



Agenda

Meeting: **Licensing Sub-Committee**
Date: **8 November 2017**
Time: **2.00 pm**
Place: **Council Chamber - Civic Centre Folkestone**

To: **To all members of the Licensing Sub Committee – Councillors
Len Laws, Russell Tillson and Philip Martin.**

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. **Appointment of Chairman**

The Committee must appoint a Chairman for this meeting.

2. **Apologies of absence**

3. **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

4. **Declarations of lobbying**

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

5. **An application for a variation of a premises licence in respect of The**

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

Neptune Public House and Hotel, 127 Hythe Road, Dymchurch, TN29 0TS (Pages 3 - 40)

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

*Explanations as to different levels of interest

(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 31 October 2017

Report Number **DCL/17/18**

To: Licensing Sub-Committee
Date: 8 November 2017
Status: Non-Executive Decision
Head of Service: Ben Geering

SUBJECT: AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF THE NEPTUNE PUBLIC HOUSE AND HOTEL, 127 HYTHE ROAD, DYMCHURCH, TN29 0TS

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

REASONS FOR DETERMINATION:

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

DETERMINATION:

The Licensing Sub-Committee is asked to:

1. Note the contents of Report DCL/17/18
2. Determine the application. The options for determining the application are set out in section 5 below.

1. BACKGROUND

- 1.1 The Licensing Act 2003 provides that the sale or supply of alcohol on and off the premise and other licensable activities must be authorised by a premise licence.
- 1.2 The premises does have a current premises licence.
- 1.3 A copy of the application is enclosed as Appendix 1.
- 1.4 The premises are situated at 127 Hythe Road Dymchurch. It is set back from the A259 with a car park at the front and predominantly privately owned residential accommodation to the west. To the east and rear are holiday caravans and chalets belonging to the licence holder operating as “New Beach.”
- 1.5 Current licence details (where appropriate) are enclosed in Appendix 3.

2. APPLICATION

- 2.1 An application has been made for a Variation of a Premises Licence by the licence holder Park Holidays UK Ltd
- 2.2 The application is in relation to The Neptune Public House and Hotel, 127 Hythe Road, Dymchurch.
- 2.3 The application is for to extend the sale of alcohol, recorded and live music Monday to Saturday 0900 to 0300 the following morning, Sunday 0900 to 0200 the following morning; late night refreshment Monday to Saturday 2300 to 0300 the following morning, Sunday 2300 to 0200 the following morning; opening hours to be extended Monday to Saturday 0900 to 0330 the following morning, Sunday 0900 to 0230 the following morning. Also to add non-standard timings for British Summertime and New Years as per the application.
- 2.4 The applicant is mindful of their responsibilities and has received copies of the objections (see Appendix 2). The applicant has not indicated that they will be making any additional steps to promote the 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
- 3.2 The Shepway DC Licensing Policy is available at:
http://www.shepway.gov.uk/media/4022/Licensing-Policy-Statement-2016-2021/pdf/Shepway_District_Council_-_Licensing_Policy_Statement_2016-2021.pdf

- 3.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available at:
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

4. RELEVANT REPRESENTATIONS

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

Responsible Authority	Comments
Kent Police	No objection
Environmental Health (Pollution)	Objections
Environmental Health (Health & Safety)	No objections
Kent Fire and Rescue	No objection
Planning	No objection
Child Protection Agency	No objection

- 4.2 Sixteen 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:
- Grant the Licence variation as requested.
 - Grant the Licence variation but add conditions and/or amend timings.
 - Reject whole or part of the application.
- 5.2 The Committee is asked to note that it may not add conditions or reject the whole or part of the application merely because it considers it desirable to do so. The committee must only consider evidence that relates to the 4 licensing objectives. Any conditions must promote the licensing objectives.

6. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

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

Arthur Atkins, Environmental Health and Licensing Manager
Telephone: 01303 853242
Email: arthur.atkins@shepway.gov.uk

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

Appendices:

Appendix 1. Application

Appendix 2 Relevant Representations

Appendix 3 Current licensing hours and conditions.

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Appendix 1

The Neptune Premise Variation application

Shepway District Council

Application to vary a premises licence 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.

