The Panel must, when reaching a decision on the outcome of the application, take into account the licensing objectives. Having had proper regard to the matters above the Panel may:

- (i) Grant the licence application as applied for;
- (ii) Modify the activities or conditions proposed or add any new conditions;
- (iii) Refuse to specify a person in the licence as designated premises supervisor
- (iv) Reject the whole or part of the application

5.1 Members of the Licensing Act 2003 – Licensing Sub – Committee are reminded of their duty under the Section 17 of the Crime and Disorder Act 1989 to consider the crime and disorder implications of their decisions and the Licensing Authority’s responsibility to co-operate in the reduction of crime and disorder in the Borough.

Section 17 of the Crime and Disorder Act 1998 states:

“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that is reasonably can to prevent crime and disorder in its area”.

6. Implications Assessment

The decision should be made with regard to the Secretary of the State’s guidance and the Council’s Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the Policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal / challenge is increased.

7. Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 – Right to respect for private and family life.
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to a fair hearing.

- Article 10 – Freedom of Expression

8. Recommendations

Members must ensure that the application is considered on its merits, as well as against the relevant guidance, policy and statutory framework.

9. List of Appendices

Appendix A – Application form and plan of premises

Appendix B – Representations (Members of the public, Parish Council, Ward Councillor) against the application

Appendix C – Email from applicant dated 4 September 2020

Appendix D - Order of proceedings

10. Appeals

The applicant or any other person (objector) may appeal the Licensing Act 2003 Sub Committee's decision within 21 days beginning with the day on which the Appellant is notified. All/any appeals must be lodged with the Magistrates' Court. Parties should be aware that they MAY incur an Adverse Cost Order should they bring an appeal

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* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

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NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

On Behalf of the Company Shellness Retreat Ltd (12120723)

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality Documents that demonstrate entitlement to work in the UK

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

The premises is a small cafe located just off Shellness Road. There are 12 outdoor tables within the garden seating up to 50 people. The premises includes One Kitchen, One Storage Room, One Block of Toilets and an outdoor container used as excess storage. All alcohol will be stored securely within the premises and served via the counter.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

- Yes No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

- Yes No

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PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

- Yes No

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PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

- Yes No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not
exclusively) whether or not music will be amplified or unamplified.

Pre-recorded music will be played via the speakers on occasion. The music will not be amplified and will not go above
background level.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

This activity will only take place during the summer months: May - September

Continued from previous page...

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

No variations

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Provision of refreshments up until 11 pm

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

No seasonal variations.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Cafe will close at 18:00 October to March

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth / /
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on
the premises select on, if the sale of alcohol
is for consumption away from the premises
select off. If the sale of alcohol is for
consumption on the premises and away
from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

Continued from previous page...

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Alongside the steps outlined below we have worked hard on bringing in strict company policies for all our employees to ensure all 4 licensing objectives are met.

b) The prevention of crime and disorder

We have invested heavily in a new CCTV System giving us full visibility across the premises and surrounding area. We will also have strict policies in place to ensure nobody is able to drink too much, we will also provide discounted soft drinks for designated drivers to minimize and discourage drink driving.

c) Public safety

We will ensure that there are adequate numbers of staff at all times. There is 24/7 CCTV. We perform regular safety audits. We scored 5/5 on our Food Hygiene Rating.

d) The prevention of public nuisance

Alongside the 24/7 CCTV we have been working with local businesses and the council/police and setup a local whatsapp group. We will work together as a team to continue the work we are already doing in reducing public nuisance. We will ensure on any larger events we will have adequate SIA badged Security. We already employ beach cleaners who look after the local area as well as our own property to minimize the impact of litter on the environment and the area as a whole.

e) The protection of children from harm

All our managers are trained in safeguarding, this will be rolled out to all employees. We will operate a strict challenge 25 policy. We will only allow over 18s past 8pm.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00

Continued from previous page...

