



Agenda

Meeting: **Licensing Sub-Committee**
Date: **4 July 2017**
Time: **2.00 pm**
Place: **Council Chamber - Civic Centre Folkestone**

To: **To all members of the Licensing Sub Committee**

The sub-committee will consider the matters listed below at the date, time and place shown above. The meeting will be open to the press and public.

Members of the sub-committee who wish to have information on any matter arising on the Agenda which is not fully covered in these papers are requested to give notice prior to the meeting to the Chairman or appropriate officer.

1. **Apologies of absence**
2. **Declarations of interest**

Members of the Council should declare any interests which fall under the following categories*:

- a) disclosable pecuniary interests (DPI)
- b) other significant interests (OSI)
- c) voluntary announcements of other interests

3. **Declarations of lobbying**

Members should complete the enclosed yellow form and return it to the Committee Administrator at the meeting.

4. **Sunny Sands Kiosk - Application for Premise Licence (Pages 3 - 46)**

Report DCL/17/06 attached.

*Explanations as to different levels of interest

Queries about the agenda? Need a different format?

Contact Committee Services – Tel: 01303 853369/853267
Email: committee@shepway.gov.uk or download from our website
www.shepway.gov.uk

Licensing Sub-Committee - 4 July 2017

(a) A member with a discloseable pecuniary interest (DPI) must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares a DPI in relation to any item must leave the meeting for that item (unless a relevant dispensation has been granted).

(b) A member with an other significant interest (OSI) under the local code of conduct relating to items on this agenda must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares an OSI in relation to any item will need to remove him/herself to the public gallery before the debate and not vote on that item (unless a relevant dispensation has been granted). However, prior to leaving, the member may address the meeting in the same way that a member of the public may do so.

(c) Members may make voluntary announcements of other interests which are not required to be disclosed under (a) and (b). These are announcements made for transparency reasons alone, such as:

- membership of outside bodies that have made representations on agenda items, or
- where a member knows a person involved, but does not have a close association with that person, or
- where an item would affect the well-being of a member, relative, close associate, employer, etc. but not his/her financial position.

Voluntary announcements do not prevent the member from participating or voting on the relevant item



This report will be made public on 26 June 2017

Report Number **DCL/17/06**

To: Licensing Sub-Committee
Date: 4 July 2017
Status: Non-Executive Decision
Head of service: Dr Sarah Robson

SUBJECT: APPLICATION FOR A NEW PREMISE LICENCE AT SUNNY SANDS KIOSK, THE STADE, FOLKESTONE HARBOUR, FOLKESTONE, KENT

SUMMARY: This report sets out the facts for the Licensing Committee to consider in determining a premise licence. The licensing committee is the Licensing Authority acting in a role formally 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 Council's own licensing policy.

DETERMINATION:

The Licensing Sub-Committee is asked to:

- 1. Note the contents of Report DCL/17/06**
- 2. Determine the application. The options for determining the application are set out in section 5 below.**

1. BACKGROUND

- 1.1 Part 1 of 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.

2. APPLICATION

- 2.1 An application has been made under the Licensing Act 2003 for a Premise Licence by Richard Ruebsamen on behalf of Sunny Sands Kiosk Ltd.
- 2.2 The application is in relation to Sunny Sands Kiosk.
- 2.3 The application is for the sale of alcohol between the hours of 10.00am and 20.30pm Monday to Sunday.
- 2.4 A copy of the application is attached at Appendix 1.
- 2.5 The applicant is mindful of his responsibilities and has received copies of the objections (see Appendix 2). Within the licence application he has detailed how he promotes the four licensing objectives.

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

Any further steps the applicant intends to take to promote the four licensing objectives can be found on part **M** of the application form attached and are reflected in 2.5 above.

4. RELEVANT REPRESENTATIONS

- 4.1 The comments received from the Responsible Authorities are set out in the table below:

Responsible Authority	Comments
Environmental Health (Commercial)	No objections
Kent Fire & Rescue Officer	No objections
Child Protection Agency	No objections
Planning Officer	No objections
Kent Police	No objections.
Environmental Health (Pollution)	No objections

- 4.2 4 representations have been received from other interested parties by the Licensing Authority regarding the application. These objections can be found in Appendix 2.