We Park Holidays UK Ltd

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number SHEP00225/05
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description The Neptune Public House and Hotel 127 Hythe Road			
Post town	Romney Marsh	Post code	TN29 0TS

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£38,000.00

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current residential address if different from premises address	Glovers House Glovers End		
Post Town	Bexhill-On-Sea	Postcode	TN39 5ES

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not, from what date do you want the variation to take effect?

Day	Month	Year

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Appendix 1

The Neptune Premise Variation application

Please describe briefly the nature of the proposed variation (Please read guidance note 2)

To extend the sale of alcohol, recorded music and live music Monday to Saturday 0900 to 0300 the following morning; Sunday 0900 to 0200 the following morning; late night refreshment Monday to Saturday 2300 to 0300 the following morning; Sunday 2300 to 0200 the following morning; opening hours to be extended Monday to Saturday 0900 to 0330 the following morning; Sunday 0900 to 0230 the following morning. Also to add non-standard timings for British Summertime and New Year's Eve as per the application.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please read guidance note 3)

Please tick all that apply

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

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

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

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The Neptune Premise Variation application

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
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 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
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 7)		
Sat					
Sun					

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C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)	
Day	Start	Finish		
Mon				
Tue				State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed				
Thur				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 (please read guidance note 7)
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 5)	
Thur				
Fri			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)	
Sat				
Sun				

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E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	09:00	03:00	Please give further details here (please read guidance note 5)	Both	<input type="checkbox"/>
Tue	09:00	03:00		Amplified and unamplified music by bands and soloists	
Wed	09:00	03:00		State any seasonal variations for the performance of live music (please read guidance note 6)	
Thur	09:00	03:00			
Fri	09:00	03:00		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 7)	
Sat	09:00	03:00		An additional hour to the standard and on-standard timings on the day when British Summertime commences.	
Sun	09:00	02:00		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	09:00	03:00	Please give further details here (please read guidance note 5)	Both	<input type="checkbox"/>
Tue	09:00	03:00		Amplified and unamplified music through an in house music system	
Wed	09:00	03:00		State any seasonal variations for the playing of recorded music (please read guidance note 6)	
Thur	09:00	03:00			
Fri	09:00	03:00		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 7)	
Sat	09:00	03:00		An additional hour to the standard and on-standard timings on the day when British Summertime commences.	
Sun	09:00	02:00		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

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G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur					
Fri			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 (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)		Indoors <input type="checkbox"/>
Mon					Outdoors <input type="checkbox"/>
Tue					Both <input type="checkbox"/>
Wed			Please give further details here (please read guidance note 5)		
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Fri					
Sat			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 (please read guidance note 7)		
Sun					

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I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish		
Mon	23:00	03:00	Please give further details here (please read guidance note 5)	
Tue	23:00	03:00	Hot food and drink provided from several areas throughout the premises.	
Wed	23:00	03:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)	
Thur	23:00	03:00		
Fri	23:00	03:00	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 (please read guidance note 7)	
Sat	23:00	03:00	An additional hour to the standard and on-standard timings on the day when British Summertime commences.	
Sun	23:00	02:00	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 9)	On the premises <input type="checkbox"/>
				Off the premises <input type="checkbox"/>
				Both <input checked="" type="checkbox"/>
Day	Start	Finish		
Mon	09:00	03:00	State any seasonal variations for the supply of alcohol (please read guidance note 6)	
Tue	09:00	03:00		
Wed	09:00	03:00		
Thur	09:00	03:00	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 7)	
Fri	09:00	03:00	An additional hour to the standard and on-standard timings on the day when British Summertime commences.	
Sat	09:00	03:00		
Sun	09:00	02:00	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

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 8)
NONE

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L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	09:00	03:30	
Tue	09:00	03:30	
Wed	09:00	03:30	
Thur	09:00	03:30	
Fri	09:00	03:30	
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 7)			
Sat	09:00	03:30	An additional hour to the standard and on-standard timings on the day when British Summertime commences.
Sun	09:00	02:30	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking
NONE

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)

Bearing in mind the nature of this variation and those conditions attached to the premises, nothing further is required.

b) The prevention of crime and disorder

See box a) above.

c) Public safety

See box a) above.

