

This report will be made public on 29 March 2017

Folkestone

Hythe & Romney Marsh
Shepway District Council



Report Number DCL/16/16

To: Licensing Sub-Committee
Date: 6 April 2017
Status: Non-Executive Decision
Head of service: Dr Sarah Robson

SUBJECT: APPLICATION TO VARY A PREMISE LICENCE AT CHURCHILLS, 2 TONTINE STREET, FOLKESTONE, KENT, CT20 1JP.

SUMMARY: Report DCL/16/16 sets out the facts for the Licensing Committee to consider in determining the variation of 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 councils own licensing policy.

DETERMINATION:

The Licensing Sub-Committee is asked to:

- 1. Note the contents of Report DCL/16/16.**
- 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 Variation of a Premise Licence by Mr Francis Elton of Girlings Solicitors, 16 Rose Lane, Canterbury, Kent, CT1 2UR.on behalf of the licence holder Mr Harry Thomas Chamberlain Hall, 1 Wellfield Road, Folkestone, Kent, CT20 2PJ.

2.2 The application is in relation to an existing Licensed Premises at Churchills, 2 Tontine Street, Folkestone, Kent, CT20 1JP.

2.3 A copy of the current licence is attached at Appendix 1.

2.4 The proposed variation is made with a view to varying the times for permitted licensable activities, and the addition of another licensable activity as follows

- To increase the permitted Opening Hours on a Friday and Saturday only from 10.00 - 01.00 to 10.00 - 03.00.
- To increase the permitted hours for Sale or Supply of Alcohol on and off the premise on a Friday and Saturday only from 10.00 - 00.00 to 10.00 - 02.00.
- To increase the permitted hours for Indoor Sporting on a Friday and Saturday only from 18.00 - 01.00 to 18.00 - 02.00.
- To increase the permitted hours for Other Similar Entertainment on a Friday and Saturday only from 11.00 - 00.00 to 11.00 - 02.00.
- To increase the permitted hours for Late Night Refreshment on a Friday and Saturday only from 23.00 - 00.00 to 23.00 - 03.00.
- To add the licensable activity of Recorded Music on a Friday and Saturday only from 18.00 - 02.00.

2.5 A copy of the application is attached at Appendix 2.

2.6 The applicant is mindful of his responsibilities and has received copies of the objections (see Appendix 3). Within the current licence he has detailed how he promotes the four licensing objectives. Any additional steps to meet these objectives following the grant of the variation are included in the application to vary the licence.

- Please see Appendices 1 and 2 of this report.

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 2.6 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	Objections.
Environmental Health (Pollution)	Objections

These objections can be found in Appendix 3.

4.2 No other letters of representation have been received from other interested parties by the Licensing Authority regarding the application.

5. OPTIONS

5.1 The licensing sub-committee has the following options:

- Grant the Variation to the licence as requested.
- Modify the conditions of the licence, by altering or omitting or adding to them.
- 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

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

Arthur Atkins, [Principal Environmental Health Officer](#) .
 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. Current licence

Appendix 2. Application for premise licence. variation

Appendix 3. Relevant Representations.