5. OPTIONS

- 5.1 The licensing sub-committee has the following options:
- a) Grant the licence as requested.
 - b) Modify the licence, by adding conditions.
 - c) Reject whole or part of the application.
- 5.2 The committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to 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 for premise licence (Pages 7 - 34)
Appendix 2. Relevant Representations (Pages 35 - 43)

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Licensing Team
 Shepway District Council
 Civic Centre
 Castle Hill Avenue
 Folkestone
 Kent CT20 2QY
 Telephone: 01303 858660
 Email: licensing@shepway.gov.uk
 www.shepway.gov.uk

Corporate Post Room
 10 MAY 2017

Folkestone
 Hythe & Romney Marsh
 Shepway District Council



**Application for a premises licence to be granted
 under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We SUNNY SANDS KIOSK LTD
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description SUNNY SANDS KIOSK THE STADE FOLKESTONE HARBOUR FOLKESTONE KENT			
Post town	FOLKESTONE	Postcode	CT19 6RB
Telephone number at premises (if any)	07939142880		
Non-domestic rateable value of premises	£6,100		

Part 2 - Applicant details

Please state whether you are applying for a premises licence as appropriate Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i as a limited company/limited liability partnership please complete section (B)

- ii as a partnership (other than limited liability) please complete section (B)
- iii as an unincorporated association or please complete section (B)
- iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over			I am 18 years old or <input type="checkbox"/> Please tick yes		
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or <input type="checkbox"/> Please tick yes			
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name	SUNNY SANDS KIOSK LTD
Address	SUNNY SANDS KIOSK THE STADE FOLKESTONE HARBOUR FOLKESTONE, KENT CT19 6RB
Registered number (where applicable)	09630790
Description of applicant (for example, partnership, company, unincorporated association etc.)	LIMITED COMPANY
Telephone number (if any)	07939142880
E-mail address (optional)	SSKFSTONE@GMAIL.COM

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
08	06	2017

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
 Sunny Sands Kiosk is located on the The Stade at Folkestone Harbour. The business is located adjacent to the beach to the east, the harbour to the south, and flats and homes to the north, the west is a vacant seating area. The Mariners pub is approximately 250ft to the west of the premises and the Ship pub is further along about 350ft west on the Stade. The business serves ice cream, snacks, sweets, hot dogs, toasted sandwiches, hot and cold drinks. There is a staff only storage area and staff toilets with internal staff only access. There is one till point used for payment, with customer controlled access to the limited indoor or outdoor terraced seating area for paying customers. Alcohol would be poured from manufacturers bottles/cans measured by staff and served in plastic tumblers for consumption on the premise or off premise.

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

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
			State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)	
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)	
Thur			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)	
Fri				
Sat				
Sun				

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)	
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)	
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
Fri				
Sat				
Sun				

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 4)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	1000	2030	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	1000	2030			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Wed	1000	2030			
Thur	1000	2030			
Fri	1000	2030			
Sat	1000	2030			
Sun	1000	2030			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	RICHARD RUEBSAMEN
Date of birth	28/09/1962
Address	27 PENFOLD ROAD FOLKESTONE, KENT
Postcode	CT19 6DG
Personal licence number (if known)	SDC1568

Issuing licensing authority (if known)

SHEPWAY DISTRICT COUNCIL

□□□□

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NO SERVICES WILL BE PROVIDED THAT MAY GIVE RISE TO CONCERN IN RESPECT OF CHILDREN.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	0800	2030	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue	0800	2030	
Wed	0800	2030	
Thur	0800	2030	
Fri	0800	2030	

Sat	0800	2030	
Sun	0800	2030	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

