

This report will be made public on 11 October 2017

**Folkestone**

Hythe & Romney Marsh  
Shepway District Council



Report Number **DCL/17/15**

**To:** Licensing Sub-Committee  
**Date:** 19 October 2017  
**Status:** Non-Executive Decision  
**Head of service:** Ben Geering

**SUBJECT:** APPLICATION FOR A NEW PREMISE LICENCE AT SANDGATE VAULTS, 35-37 SANDGATE HIGH STREET, SANDGATE, FOLKESTONE, KENT CT20 3AH.

**SUMMARY:** Report DCL/17/15 sets out the facts for the Licensing Sub-Committee to consider in determining a premise licence application. 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/17/15**
- 2. Determine the application.**
- 3. 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 Licensing Act 2003 Premise licence..

## 2. APPLICATION

- 2.1 An application has been made under the Licensing Act 2003 for a Premise Licence by David Scobie and Alan Neaves.
- 3.2 The application is in relation to 35-37 Sandgate High Street, Sandgate CT20 3AH for a restaurant and bar. The application is for live music between 20.00 and 23.00 Wednesday, Thursday and Friday, 14.00 and 23.00 on Saturday and 14.00 and 20.00 on a Sunday, recorded music daily between 11.00 and 23.00 and the sale of alcohol on and off the premises between the hours of 11.00am and 23.00pm Monday to Sunday.
- 2.4 A copy of the application is attached at Appendix 1.
- 2.5 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:

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	No objection.
Environmental Health (Pollution)	No objections but recommends a list of conditions should the application be approved.

- 4.2 Six 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:
- 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
  - Appendix 2. Relevant Representations
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