Capacity 80000-89999 £56,000.00
Capacity 90000 and over £64,000.00

* Fee amount (£)

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/swale/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)

Swale House, East Street,
Sittingbourne, Kent ME10 3HT
DX59990 Sittingbourne 2
Phone: 01795 417567
www.swale.gov.uk



Making Swale a better place

Licensing Act 2003

REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by other persons of the premises to be licenced as detailed below:

Your name	
Organisation name OR Name of body you represent	Self
Postal Address	
Email address	
Daytime contact number	

Name of premises you are making a representation about	Neptune's Beach Cafe
Address of premises you are making a representation about	Shellness Road Leysdown-on-sea Sheerness Kent ME12 4RH



Are you registered to vote?

www.swale.gov.uk/all-about-voting

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Your representation must relate to one of the four licensing objectives (see note 4)

Licensing Objective	Yes/No	Please detail the evidence supporting your representation OR the reason for your representation. Please use a separate sheet of paper if necessary
Prevention of crime & disorder	Yes	<p>During this summer, our and our neighbour's properties within ½ mile of Neptunes Café have been subject to criminal damage and vandalism by a gang of local youths on numerous occasions. The Criminal damage and vandalism are fuelled by alcohol and illegal substance abuse. Kent Police have been completely ineffectual in resolving these issues and we feel selling alcohol will only add to the problem.</p> <p>The location of the café is remote and customers will have no alternative to travelling there by car. This will promote drink driving.</p>
Public Safety	Yes	<p>The café is located adjacent to the beach. The Coast Guard and RNLI are continually promoting "Do not drink and drown." Surely selling alcohol in this remote location is encouraging people to drink and use the beach and water.</p>
Prevention of public nuisance	Yes	<p>The remote area where the café is located is either in or adjacent to a SSSI area and a Marine Conservation Zone. I understand then sale of alcohol is linked to special events. Noise from such events will have a serious effect on the wildlife and local residents like ourselves that are there for the peace and quiet.</p>



Are you registered to vote?

www.swale.gov.uk/all-about-voting



Protection of children from harm		

SIGNED:

DATED: 15/09/2020

NOTES:

1. If you do make a valid representation you will be invited to attend a meeting of the Licensing Sub Committee and any subsequent appeal proceeding. If you do not attend, the Committee will still take into consideration any representations that you have made.
2. This form **MUST** be returned within the Statutory Period, which is 28 days from the date the notice was displayed on the premises **OR** the date specified in the Public Notice in the newspaper.
3. Representations can only relate to the four licensing objectives:
 - i. Prevention of crime and disorder
 - ii. Public safety
 - iii. Prevention of public nuisance
 - iv. Protection of children from harm
4. Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing Committee, which will be made public.



Are you registered to vote?

www.swale.gov.uk/all-about-voting



5. Please note that the name and address (excluding house number) of any person that has submitted a representation will ordinarily be disclosed to the applicant and are a matter of public record. Swale Borough Council is unable to accept or take in to account any anonymous representations.

6. Please return this form, when completed, to:

Licensing Section

Swale House

East Street

Sittingbourne

Kent

ME10 3HT

Or by Email to: licensing@swale.gov.uk



Are you registered to vote?

www.swale.gov.uk/all-about-voting

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Subject: RE: Licensing objection, Neptune Cafe

From:
Sent: 14 September 2020 20:06
To: Licensing (SBC) <Licensing@swale.gov.uk>
Subject: Licensing objection, Neptune Cafe



**Swale House, East Street,
Sittingbourne, Kent ME10 3HT**
DX59990 Sittingbourne 2
Phone: 01795 417567
www.swale.gov.uk

Licensing Act 2003
REPRESENTATION FORM FROM OTHER PERSONS

This representation is made by other persons of the premises to be licenced as detailed below:

Your name.
**Organisation name OR
Name of body you represent**
Postal Address
ME12 4RL
Email address
Daytime contact number