To minimise the risks associated with the addition of alcohol sales on the premises, formal procedures will be established to address the sale of alcohol. The procedures will integrate proactive and preventative measures and will outline the steps all employees must take to meet the four licensing objectives. Employees will be trained and advised of licensing laws in writing, and will sign and date when the training occurs. A record of the training will be kept and available for police or licensing authority. The paragraphs below outline the plans and some informal procedures already in place that address the four licensing objectives. A senior member of staff is always present during operating hours. The staff have a relationship with local law enforcement / Shepway District Council and have contact information available as per necessary should any incidents occur requiring Police or Council intervention. Folkestone Area Partnership Against Crime or FAPAC radio is kept onsite and monitored.

b) The prevention of crime and disorder

Training of staff is key to prevention of crime and disorder. Looking out for signs of intoxication or preloading, refusing service to drunken patrons, encouraging customers to eat food or drink water, avoiding confrontation, identifying drunken patrons and sharing information with other publicans in the area are all ways to mitigate risks associated with preventing crime and disorder due to the addition of alcohol sales. A security system is installed at the premises which calls the owners mobile phone when triggered and CCTV is internally installed that has 24 hour recording of the premises. There is a Folkestone Area Partnership Against Crime or FAPAC radio on site and monitored daily when open. The radio has been used in the past to notify town center CCTV of an aggressive drunk and disorderly person. Working with Folkestone Rescue, Sunny Sands staff were able to assist Kent Police in resolving the incident quickly. Folkestone Rescue followed the man back to the pub until Police arrived.

c) Public safety

A first aid box is available at the premises in the event someone is injured. Plastic tumblers will be used to serve alcoholic beverages, all glass will be safely stored and disposed of by the premises. An accident book is stored on site and any accidents are recorded. There is a zero tolerance policy for any drug taking or aggressive behavior toward customers or staff. A log book will be kept of aggressive customers or patrons that repeatedly exhibit drunken behavior that could be barred if necessary. Sunny Sands staff monitors in and around the shop area. We will not hesitate to contact Folkestone Harbour Company in the event of trespassers on the east head pier of the harbour. Sunny Sands works closely with Sea Sports and Folkestone Rescue to identify and notify police as necessary, aggressive, abusive or lewd behaving patrons in or around the beach area.

d) The prevention of public nuisance We are located on the Stade at Folkestone Harbour with a terrace entrance facing south toward the harbour, a roller door entrance faces east to the sea/beach, and a staff / emergency door faces south toward neighboring homes. The terrace should not be a source of noise pollution, as the premises blocks any noise from the adjacent neighbors. Staff monitors noise levels to address any unwanted noise from belligerent or overtly noisy customers. In summer, a certain level of noise is expected around the area due to beach goers. In the event of a noise complaint, it would be addressed appropriately and efficiently following Council guidelines. Taxis can be called for noisy lingering patrons needing to move on. Signs can also be posted requesting customers to keep noise to a minimum to avoid unnecessary noise pollution. Regular clean up is accomplished outside of the premises to collect any litter waste from the premises. Policies and procedures will address all public nuisance risks associated with the premises and measures implemented to prevent, manage, and respond to those risks.

e) The protection of children from harm

As part of the premises procedures, a distinct section will document the necessity and steps implemented to protect children from harm while on the premises. We currently monitor when children are on the premises without an accompanying adult. A "Challenge 25" scheme will ensure patrons that look under the age of 25 have a photographic ID that will be checked by the designated premises supervisor. Stickers will be placed on the premises reflecting the use of this scheme and its enforcement. A log will be used to document the date and time that a person was refused the sale of alcohol due to insufficient ID. This log will be available to Police and authorised council officers. This premises informally monitors the premises and surrounding area for suspicious activity. We monitor the FAPAC radios, should an alert come from the the town center team.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

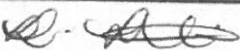
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a license if I do not have the entitlement to live and work in the UK (or if I am subject
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	<p>to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	08/05/2017
Capacity	DIRECTOR: SUNNY SANDS KIOSK LTD.