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d) The prevention of public nuisance

See box a) above.

e) The protection of children from harm

See box a) above.

Please tick yes

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	22 September 2017
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

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The Neptune Premise Variation application

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15) Angela Gardner Poppleston Allen Solicitors 37 Stoney Street The Lace Market			
Post town	Nottingham	Post code	NG1 1LS
Telephone number (if any)	0115 9349 157		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) a.gardner@popall.co.uk			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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.
3. 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

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- 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.
4. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
 5. For example 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.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. 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.
 9. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
 10. 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.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

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The Neptune Premise Variation application

14. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

Appendix 1

The Neptune Premise Variation application

Premises Licence

Part A

Premises Licence Number: SHEP00225/05

Folkestone

Hythe & Romney Marsh
Shepway District Council



Part 1 – Premise Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

The Neptune
127 Hythe Road
Dymchurch
Romney Marsh
Kent TN29 0TS

Telephone: 01303 875410

WHERE THE LICENCE IS TIME LIMITED THE DATES
START DATE: 24/11/2005

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Alcohol Sales On & Off Sales
Late Night Refreshment
Live Music
Recorded Music
Making music
Provision of Facilities for Dancing

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

	Alcohol Sales On & Off Sales/Late Night Refreshment	Live Music	Recorded Music
Monday	11:00 00:00		11:00 00:00
Tuesday	11:00 00:00		11:00 00:00
Wednesday	11:00 00:00		11:00 00:00
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Sunday	11:00 00:00	20:00 00:00	11:00 00:00

THE OPENING HOURS OF THE PREMISES (IF GIVEN)

Monday	11:00 to 00:30
Tuesday	11:00 to 00:30
Wednesday	11:00 to 00:30
Thursday	11:00 to 00:30
Friday	11:00 to 00:30
Saturday	11:00 to 00:30
Sunday	11:00 to 00:30

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

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Appendix 2.

I wish to object to proposal to extend the opening hours at the Neptune because of noise disturbances and poor behaviour resulting from increased alcohol consumption. Locally we already see vandalism of bus stop and phone box already. Noise will arise both from the pub's activities and from people coming and going.

Increased alcohol consumption puts increased risks on the road that already sees a number of accidents and there's the nearby beach and seawall which need to be treated with care and respect something people who have been drinking cannot be relied upon to do.

I consider this license application presents increased nuisance to the community and increased risks on the road and the sea so increasing pressure on emergency services.

I strongly object to the extension application submitted for the Neptune public house adjacent New beach holiday park, As the police will confirm We do not have sufficient police coverage in the area now without the extra cover which this will undoubtedly require, We have used a number of these type of holiday parks across the country and a police presence is the norm where late night drinking is allowed. It will also attract undesirables from outside the area taking the advantage to supply drugs etc.

Sent from my iPhone

To who it may concern.

I've heard that the above mentioned establishment has applied for late night licensing until 3am Monday thru Saturday

Whilst I wouldn't be directly affected, I think we should support the community and the residents who live within it.

The potential for late night noise is I'm sure a concern for those living nearby, whilst assurances may be given on this, one would hope that these are adequately scrutinised and that the concerns of council tax paying residents are listened to and acted upon.

Sincerely

I would like to object to the proposed license extension for the Neptune Pub at New Beach Holiday Park. The park is already disruptive to neighbouring property's without disturbing families past midnight on a daily basis. There is far too much housing within a close area to the pub and this extension is completely unfair for those living around the site, and entirely unnecessary.

I wish to very strongly object to the proposed extension of The Neptune Licensing hours. It would be detrimental to the wellbeing of nearby residents and those resident on the Neptune site who already suffer from noise pollution from the The Neptune. The proposed hours are totally unsociable, unreasonable and unnecessary.

I would like to object to the Neptune licence being extended to 2-3am. We live on Marine Avenue and the noise through the summer is already enough without it going later.

If we have our windows open not only do we hear the music but we also here people screaming and shouting as they leave the premises.

Having that until 2-3 am is unacceptable.

Regards,

Dear Sirs,

I am the owner of *** Hythe Road.

This email is to object to New Beach Application of extended licence hours for Neptune Pub at 127 Hythe Road.

Currently the hours are not being abided by and customers are still being served past time.