Name of premises you are making a representation about
Neptune Cafe
Address of premises you are making a representation about
Shellness Road, Leysdown, ME12 4RH

Your representation must relate to one of the four licensing objectives (see note 4)

Licensing Objective	Yes/No	Please detail the evidence supporting your representation OR the reason for your representation. Please use a separate sheet of paper if necessary
Prevention of crime & disorder		<p>I object to this application. I am the owner of a nearby holiday home.</p> <p>I object on the grounds of prevention of crime and disorder, and prevention of public nuisance.</p> <p>Anything which provides for the facilitation of possible drunken anti social behaviour, and accompanied aggression should not be allowed to happen. My property has been the target of theft and criminal damage three times in the last six weeks. Gangs of drinking, nitrous oxide sniffing, and marijuana smoking people have decided the beach where my and my neighbours properties are situated is party central. The police seem powerless to prevent this, or indeed to show any enthusiasm for pursuing justice for us. I'm afraid I think the possibility of late night events involving alcohol, combined with the lack of a realistic police presence, in a relatively isolated spot on the edge of Leysdown, would be a recipe for disaster.</p>

The beach behind Neptune Cafe and along to and past the Hamlet of Shellness is an SSSI, and should be respected.

Then there is the real possibility of drunken driving. Access to the cafe is by Shellness Road, from Leysdown and onwards to the Hamlet, where it ends. This year has seen a remarkable increase in vehicle movements along this road, usually at speeds which seem excessive.

I appreciate the proprietors of the Neptune may wish to put on the occasional special event as part of their commitment to the community, but I feel they could achieve that without a general licence.

Public Safety
Prevention of
public nuisance
Protection of
children from
harm

SIGNED:

DATED: 14/09/2020

NOTES:

1. If you do make a valid representation you will be invited to attend a meeting of the Licensing Sub Committee and any subsequent appeal proceeding. If you do not attend, the Committee will still take into consideration any representations that you have made.
2. This form **MUST** be returned within the Statutory Period, which is 28 days from the date the notice was displayed on the premises OR the date specified in the Public Notice in the newspaper.
3. Representations can only relate to the four licensing objectives:
 - i. Prevention of crime and disorder
 - ii. Public safety
 - iii. Prevention of public nuisance
 - iiii. Protection of children from harm
4. Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing Committee, which will be made public.
5. Please note that the name and address (excluding house number) of any person that has submitted a representation will ordinarily be disclosed to the applicant and are a matter of public record. Swale Borough Council is unable to accept or take in to account any anonymous representations.
6. Please return this form, when completed, to:

Licensing Section

Swale House

East Street

Sittingbourne

Kent

ME10 3HT

Or by Email to: licensing@swale.gov.uk

Sent from my iPad

27 August 2020
SWALE BOROUGH COUNCIL
THE LICENSING DEPT
SWALE HOUSE
EAST STREET
SITTINGBOURNE ME10 3HT

Dear Licensing Team,

Re: Application for Alcohol Licence at Neptune's Beach Cafe, Shellness Road,
Leysdown, ME12 4RH

I wish to make it known that I object to the above application. My reasons for objection are as below.

1. This beach cafe is an unsecure premises. It has already been broken into almost before the new leaseholder opened the business of a beach cafe. The sale of alcohol and extended opening times will draw more crime and poor behaviour along this remote stretch of unspoilt beaches and natural scenery.
2. The current leaseholder is already proving to be inconsistent with opening times of the cafe and has not opened the toilets for the public, blaming the Council for keeping them closed. I did make a complaint to the Council about this matter and they affirmed that the leaseholder is responsible for the toilets and that there has been a reassurance to the Council that the leaseholder will engage a cleaner to enable the toilets to be opened. So far, up to the beginning of this week, when the cafe was not open on Monday, the toilets have not been open for use by the public.
3. This lovely stretch of sandy beach and natural views across the marshes remains unspoilt and a safe haven for families with children. The lockdown has proven that this is still the case and that this is a beach that families like to come to and enjoy the peace and serenity of this remote area. It is fairly clean, and with recognition to the leaseholders at the cafe, efforts to remove rubbish left by people have been made.
4. The business of selling alcohol remains the responsibility of publicans and off license retailers. A beach cafe is not a suitable outlet for this. There are no premises from which people could be barred or removed from if problems arise. Families would be expected to sit with children having refreshments on the picnic