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

<p>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)</p> <p>SUNNY SANDS KIOSK LTD THE STADE FOLKESTONE HARBOUR</p>			
Post town	FOLKESTONE	Postcode	CT19 6RB
Telephone number (if any)	07939142880		
<p>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</p> <p>SSKFSTONE@GMAIL.COM</p>			

Notes for Guidance

- Describe 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.
- 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:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - 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.
 - 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.
 - 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.
 - 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:
 - 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.
 - 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.
 - 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.
 - 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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;

- 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the 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.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please 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.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please 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 or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.

15. 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 by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

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 **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **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.
- 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 of 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 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, 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.

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.

and any premises licence to be granted or varied in respect of this application made by

SUNNY SANDS KIOSK LTD

[name of applicant]

concerning the supply of alcohol at

SUNNY SANDS KIOSK LTD
SUNNY SANDS KIOSK, THE STADE FOLKESTONE HARBOUR
FOLKESTONE, KENT CT19 6RB

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

SDC1568

[insert personal licence number, if any]

Personal licence issuing authority

SHEPWAY DISTRICT COUNCIL
CIVIC CENTRE
CASTLE HILL AVENUE
FOLKESTONE, KENT CT20 2QY

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

RICHARD RUEBSAMEN

Date

8/5/2017

Licensing Team
Shepway District Council
Civic Centre
Castle Hill Avenue
Folkestone
Kent CT20 2QY
Telephone: 01303 853526/3407

Folkestone

Hythe & Romney Marsh
Shepway District Council



NOTICE OF APPLICATION FOR A PREMISES LICENCE

Notice is given that an application has been made to Shepway District Council, the Licensing Authority for a

PREMISES LICENCE

To permit licensable activities which it is proposed will be carried on, on or from the premises shown below.

Details of the application may be inspected between the hours of 09:00 and 17:00

At Shepway District Council, Civic Centre, Castle Hill Avenue, Folkestone, Kent CT20 2QY

Any interested party or responsible authority may make representations in respect of the application, which must be submitted, in writing, to the following address before the date shown below:

Licensing Manager, Civic Centre, Castle Hill Avenue, Folkestone, Kent CT20 2QY

NAME OF APPLICANT

SUNNY SANDS KIOSK LTD

NAME AND POSTAL ADDRESS OF THE PREMISES

SUNNY SANDS KIOSK
THE STADE FOLKESTONE HARBOUR
FOLKESTONE, KENT
CT19 6RB

STATEMENT OF INTENDED LICENSABLE ACTIVITIES (Must include activities, days and times)

SALE OF ALCOHOL Monday to Sunday 10:00 to 20:30
for consumption
on or off premises

DATE BY WHICH REPRESENTATIONS MUST BE MADE

06 JUNE 2017

This notice remains in force from and including the day after the giving of this notice to the licensing authority, namely Shepway District Council on 9 May 2017, for 28 consecutive days.

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine on summary conviction is £5,000.

Mr P.C Emden B.E.M



Corporate Post Room

26 MAY 2017

17th May 2017

REF; Licencing Application for The Sunny Sands Kiosk, The Stade , Folkestone.

Dear Sir, Madam

I would like to object to the licencing application for the above for several reasons.

To begin with The Stade and area surrounding already is overloaded with pubs, bars and stands selling alcohol a few of which I have listed.

The Mariners, The Ship, The George, The Harbour, Party Bar, Gillespie's, Rocksalt Bar, Chummy and several shops that also sell alcohol.

The Stade area is also an area that has its problems with groups of youths and our local PCSO has been doing her very best to disperse these groups who have been annoying local residents.

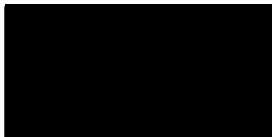
The attraction of yet another unit selling drink will not in any way ease this problem and well may make it worse especially as the kiosk is adjacent to Sunny Sands where many empty cans can be found dumped and this will make things worse rather than to improve the situation.

Finally the lack of public conveniences encourages local youths and adults reliving themselves around the Stade area and on the beach due to drinking and the Kiosk I believe has no toilets.