This causes mayhem with bedtime for my children as drunk customers loiter around afterwards shouting and being disorderly.

For example last night Saturday 7th October. Music still being played loudly way past midnight.

If the hours were to be extended this would not be tolerable.

Please can this email be acknowledged by reply.

Kind regards,

to it may concern

my property is less than 400 hundred yards from Neptune holiday camp as the crow flies my wife and I are a against the licence as it is too close with cars and noise music at 0900 to 0300 hrs Monday to Saturday
Sunday 2300 to 0200 hrs

Dear Sirs,

I am registering my objection to the extending premises opening hours as detailed in the change of licensing application put forward by the owners and management of The Neptune Public House. I live in Marine Avenue.

As I understand it, they wish to extend the hours that they are permitted to sell alcohol, sell food and have music so it will be near enough all day every day.

There are several reasons for my objections to these proposed extended opening hours:

1) the noise levels, from both music and patrons, every night until the small hours will become intolerable very quickly, particularly during the summer and will be an unrelenting intrusion for people residing close by and who have to go to work early most days of the week. Are we expected to keep windows shut to keep the noise in the height of summer in order to get a decent night's sleep? Not only that, but there will no doubt be the noise of patrons leaving in the small hours and after a skin full of alcohol, they will not be leaving as quietly as church mice at that time. Having lived next door to the Kings Head in Hythe, kicking out time at 11pm was bad enough each evening, but to have the process at 3.30am 6 nights a week shows no consideration for the those living nearby.

2) Late night opening encourages more binge drinking, not less. There has been vandalism already of bus shelters and telephone box, and those living close by have reported being on the receiving end of drunken behaviour. There are 2 further considerations with regard to safety - the likelihood of increased work for the already overstretched emergency services and the likelihood of some taking their chances by going into the sea. Again, if they get into difficulties, it will impinge on stretched resources.

3) Public transport will not be running at that time, so those attending will more than likely be driving, therefore there is the real possibility of those leaving being over the limit when leaving the venue. The A 259 is notorious for having accidents on the double bend just before the shooting ranges going towards Hythe, and it is not unknown for drivers to think the speed limit is well over 40mph and overtake recklessly as it is. The late opening will probably, albeit, indirectly encourage drink driving because of the lack of public transport and exorbitant costs of taxis after midnight. There will those that will drive recklessly because they will want to get home and there will be more accidents on this stretch of the A259 as a result. Aside from the disruption that causes to others driving to and from Hythe and Dymchurch, and beyond, it impacts on emergency services, either because they are attending, or because they are unable to get to other emergencies in the district.

Therefore, in conclusion, I do not think the opening hours should not be increased at all for the reasons cited above. Furthermore, the lack of consultation by the management of the Neptune show the lack of consideration they have for the local residents, and it therefore clear that they are putting profit before the needs of the community to live in area that is safe throughout the year.

Yours faithfully,

I am writing to object to the above opening hours extension to 2/3am.

I live very close to the Neptune and I feel that this will increase the traffic on a very busy, dangerous road. There will also be the noise in the early hours from people leaving the pub and increase in vandalism.

It is already a very busy road especially in the summer months, and when people find out it is open until later this will get worse.

Yours concerned

Neighbour.

Dear Sir/ Madam,

I refer to the application for variation of the licences held by The Neptune Public House & Hotel situated at 127 Hythe Road, Dymchurch TN29 0TS.

I reside close to these premises and my grounds for objection to the variation are that unacceptable noise and disturbance to the peaceful enjoyment of my home would result.

Message - The Neptune Inn Dymchurch has applied for an extended license for live music up to 3am 6 days a week. Whenever they have late night music it is so loud that it keeps my wife awake as she can discern not only the music but the words as well. In addition the people leaving seem to scream and shout a lot. We have lived at ** ***** ***** for approximately 30 years and whereas the odd weekend in summer until midnight is unpleasant, the present application appears to be a carte blanche to convert a residential area into a nightmare, I do not understand how an application to downgrade the entire area can be countenanced, or is it a ploy to obtain less by asking for more? My wife's health is not perfect and in the event that the application is granted, we consider it would be detrimentally affected such health. We are both very upset about the extent and scope of the application and hope that you will reject it Yours sincerely 22nd October 2017
01303 *****

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



18 OCT 2017

16th October 2017

Dear Sirs

Ref: Application to vary a Premises Licence - The Neptune Public House and Hotel, 127 Hythe Road, Romney Marsh, TN29 0TS

I am in the process of moving to a property in Marine Avenue which is in the vicinity of the above licensed premises and I wish to object to this application on the basis that it will not promote the licensing objectives, particularly promoting public safety, and the prevention of crime and disorder and public nuisance.

