

## Licensing Sub-Committee

Held at:	Council Chamber - Civic Centre Folkestone
Date	Wednesday, 24 April 2019
Present	Councillors Michael Lyons, Philip Martin and Roger Wilkins
Apologies for Absence	None
Officers Present:	Kate Clark (Committee Services Officer), Miss Isabelle Hills (Planning Trainee), Alexander Kalorkoti (Senior Planning Officer), David Kelly (Legal Services Manager), Wai Tse (Environmental Protection Officer) and Briony Williamson (Senior Licensing Officer)
Others Present:	Mr and Mrs Shorten (Applicants)

### 26. **Election of Chairman for the meeting**

Proposed by Councillor Philip Martin  
Seconded by Councillor Roger Wilkins

RESOLVED:

That Councillor Michael Lyons be elected as Chairman for the meeting of this Licensing Sub-Committee.

### 27. **Declarations of interest**

There were no declarations of interest at the meeting.

### 28. **Declarations of lobbying**

There were no declarations of lobbying. Lobbying forms signed and returned to Committee Services.

### 29. **An application for a variation of a premises licence in respect of Space Gallery, 7 Old High Street, Folkestone, CT20 1RJ**

Report DCL/18/40 set out the facts for the Licensing Committee to consider in determining a Variation for a Premise Licence in accordance with the Licensing Act 2003. The application was to extend the opening hours on Friday and

Saturday nights and to extend Recorded Music, Late Night Refreshment and Alcohol Sales (both on and off premise) on Friday and Saturday.

The Chairman introduced those present and explained the process to be followed at this committee.

Mrs Briony Williamson, Senior Licensing Officer, presented the Committee with an overview of the report. She advised that representations had been made by the District's Planning Department and Environmental Health Department, there had also been one representation received in support of the application.

Mr Shorten, the applicant, was invited to speak. He outlined his length of experience and commented that all previous conditions had been adhered to. He said that his customers were tending to come into the premises later, however the present closing times meant customers had to leave shortly thereafter. He went on to say that the town needs a night time economy which would mean a more sustainable business.

From using and running events through Temporary Event Notice applications (TENS) he had shown that a later service is needed.

Mr Wai Tse, on behalf of the Council's Environmental Health Department, made the following comments:

- Extending the opening hours on a Friday and Saturday would likely cause a public nuisance
- As the location is a mixed residential and commercial area, perhaps it would be more appropriate to use TENS as and when required. There is a limit of 15 TENS applications per year.

Miss Isabelle Hills, on behalf of the Council's Planning Department, read out the following statement:

The Planning Department objects to the proposed variation of the premises licence on the ground of the prevention of public nuisance. It is considered that the proposed opening hours under this application until 02.30am on Friday and Saturday nights would give rise to unacceptable public nuisance caused by customer arrival and departure and noise generated from the premises.

The planning department therefore ask for the premises licence to reflect the hours permitted within the 2017 planning application (reference Y17/0403/SH). (Details of the current permitted opening hours are shown in the agenda pack).

The Chairman then asked Mr Shorten, the applicant, if he had any further comments to make. He made the following points:

- TENS applications have been used successfully.
- The Police do not have any issues with the running of the business.
- CCTV has been purchased with a view to installing.
- Understands the need for SIA trained staff to be present after 10 pm.

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- The popularity of the Harbour Arm potentially affects the applicant's business and believes the extended opening hours would mean a more viable business.

Members noted the points below:

- Sort assurance that any public nuisance problems would be addressed although understood that there had only been one complaint received during the last six events.
- As per Planning recommendations dated 2017 sound proofing measures had been in place which was helping to prevent noise nuisance.
- The Planning team confirmed that planning permission would also be required to extend the opening hours, if the committee granted this application.
- The age group of the clientele ranges from 20 to 60 years with events tending to attract adults in the younger age group. Potentially this could lead to anti-social behaviour. Assurances were made that any problems would be dealt with by SIA trained officers and the applicant in the first instance.
- The committee were advised that correspondence had been received from three residents showing concerns, however not showing any real evidence. One letter of support had been received.

The Chairman then asked those present to sum up. All those present advised they had nothing further to say.

The Sub-Committee then adjourned to make a decision, in private. The legal officer and committee services officer accompanied them.

The Sub-Committee returned to the Chamber and the Chairman read out the decision of the Sub-Committee and were mindful of all four licensing objectives being met, namely:

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

The Sub-Committee agreed for the application to be granted to extend the opening hours on Friday and Saturday nights from 00:30 to 02:30 and to extend recorded music, late night refreshment and alcohol sales on and off the premises from 0:00 to 02:00 on Friday and Saturday.

An important point to note was that the license extension of hours should not be used until planning permission has been granted, however a Temporary Event Notice (TENS) could still be used for special events that are outside the current licence.

Finally, the Sub-Committee commented that the applicant was a responsible business owner, showing experience as a licence holder.

**RESOLVED:**

- 1. That report DCL/18/40 be received and noted.**
- 2. That the application be granted.**