

Minutes

Licensing Sub-Committee

Held at:	Council Chamber - Civic Centre Folkestone
Date	Monday, 25 November 2019
Present	Councillors Gary Fuller, Philip Martin and Ian Meyers
Officers Present:	Nicola Everden (Solicitor), Tim Hixon (Legal Specialist), Jack Pearce (Legal Trainee), Andrew Rush (Corporate Contracts Manager), Jemma West (Senior Committee Services Officer) and Briony Williamson (Senior Licensing Officer)
Others Present:	Mr Hamilton Boyd (Applicant) Mr O'Connor (interested party).

7. **Election of Chairman for the meeting**

Proposed by Councillor Meyers,
Seconded by Councillor Fuller; and

RESOLVED:

That Councillor P Martin be elected Chairman for the meeting.

(Voting figures: 3 for, 0 against, 0 abstentions).

8. **Declarations of interest**

There were no declarations of interest at the meeting.

9. **Declarations of lobbying**

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

10. **Hearing for an application for a new Premises Licence: Folklore, 69 The Old High Street, Folkestone, CT20 1RN**

Report DCL/19/20 outlined the application made by the People's Café, Folkestone Ltd, for a new Premises Licence in the Old High Street in Folkestone. Two representations had been received and therefore the Licensing Sub-Committee needed to determine the outcome for the application.

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

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 Council's Planning Department and a member of the public. She outlined the representation which had been submitted by the Planning department, which was included within the agenda pack.

Mr Hamilton Boyd, the applicant, was invited to speak. He made points including the following:

- The venue would be a free events space for the local community.
- It was a new business and he had been through a rigorous application process both with the landlord, and in terms of the EU generation grant application.
- The focus of the premises would be a relaxed, happy atmosphere high end cocktail bar. There would be no drinks deals or happy hour, no dancefloor, and no beer would be served.
- A resident's loyalty scheme would also be implemented, to attract local residents.
- Mr Hamilton Boyd had 22 years of experience in the licenced trade, 11 of which were as a personal license holder with experience of venues that had a capacity of 1,000 people.
- He was confident in his ability to meet the licensing objectives.
- There were three licensed premises in the vicinity of the Bail steps which could be contributing towards incidents of anti-social behaviour.
- Local taxi numbers would be on display in the premises, and customers would be allowed to wait inside the premises while waiting for their taxi to arrive.

The Chairman then invited Mr O'Connor, an interested party, to outline his representation. He made points including the following:

- His representation also reflected the views of neighbours and the residents association.
- To add to the existing premises would exacerbate the existing issues.
- In the period May 2018 to May 2019, there were 491 incidents of anti-social behaviour offences in the area. Although reported crime was now down, violent crime had increased and anti-social behaviour had not decreased at all.
- He was not objecting to the existence of the premises, but the late night hours were the biggest concern.
- The applicant had an opportunity to show an understanding of the market and the community, and he had failed in the latter.
- The stairway to another nearby venue regularly had to be hosed down, and other local shop keepers had experienced damage to their premises.

The Sub-Committee Members then asked questions of the applicant and interested party.

The interested party responded, and advised that there was evidence that the commercial aspect of drugs could find an audience in the area. There was also increased police activity, and evidence of exploitation of young people. There was evidence of drugs paraphernalia within a ten minute walk of the premises.

The applicant responded to questions of the Sub-Committee and made points including the following:

- An automatic closer would be fitted on the front door of the premises. None of the windows would be opened. There was an air circulation system within the premises. There was an outside seating area, with space for around 6-8 people. In the summer months it was hoped that the door to the outside seating area could be kept open, but if there was noise leakage, this would not be an option.
- Under 18's would not be allowed on the premises after 8pm, and the staff would check ID of those who look under 25. Blinds were installed on the windows so no films could be viewed from outside.
- A log would be kept of anyone who was asked to leave the premises.
- Thursdays would be performance nights, for comedy or open mic. Thursdays did tend to be quieter and more subdued so it was felt there was no need for a security guard.
- Sundays would be more background music rather than full blown live music. Any live music would likely be more daytime orientated.

At the Chairman's request, all present confirmed they were satisfied with the conduct of the hearing.

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 Legal Officer 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.

RESOLVED:

- 1. That report DCL/19/20 be received and noted.**
- 2. That the application be granted, but with reduced hours, as shown below:**

Films - Monday and Tuesday 17:00 – 23:00 and Sunday 17:00 – 22:00

Live Music – Thursday 18:00 – 22:00 and Sunday 13:00 – 22:00

Recorded Music - Monday, Tuesday and Wednesday 08:00 – 23:00,

Thursday 08:00 – 23:30, Friday and Saturday 08:00 – 00:00 and Sunday 08:00 – 22:00

Supply of Alcohol On and Off Sales - Monday, Tuesday and Wednesday 12:00 – 23:00, Thursday 12:00 – 23:00, Friday and Saturday 12:00 – 23:30 and Sunday 12:00 – 22:00

Opening Hours – Monday, Tuesday and Wednesday 08:00 – 23:30, Thursday 08:00 – 23:30, Friday and Saturday 08:00 – 00:00 and Sunday 09:00 – 22:30.

Folkestone and Hythe District Council

Licensing Sub-Committee
25 November 2019

Declarations of Lobbying

Members of the Licensing Sub-Committee are asked to indicate if they have been lobbied or not, and if so, how they have been (i.e., letter, telephone call, etc.) in respect of the applications below:

Application No.

N/A

Type of lobbying

.....N/A.....

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Councillor Fuller.

SIGNED:

[Handwritten signature]

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

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Application No.

NONE

Type of lobbying

N/A.

SIGNED:



cllr Meyers

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Application No.

Type of lobbying

None

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SIGNED:



Cllr P Martin.

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

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