I would hope that you also take into consideration the lives of local residents who already have the nuisance of noise directly outside of their homes.

Given the above reasons I hope you will refuse this application.

Yours sincerely



Paul Emden

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The Licensing Team
Shepway District Council
Civic Centre
Castle Hill Avenue
Folkestone CT20 2QY

19 May 2017

Corporate Room
122 MAY 2017

Dear Sirs

**Application for Premises Licence – Sunny Sands Kiosk The Stade
Folkestone CT19 6RB**

We wish to make strong representations against the granting of a Licence to sell alcohol at the above location for the following reasons:-

- This location is badly lit, has no CCTV and is already an area where alcohol fuelled anti social behaviour is common, especially after dark.
- There are already two fully licenced family friendly premises very close by in the Stade.
- With the opening of the harbour arm (opposite) this area has already had the addition of many new licenced premises.
- Sunny Sands beach is a destination for families with young children and an alcohol kiosk is not appropriate in this location.

Yours faithfully

[Redacted Signature]

David and Mary Herrington

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Robson

From: Neill, Maxine
Sent: 17 May 2017 10:50
To: Critcher, Rebecca
Subject: FW: Sunny Sand Kiosk The Stade Folkestone

If I can be of any further help please contact me as shown

Maxine Neill
Business Support Officer - Licensing Team Shepway District Council Civic
Centre, Castle Hill Avenue, Folkestone, Kent CT20 2QY
Tel: 01303-853428
Email: maxine.neill@shepway.gov.uk
web: www.shepway.gov.uk

Follow us on Twitter and Facebook

P Please consider the Environment before printing this email

-----Original Message-----

From: James Robson
Sent: 16 May 2017 15:23
To: Licencing
Subject: Re: Sunny Sand Kiosk The Stade Folkestone

Dear Maxine
having read through the guidance my representation is based on the following
points.

Prevention of criminal damage to vehicles and personal property.
Public safety as this establishment is within 3 meters of a harbour wall edge
which is not suitably protected and is around 4-5 meters drop.
Prevention of public nuisance due to drunken behaviour and the discarding of
bottles etc on the beach area. Also lack of toilets has lead to people
urinating in public places.
Protection of children as this is a gift shop selling ice cream and sweets and
as such parents do allow small children to have a bit of independence going to
the beach shop. They should not be fronted by alcoholic products or drunken
behaviour.

Kind regards
James Robson

> On 16 May 2017, at 14:58, licencing@shepway.gov.uk wrote:
>
> Dear Mr Robson
>
> Thank you for contacting the Licensing Team.
>
> If you wish to make representation for this application please refer to the
guidance attached. Can you then confirm which objective you are objecting to?
>
> If I can be of any further help please contact me as shown
>
> Maxine Neill
> Business Support Officer - Licensing Team Shepway District Council
> Civic Centre, Castle Hill Avenue, Folkestone, Kent CT20 2QY
> Tel: 01303-853428
> Email: maxine.neill@shepway.gov.uk
> Web: www.shepway.gov.uk
>
> Follow us on Twitter and Facebook
>

Page 1

Robson

> P Please consider the Environment before printing this email
>
>
> -----Original Message-----
> From: James Robson
> Sent: 16 May 2017 14:33
> To: Licencing
> Subject: Sunny Sand Kiosk The Stade Folkestone
>
> I write to object to the licence being granted on the following grounds.
>
> This essentially a gift shop and snack bar for the benefit of all using the
beach area. During summer months many children frequent the shop for ice
cream, sweets etc.
> Alcohol is not appropriate for this location.
> The Stade has a number of licensed properties all of which are already
struggling to provide a typical pub environment with the off sales.
> As a resident of Flat 2 Harbour point for the past 12 years, we already
suffer from drunken behaviour during the summer months and this does nothing
to help with the image of Folkestone as an up and coming destination.
> Folkestone Harbour Arm has already too many licensed operators and as such
has created an almost continuous bar.
> We trust that you will agree with our concerns and refuse this license.
> James Robson
>
>
>
>
>
> The Stade
> Folkestone
> Kent
>
>
> <Representation Guidance.doc>