The Neptune Public House is situated in a relatively isolated area. It is not within easy walking distance of the main urban areas of Hythe and Dymchurch and there is no public transport available late at night. This will mean that patrons attending the premises during the extended hours will need to rely on taxis or use private vehicles for transport, thereby causing additional traffic noise and increasing the risk of alcohol related road traffic accidents.

The extended licensing hours will encourage increased consumption of alcohol and therefore increase the risk of alcohol related violence and antisocial behaviour. In addition to the above the proposed live and recorded music until 03.00 hours will cause residents in the area to suffer unnecessary noise nuisance late at night.

In view of the above, I would urge the Licensing Authority to refuse the application.

Yours faithfully,



Corporate Post Room

19 OCT 2017



17th October 2017

Licensing Department
Shepway District Council
Civic Centre
Castle Hill Avenue
Folkestone
Kent
CT20 2QY

**Re Variation of Premises Licence The Neptune Public House 127
Hythe Road, Dymchurch**

Dear Sir/Madam

We object to this proposal due to this being a residential area. This would have a detrimental impact on all residents in this area. We have the right to get a decent nights sleep in order to be able to go about our daily lives with having adequate sleep so we are able to perform properly in our employment and to remain healthy.

During the summer months like everyone else we have our windows open at night due to the heat and we are able to hear the noise from the club house at New Beach holiday park on some occasions, which is a little further away from us than the Neptune is. To have to put up with this kind of noise till 0200 hours - 0300 hours of every day, or even on some occasions is ridiculous.

Yours Faithfully



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Dear Sirs,

We have read the notice placed on the lamp post outside our property at 121-122 Hythe Road, Dymchurch, TN29 0TS and are writing to make known our objection to the proposed extension of the licence at the Neptune premises for the sale of alcohol, food, recorded and live music.

The notice states that the licensee is seeking to extend opening hours by 30 minutes, closing at 03:30 instead of 03:00 Monday to Saturday, and 02:30 instead of 02:00 on Sundays, however, having checked the details of the licence history on Shepway's website, it would appear that the current licence for alcohol sales and recorded music only covers the hours of 11:00 to 00:00.

Over the past 30 years that we have lived at this address, the Neptune has held very occasional events involving live music and although this does cause a disturbance to immediate neighbours, it has been only very occasional.

The prospect of a permanent licence for alcohol sales and live music all year round until 03:30 is completely unthinkable since it will have a detrimental effect on our ability to sleep as we have to go to work in the mornings. Furthermore, we occasionally have drunk holiday makers wandering up our drive or even entering our garden and cannot imagine this happening in the early hours of the morning as the licence extension implies.

We understand that The Neptune is now owned by a multi-million pound company who runs other caravan parks in the country, however, this one is far too close to private properties to permit this type of activity without causing huge disturbance and distress to its occupants such as us who have been living here for many years in peace. It would be a different thing if the park owners were to request such a licence for a club house in the centre of its own site where only their own patrons would be affected by drunk holiday makers and loud live music until early morning.

Unfortunately, as things are, The Neptune is adjacent to private properties with no buffer against the loud noise of live music and revellers. Furthermore, this would have a detrimental effect on the value of these properties, should any of us wish to sell up to remove ourselves from the potential problems brought by longer licence hours and activities.

We therefore object most strongly to the variation of this licence as requested by the licensee.

Yours faithfully,

The Neptune Public House and Hotel – 127 Hythe Road.

Environmental Health objects to the granting of this application on the grounds of prevention of public nuisance.

Reasons: Due to the proximity of residential properties and the proposed longer opening hours to include live and recorded music, which are Monday – Saturday to 03:00hrs and Sundays to 02:00hrs, there is high risks of a public nuisance to occur.

