

This report will be made public on 10 July 2017

**Folkestone**

Hythe & Romney Marsh  
Shepway District Council



Report Number **DCL/17/07**

**To:** Licensing Sub-Committee  
**Date:** 18 July 2017  
**Status:** Non-Executive Decision  
**Head of service:** Dr Sarah Robson

**SUBJECT: APPLICATION FOR A VARIATION TO THE PREMISE LICENCE AT THE CINQUE PORTS ARMS, 1 HIGH STREET, NEW ROMNEY, KENT. TN28 8BU**

**SUMMARY:** This sets out the facts for the Licensing Committee to consider in determining a variation to 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/17/07.
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 to the Premise Licence by Mr Kevin Gibbons, the Designated Premise Supervisor, on behalf of the Licence Holders Mrs Sarah Gibbons and Mrs Sharon Epps.
- 2.2 The application is in relation to the Cinque Ports Arms, 1 High Street, New Romney.
- 2.3 This licence was granted in 2005 and was transferred to the current holders in 2016.
- 2.4 The application for variation of the premises licence is:-
- 2.4.1 To increase the capacity of the premises to 350 people
  - 2.4.2 To increase the floor space and the bar area
  - 2.4.3 For live music on Sundays and Bank Holidays.
- 2.5 A copy of the application is attached at Appendix 1.
- 2.6 A copy of the current licence is attached at Appendix 2.
- 2.7 The applicant is mindful of his responsibilities and has received copies of the objections (see Appendix 2). Within the licence application he has detailed how he promotes the four 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

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 2.5 above.

## **4. RELEVANT REPRESENTATIONS**

- 4.1 The comments received from the Responsible Authorities are set out in the table below:

<b>Responsible Authority</b>	<b>Comments</b>
Environmental Health (Commercial)	No objections
Kent Fire & Rescue Officer	The current exit capacity of the building would not support more than 180 people.
Child Protection Agency	No objections
Planning Officer	Objection.
Kent Police	No objections.
Environmental Health (Pollution)	Objection
Trading Standards	No objection
Public Health	No objection

4.2 Representations have also been received from other interested parties by the Licensing Authority regarding the application.

4.3 The representations can be viewed in Appendix 3.

## **5. OPTIONS**

5.1 The licensing sub-committee has the following options:

- a) Grant the licence as requested.
- b) Modify the licence, by adding conditions.
- c) 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**

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](mailto:arthur.atkins@shepway.gov.uk)

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

### **Appendices:**

Appendix 1. Application for premise licence variation

Appendix 2. Current premise licence  
Appendix 3. Relevant Representations