James Robson

From: Vanessa Stone [REDACTED]
Sent: 02 June 2017 12:28
To: Licencing
Subject: Premises Licence Application - Sunny Sands Kiosk Ltd - Representation / Objection

FAO: Licencing Manager, Civic Centre, Castle Hill Avenue, Folkestone, Kent CT20 2QY

Dear Sir / Madam

Premises Licence Application - Sunny Sands Kiosk Ltd

We are writing to object to this application, on the following grounds:

We are so excited by the ambitious and inspired plans for the regeneration of Folkestone. The Stade and Sunny Sands are key assets in Folkestone's history, character and appeal. During the holiday season, hundreds of people daily - including many families - walk down The Stade to spend time on Sunny Sands beach. We hope and anticipate that the Council has incorporated a vision for this area within its overall thinking.

The Stade already has two public houses, which are very popular - the overspill of drinkers into the street dominates the atmosphere along much of this stretch. Walking down The Stade on a sunny afternoon, let alone evening, is not always a pleasant experience.

The Sunny Sands Kiosk sits at the end of The Stade, right by Sunny Sands beach. As such it is a primary amenity for the beach - and its personality and offering will have an immediate knock-on effect on the atmosphere of the beach. It also has a direct impact on residents, such as ourselves, of neighbouring buildings.

There is already a significant degree of unsociable behaviour around the beach, especially in the evenings - often alcohol-related. Having an outlet serving alcohol right by the beach throughout the day and into the evenings will further exacerbate this problem.

The Stade does not need any more licensed premises, or alcoholic beverage take-away outlets. What is needed at this location is a thriving non-licensed cafe selling a full range of non-alcoholic beverages, beach snacks and beach items - operating with opening hours in line with daytime beach utilisation (as seems currently the case). This is a prime location and such a business should be highly viable.

With thanks for your consideration.

Yours faithfully

Vanessa Stone and Cedric Bucher

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Corporate Post Room

30 MAY 2017

25 May 2017

The Licensing Manager
Civic Centre, Castle Hill Avenue
Folkestone Kent, CT20 2QY

Dear Sir or Madam

Licence application Sunny Sands Kiosk, The Stade, Folkestone Harbour

We wish to object to this application.

It will seriously add to the general nuisance in an Alcohol Controlled Area.

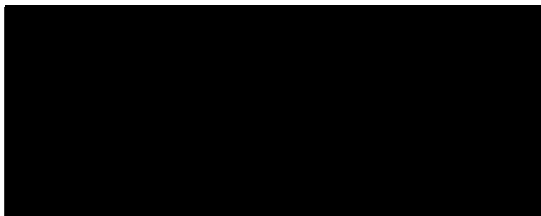
Customers purchasing alcohol will spill out from the kiosk, which is a narrow thoroughfare leading to the beach. It is frequently extremely busy, with families visiting the Harbour Beach as well as Sunny Sands Beach.

It will add to the serious litter problem, particularly at busy times and especially at high tide.

This is an area where the family nature of the beach should be respected. The kiosk is a pleasant family establishment, but an alcohol licence would change its character, causing serious problems in the immediate area. We imagine that most of those buying alcohol would be doing so to drink outside the kiosk.

To understand the likely impact we would suggest that the Licensing Manager visits the area on a busy summer weekend.

Yours sincerely



Paul and Margaret Tipping

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Shepway District Council

**Licensing Sub-Committee
4 July 2017**

Declarations of Lobbying

Members of the Licensing Sub-Committee are asked to indicate if they have been lobbied, and if so, how they have been (i.e., letter, telephone call, etc.) in respect of the applications below:

Application No.

Type of lobbying

.....
.....
.....
.....
.....
.....
.....
.....
.....

SIGNED:

When completed, please return this form to the Committee Administrator at the meeting.

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