Should the license be granted Environmental Health would recommend the following conditions:

- Opening hours: Monday – Saturday: 01:00hrs
Sunday: 00:00hrs
- All doors and windows closed during live performances.
- Music must be periodically checked outside of the premises for possible noise disturbance to nearby residential properties. This must be carried out by a competent person, with the authorisation to lower the volume of the music, where required. A log book must be kept regarding these checks and be made available to the local authority inspection, if requested. Log book should contain the times the check was carried out, who carried out and any actions taken.
- Noise limiter is to be installed within 6 weeks of the granting of the license. The noise limiter must be set to a level agreed by the local authority.
- Appropriate SIA staff supervisor must be in attendance for live performances including DJ music. They should also be in charge of keeping the noise from your patrons located within the designated smoking area to a minimum.
- Signs must be placed up at entrances and exits to remind your patrons to respect the neighbours and leave the site quietly.
- Similar signs reminding your patrons to respect the neighbours and keep noise down to a minimum must be put up within the designated smoking area.
- CCTV operational during the hours of trading.
- No movement of bottles into outside bins after 23:00hrs
- External areas to be closed at 23.00hrs.
- No live or recorded music outside.

23 OCT 2017

20/10/17

Dear Sir,

*Re: Application to vary Premises Licence at The Neptune Public House,
Hythe Road, Romney Marsh.*

I am writing to express my objection to the request for an extension to the opening hours at the above public house.

As this is a residential area, I do not think it is appropriate to have the kind of entertainment planned continuing into the early hours, particularly during weekdays.

Moreover, I feel that further disturbance may be caused by customers leaving. The majority of these will have come by car and, since alcohol is on sale on the premises, there is some risk of drivers ignoring the Drink/Driving laws.

Trusting that you will bear these considerations in mind before granting the application,

Yours faithfully,

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Appendix 3

Premises Licence

Part A

Premises Licence Number: SHEP00225/05

Part 1 – Premise Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

The Neptune
127 Hythe Road
Dymchurch
Romney Marsh
Kent TN29 0TS Telephone: 01303 875410

WHERE THE LICENCE IS TIME LIMITED THE DATES

START DATE: 24/11/2005

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Alcohol Sales On & Off Sales
Late Night Refreshment
Live Music
Recorded Music
Making music
Provision of Facilities for Dancing

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

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WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

ON & OFF

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT)
OF HOLDER OF PREMISES LICENCE**

Park Holidays UK Limited
Glovers House
Glovers End
Bexhill
East Sussex
TN39 5ES

Telephone: 01424 234234

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER
(WHERE APPLICABLE)**

02423151

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR
WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Katie Ocean
The Neptune
127 Hythe Road
Dymchurch
Romney Marsh
TN29 0TS

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY
DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR
THE SUPPLY OF ALCOHOL**

WARWICK DISTRICT COUNCIL -

Personal Licence Number – WDCPER01094

Annex 1- Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that no supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

MANDATORY LICENSING CONDITIONS ORDER 2010

1.

1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3.

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5.

The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Annex 2 - Conditions Consistent with the Operating Schedule

occupancy/special conditions
Maximum Occupancy Figures
250 Persons

General - to meet all objectives

Prevention of Crime & Disorder Operating Schedule

Applicants and staff encourage sensible drinking and to respect others on and off the premises. Assistance given to local authorities where possible.

Public Safety Operating Schedule

CCTV installed and currently being upgraded.

Fire alarm, emergency lighting and fire extinguishers in place and regularly checked.

Prevention of public nuisance Operating Schedule

Car park is kept well lit.

Patrons encouraged to leave quietly and on time.

Also see Operating Schedule for Crime and Disorder.

Protection of children from harm Operating Schedule

Children's certificate for a specific area.

Children not allowed in the bar area.

CCTV in bar in order that children can be monitored by their parents.

Annex 3 - Conditions Attached after a Hearing by the Licensing Authority

N/A

Annex 4 - Plans

As at application date held on file

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Shepway District Council

**Licensing Sub-Committee
8 November 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
The Neptune Public House and Hotel 127 Hythe Road, Dymchurch

SIGNED:

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

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