benches provided by the leaseholders, alongside persons consuming alcohol, and predominantly this will attract young people who will cause problems. That will give the police yet another headache to deal with.

5. There are public houses in Leysdown where people can drink and where families can choose to go. Our public beaches are for the public, and as soon as alcohol is encouraged in that location, the families will be driven out.
6. There are signs of people camping out in the woods opposite the beach cafe, barbecues have been left to burn on the grassed areas which are beautifully maintained by the Council. These people leave behind empty cans of alcohol, disposable barbecue remains and bags of dog poo, nappies etc. To enable these people to obtain alcohol within walking distance of the wooded area will encourage more anti social behaviour and ruin this area also.

I am an Island resident. I have lived here since 1981. I came to the Island because my husband's family took vacations to Shellness during his childhood. The charm of this untouched area of beautiful sandy beaches has recently been reported in a major national newspaper. Families who do not want to be bothered by anti social behaviour and no distractions from a simple day at the seaside, come to this section of the Island for all the right reasons. The Island population is growing, and the culture of a drinking hangout is not what we need to keep the Islands beaches unspoilt for families, bird watchers and nature lovers to enjoy.

I hope that this matter will be seriously considered. If the leaseholder does not feel that their business can thrive without the alcohol licence, the Council must take a common sense approach and not yield to what will be a complete disaster for Shellness.

Subject:

RE: Neptune Cafe liquor license appeal by Muswell Manor holiday park clients

From: Residents of Muswell Manor

Subject: Neptune Cafe liquor license appeal by Muswell Manor holiday park clients

Muswell Manor Shellness Road is a holiday Park and has been for approximately 70 years. Some owners of the chalets and or statics on the site have been on the Park for over 60 years because it is set in an exclusive, quite, peaceful, safe and rural location.

The owners of Muswell Manor have spoken to many people on their Holiday Park with regards to the application for a license to serve liquor at the Neptune Cafe.

The Neptune cafe have applied for a liquor license from Monday to Thursday 10.00 - 23.00 hrs, Friday 10.00 24.00 hrs and Saturday and Sunday 10.00 to 01.00 hrs. This will allow them to serve customers alcohol from early in the morning and continue until very late at night through to the next early morning, drinking hours.

All of the clients on our park expressed high concerns with regards to the following-Where the cafe is located as it is extremely close to a very busy road, of which the traffic are legally allowed to do 60 mile a hour. The level of noise and the anti social behaviour, that they feel will result from the consumption of alcohol on and around the beach area of which are frequented by the families on site.

This will encourage holiday makers and local residences to travel to the Neptune Cafe after the local clubs, shops and pubs have closed, of which are normally closed earlier than the hours you are looking to allow the proposed Neptune cafe license hours to close.

Thus resulting in continuous alcohol consumption, leading to crime and disorder on the beach and surrounding areas during the day and of a night. The premises liquor license proposed/applied for by Neptune Cafe will be of a public nuisance and major concerns for the health, safety and harm to children and general public. As mentioned above the noise from Neptune Cafe will without doubt carry to nearby Muswell Manor holiday park of which pay council Tax.

Chris Hills

Subject: RE: Neptune Cafe liquor license appeal by Muswell Manor holiday park clients

From: Residents of Muswell Manor

Sent: 16 September 2020 12:01

To: Chris Hills <ChrisHills@Swale.gov.uk>

Subject: Neptune Cafe liquor license appeal by Muswell Manor holiday park clients

Hi Chris

Sorry but can you please add to the following sentence as we unfortunately omitted it and should have been part off. - Increased level of noise will be because Neptune Cafe is outside and has no inside area. The level of noise and the anti social behaviour, that they feel will result from the consumption of alcohol on and around the beach area of which are frequented by the families on site.

