



Licensing Sub-Committee

Held at:	Council Chamber - Civic Centre Folkestone
Date	Wednesday, 8 November 2017
Present	Councillors Len Laws, Philip Martin and Russell Tillson
Apologies for Absence	
Officers Present:	Arthur Atkins (Environmental Health and Licensing Manager), Kate Clark (Committee Services Officer), David Kelly (Legal Services Manager), Wai Tse (Environmental Protection Officer) and Briony Williamson (Licensing Officer)
Others Present:	Mr Jonathan Smith, Poppleston Allen Solicitors, Mr Jon Flack and Mr Mark Maxwell, Park Holidays UK Ltd, Ms Katie Ocean, DPS at The Neptune and Mr Ricky Turner, Manager New Beach Holiday Park

28. **Appointment of Chairman**

Councillor Russell Tillson was appointed Chairman of this meeting.

29. **Declarations of interest**

There were no declarations of interest.

30. **Declarations of lobbying**

Members completed and signed the lobbying form.

31. **An application for a variation of a premises licence in respect of The Neptune Public House and Hotel, 127 Hythe Road, Dymchurch, TN29 0TS**

Report DCL/17/18 sets out the facts for the Licensing Committee to consider the Licensing Authority acting in a role previously taken by the Magistrates Court. It is, therefore, not appropriate for officers to make additional comments other than in the capacity as a Responsible Authority under the legislation of the Licensing Act 2003. Therefore there are no comments from Legal, Finance or other officers included in this report.

Jonathan Smith, Poppleston Allen, solicitors to the applicant (Park Holidays UK Ltd) stated that an amendment had been made to this premise variation application, as follows;

- CCTV conditions as requested by the Police are agreed.
- Extend the sale of alcohol only to 0300 Monday to Saturday and Sunday 0200.
- Recorded and live music to cease at 0000 Monday to Sunday.
- These amendments to be in place until 31 March 2018.
- From 1 April 2018 extend sale of alcohol only to 0100 Monday to Saturday and Sunday 0000. Recorded and live music to cease at 0000 Monday to Sunday.

Mr Smith advised that the reason for this application is due to the New Beach Holiday Park's 'show bar' being demolished and redeveloped. The 'show bar' is due to reopen on 1 April 2018.

Mr Arthur Atkins, Environmental Health and Licensing Manager presented the report to the members. He advised members that conditions had been provided by Environmental Protection and were circulated however, as there had been an amendment to this premise variation application, the conditions would also need amending, which are detailed in the Resolution below.

Mr Atkins also said that there had been numerous representations with regard to this application, although Mr Wai Tse, Environmental Protection Officer confirmed that no noise complaints had been received.

Mr Smith spoke on the application. He advised members that since the ownership of The Neptune had been passed to Park Holidays UK Ltd there had been major investment in the premises and park. As the 'show bar' and reception area are at present being redeveloped there are no facilities for patrons to enjoy. In this respect Park Holidays UK Ltd are seeking this variation.

Mr Smith was aware that the representations received were generally about noise and he reminded members that the residents are in a position to call in this licence at any time.

Mr Jon Flack, Parking Holidays UK Ltd, spoke on the application. He was keen to point out to members that Park Holidays UK Ltd is a long, well established family holiday centre which has invested heavily in the area. He also said that New Beach Holiday Park is legally obliged to close for two weeks every February.

Mr Flack advised that the Designated Premise Supervisor is solely for The Neptune who lives on the premises with a young family. With regard to security SIA trained staff are employed by Park Holidays Ltd and are available every day throughout the year.

Members asked further questions regarding noise, bar capacity, dispersal policy and frequency of live music.

Mrs Rebecca Knight, local resident, spoke against the application. Her concerns included:

- Noise from shouting, swearing, slamming car doors
- Uncleanliness, empty glasses, discarded cigarette butts (lit and unlit).
- Turnover of staff at Park Holidays UK Ltd
- Excessive lighting
- Early morning meetings of fishermen at the premises causing a noise nuisance in the car park.

Mr Marc Hickson, local resident, spoke against the application. He raised similar concerns and suggested that SIA staff should be on duty in the car park at closing times.

Mr Peter Battley, local resident, advised members that the 'show bar' was specifically designed as a late evening and music venue which was located away from residential properties. The Neptune is near residential properties and this should be taken into consideration.

Members suggested that to develop and maintain a good relationship with residents that Park Holidays UK Ltd host quarterly meetings on site and invite residents to attend. Park Holidays UK Ltd agreed to this suggestion. They also agreed to stop the fishermen's early morning gatherings which would alleviate the noise nuisance at this time of the day.

The applicant, their legal representative and local residents were asked for any further comments before the sub-committee retired to consider the application.

Following consideration of the application the Sub-Committee unanimously **RESOLVED** as follows:

- 1. To note the contents of Report DCL/17/18.**
- 2. To grant an amended variation premise licence to extend the sale of alcohol Monday to Sunday 0900 to 0200 the following morning.**
This decision is based on the licensing objectives:
 - **The prevention of crime and disorder**
 - **The prevention of public nuisance**

Subject to the following conditions:

- 1. As from 1 April 2018 a change to the opening hours to take effect Monday to Saturday 0900 to 0100 the following morning, Sunday 0900 to 0000.**
- 2. Live and recorded music from 2000 to 0000 Monday to Sunday.**
- 3. Appropriate and easily identifiable SIA staff must be in attendance for live performances including DJ music and until closing. They**

should also be in charge of keeping the noise from your patrons located within any designated smoking area to a minimum.

- 4. Signs must be placed up at entrances and exits to remind your patrons to respect the neighbours and leave the site quietly.**
- 5. Similar signs reminding your patrons to respect the neighbours and keep noise down to a minimum must be put up within any designated smoking area.**
- 6. CCTV operational during the hours of trading in accordance with the police recommendations.**
- 7. No movement of bottles into outside bins after 2300**
- 8. No drinks to be taken outside after 2300.**
- 9. A contact name and number must be available to patrons and residents during trading hours.**