Chris Hills

To: Leysdown Parish Council
Subject: RE: Neptunes Cafe Liquor Licence Application

From: Leysdown Parish Council <leysdownpc@btconnect.com>
Sent: 02 September 2020 14:05
To: Chris Hills <ChrisHills@Swale.gov.uk>
Subject: Neptunes Cafe Liquor Licence Application

Hi Chris,

Further to our conversation , Leysdown Parish Councillors are are not in support of the application do to concern for anti social behaviour, increased risk of drink driving and litter however they would like to request that if the licence does proceed then it should be limited to 23:00 closing on any day of the week and not 1am as per the application.

Regards,

Leysdown Parish Council

Chris Hills

Subject: RE: Neptunes' Beach Cafe, Shellness Road, Leysdown

From: Licensing (SBC)
Sent: 19 August 2020 15:26
To: Bill Tatton (Cllr) <BillTatton@Swale.gov.uk>
Subject: RE: Neptunes' Beach Cafe, Shellness Road, Leysdown

From: Bill Tatton (Cllr)
Sent: 18 August 2020 15:01
To: Chris Hills
Subject: Re: Neptunes' Beach Cafe, Shellness Road, Leysdown

Hello Chris,

Thank you for alerting me to this application.

This application is NOT ACCEPTABLE and should be declined on the following grounds:

- (1) The car park it is located in should be closed by the key holder a 20:00hrs every evening (365 days of the year)
- (2) It is in the opinion of Leysdown on Sea parish council and me that if approved it will create considerable anti social behaviour scenarios.
- (3) Noise & light pollution will be un acceptable Shurlands Holiday park occupants, the residents of Wing Road.
- (4) The present infrastructure will not support any further increase in traffic flow or road safety be it a motorist or pedestrian as there is no footpath.
- (5) The security of stored alcohol
- (6) The different routes of access
- (7) In the event of issues that would / could involve emergency services attendance doubtful that such services could attend in sufficient time.

Best regards, BE SAFE

From: Chris Hills

Sent: 18 August 2020 13:48

To: Mini Nissanga (Cllr); Bill Tatton (Cllr)

Subject: Neptunes' Beach Cafe, Shellness Road, Leysdown

Good afternoon dear Councillors Nissanga and Tatton

Please find attached application form and plan for the grant of a premises licence under the Licensing Act 2003 in respect of the above mentioned premises

The application is for:

Sale of alcohol

Monday to Thursday 10:00 – 23:00

Friday 10:00 – 24:00

Saturday and Sunday 10:00 – 01:00

Although the application also mentions recorded music it is within the hours when it is deregulated. Similarly the application mentions late night refreshment but this is in error as the sale of hot food will cease at 23:00 before late night refreshment permission is required.

The consultation will end on 16 September and I would be grateful for your comments before then

Best regards

Chris

Yours sincerely

Christina Hills

Licensing Officer

Tel: 01795 417286 | Email: chrishills@swale.gov.uk | Website: www.swale.gov.uk

Swale Borough Council | Swale House | East Street | Sittingbourne | Kent | ME10 3HT

From:

Sent: 14 September 2020 23:15

To: Chris Hills

Subject: Objections Neptune Cafe

Hi Chris Hills

Can you please forward this appeal/objections onto and at the meeting you are having with the members of Swale Borough Council tomorrow with regards to Neptune Liquor License application. Please add any of the other emails we have sent to you, that you feel would be appropriate to our appeal.

- Neptune cafe is located on the sea wall at Shellness Road currently serving food and lite refreshment, where families gather for a fun day out where children of all ages play in safety on the beach and swim in the sea. This has been so for approximately 100 years.
- We object to the liquor license and the serving of alcohol at Neptune cafe for the safety of families/children where alcohol will be served, and this will encourage the following to the area:
 - Drinking alcohol and driving, violence, abuse, noise, nuisance, crime and disorder, anti-social behaviour, drug abuse.
 - We fear liquor being more freely available and consumed /permitted on the premises will encourage behaviour harmful to children and adults in the licensed area, and lead to injuries and or accidents on the premises.
 - The protection of children from moral, psychological and physical harm. This includes protecting children from early exposure to strong language and the area developing into an unfriendly family environment that would then become a restrictive area for children. Also encouraging increased risk of violence or to the safety of people on the premises.
 - Neptune Cafe Shellness Road premises does not have disabled toilets. There is no local police presence or hospital for over 10 miles and would take over 30 minutes to assist with any emergency.
 - Safety or satisfactory nature of certain equipment or fixtures as the premises are not secure as they have been broken into 5 times this year and property on the premises stolen and the premises should comply with all statutory safety controls and would suggest the premises have a health and safety plus fire inspection/check.
 - Council have a responsibility to protect children/families, and ask why are they encouraging the sale of alcohol to an area that has always been for families to enjoy a beach area in a safe environment.

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Hi Chris,

I'm quite confused over the opening times to the car park and toilets, as we operate these ourselves - so they open under the hours we choose. If the cafe was open later then the facilities would be open later etc. The same team who opens and closes the café also opens and closes the car park.

It must be said however, it is unlikely we would serve until 11pm everyday. It is a very hit and miss operation, if its a great warm day then we are incredibly busy and have been open quite late in the past however we have also had days where we are closed by midday because of the poor weather.

Kind Regards,
Henry

Henry Eakin
Café Owner



Neptune's Beach Café, Kent, ME12 4RH

T: +44 1795 500096

E: Henry@NeptunesCafe.co.uk | **W:** NeptunesCafe.co.uk

On Fri, 4 Sep 2020 at 12:24, Chris Hills <ChrisHills@swale.gov.uk> wrote:

Good afternoon Henry

Many thanks for your email it's much appreciated.

The reduction in hours is appreciated.

If you want to have an outside cinema then the way ahead would be to apply for Temporary Events Notices (TEN). You can have 15 of them each year and I can explain the process to you at some later date. The beauty of a TEN is that the only consultees are the police and environmental health and they would only object if what you proposed was unreasonable or you had a TEN and created a noise nuisance which would prevent them from agreeing to any more being granted.

At the moment the objections relate to the opening times of the car park and the toilets which seem to be in conflict with the hours that you wish to remain open and operating and other general concerns about the sale of alcohol which could be consumed on the premises. In this respect perhaps you may wish to consider an on premises licence only so that alcohol could not be sold and drunk away from your premises?.

I am trying to liaise with everyone so that a hearing of the Licensing Sub-Committee is not necessary. If however I do need to arrange a hearing you will be given all of the representations so that you can prepare your case.

Let's hope that is not necessary.

Best regards

Chris

Yours sincerely

Chris Hills

Licensing Officer

Tel: 01795 417286 | Email: chrishills@swale.gov.uk | Website: www.swale.gov.uk

Swale Borough Council | Swale House | East Street | Sittingbourne | Kent | ME10 3HT

From: Henry Eakin [mailto:henry@neptunescafe.co.uk]

Sent: 04 September 2020 12:16

To: Chris Hills

Subject: Missed Call

Hi Chris,

Just seen your voicemail, I am unfortunately on holiday myself and will struggle to find time for a call today.

I have spoken to a few members of the Parish Council, we would be happy to reduce the hours down to 11pm everyday instead of the original requested if that's what was necessary - the reason for the late night addition was days in August/July etc where we may choose to do an outdoor cinema this would obviously require a projector and can only happen once it's dark, a 2.5 hour movie for example would go on until around midnight for example, we can think of another way to manage this going forward.

I do really appreciate you giving me a call, Will we at some point be given the other objections to see?

Kind Regards,

Henry

Café Owner



Neptune's Beach Café, Kent, ME12 4RH

T: +44 1795 500096

E: Henry@NeptunesCafe.co.uk | **W:** NeptunesCafe.co.uk

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Making Swale a Better Place

**LICENSING AUTHORITY:
SWALE BOROUGH COUNCIL**

Licensing Act 2003 Sub-committee Hearing Procedure

**Applications for New Premises Licences/Club Premises Certificates and Variations to existing
licences and certificates**

1. Introductions

The Chairman will request all those persons participating in the hearing to identify themselves or introduce them.

Members/Officers/Applicant and any representative/Responsible Authorities/any other persons (objectors)

2. Procedural Matters

The Chairman will:

- i) Confirm that all parties are aware of the sub-committee **hearing procedure** and that each party has a copy of the hearing procedure document.
- ii) Confirm that all sub-committee members have **pre-read all the papers** and any other documents contained in the report regarding the hearing.
- iii) Explain that the sub-committee will allow all parties to put their case fully and make full **submissions**, within a reasonable time frame. The procedure will be discussion led by the Sub-Committee and **questions** will usually be permitted.
- iv) Explain that where any person attending the hearing **behaves in a disruptive manner**, the sub-committee may direct that person to leave the hearing (including temporarily). If this happens, the person may give the sub-committee in writing any information which the person would have been entitled to give orally.
- v) Enquire whether any draft **conditions** have been agreed between the applicant and any of the other parties for the sub-committee to consider.
- vi) Enquire whether any parties request to have **any witness** give evidence at the hearing; and if so grant the request unless the request is unreasonable.
- vii) Invite the parties, where appropriate, to appoint a **spokesperson**.

3. The Hearing

- A) The Chairman will ask the legal advisor or licensing officer to briefly outline the application and all representations regarding the application.
- B)
 - i) Ask the **Applicant** (or their representative) to put forward their case opening remarks and evidence (including witnesses).
 - ii) **Allow** appropriate **questions** from any Responsible Authority and/or other person/members of the subcommittee
 - iii) Any points of clarification.
- C)
 - i) Ask **Responsible Authorities** (where applicable) to put forward their case. Opening remarks and evidence (including witnesses) by the officer representing the responsible authority (or their representative).
 - ii) Allow appropriate **questions** from :
the Applicant/other Responsible Authorities/other persons/member of the Sub-Committee.
 - iii) Any points of clarification.
- D)
 - i) Opening remarks and evidence by the **other person/s** (or spokesperson/representative).
 - ii) Allow appropriate **questions** from :
the Applicant, Responsible Authorities, each further other person and sub-committee members.
 - iii) Any points of clarification.
- E) **Closing Summary**

Responsible Authorities/Other Persons/The Applicant
- F) **End of Hearing**
 - i) The Chairman will ask the members of the sub-committee if they have any final questions for any party to the hearing.
 - ii) The Chairman will ask the legal advisor whether there are any further matters to be raised or resolved before the hearing is closed.
 - iii) The Chairman will bring the hearing to a close and shall declare that the sub-committee will retire, to private session, to consider the application.
 - iv) The Chairman will invite the legal advisor to remain with the sub-committee during its deliberations to provide any advice required.

G) **The Decision**

The Chairman shall declare in public session:

- i) The sub-committee's **determination** and indicate that all parties to the hearing will receive a copy of the written Determination Notice regarding the sub-committee's determination; and
- ii) that all parties may **appeal** against the sub-committee's decision within 21 days beginning with the day on which the appellant is notified of the Licensing Authority's written determination. Appeals must be lodged with the Magistrates' Court. Parties should be aware that the Magistrates Court may make an order with respect to costs on any appeal.
- iii) Formally close the meeting.

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