

This report will be made public on 31 October 2017

Report Number **DCL/17/18**

To: Licensing Sub-Committee
Date: 8 November 2017
Status: Non-Executive Decision
Head of Service: Ben Geering

SUBJECT: AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF THE NEPTUNE PUBLIC HOUSE AND HOTEL, 127 HYTHE ROAD, DYMCHURCH, TN29 0TS

SUMMARY: This sets out the facts for the Licensing Committee to consider in determining a variation of premise licence. The licensing committee is the Licensing Authority acting in a role previously 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/17/18
2. Determine the application. The options for determining the application are set out in section 5 below.

1. BACKGROUND

- 1.1 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.
- 1.2 The premises does have a current premises licence.
- 1.3 A copy of the application is enclosed as Appendix 1.
- 1.4 The premises are situated at 127 Hythe Road Dymchurch. It is set back from the A259 with a car park at the front and predominantly privately owned residential accommodation to the west. To the east and rear are holiday caravans and chalets belonging to the licence holder operating as “New Beach.”
- 1.5 Current licence details (where appropriate) are enclosed in Appendix 3.

2. APPLICATION

- 2.1 An application has been made for a Variation of a Premises Licence by the licence holder Park Holidays UK Ltd
- 2.2 The application is in relation to The Neptune Public House and Hotel, 127 Hythe Road, Dymchurch.
- 2.3 The application is for to extend the sale of alcohol, recorded and live music Monday to Saturday 0900 to 0300 the following morning, Sunday 0900 to 0200 the following morning; late night refreshment Monday to Saturday 2300 to 0300 the following morning, Sunday 2300 to 0200 the following morning; opening hours to be extended Monday to Saturday 0900 to 0330 the following morning, Sunday 0900 to 0230 the following morning. Also to add non-standard timings for British Summertime and New Years as per the application.
- 2.4 The applicant is mindful of their responsibilities and has received copies of the objections (see Appendix 2). The applicant has not indicated that they will be making any additional steps to promote the 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
- 3.2 The Shepway DC Licensing Policy is available at:
http://www.shepway.gov.uk/media/4022/Licensing-Policy-Statement-2016-2021/pdf/Shepway_District_Council_-_Licensing_Policy_Statement_2016-2021.pdf

- 3.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available at:
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

4. RELEVANT REPRESENTATIONS

- 4.1 This hearing has been required by the Licensing Act 2003 because representation has been made by:

Responsible Authority	Comments
Kent Police	No objection
Environmental Health (Pollution)	Objections
Environmental Health (Health & Safety)	No objections
Kent Fire and Rescue	No objection
Planning	No objection
Child Protection Agency	No objection

- 4.2 Sixteen 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:
- Grant the Licence variation as requested.
 - Grant the Licence variation but add conditions and/or amend timings.
 - Reject whole or part of the application.
- 5.2 The Committee is asked to note that it may not add conditions or reject the whole or part of the application merely because it considers it desirable to do so. The committee must only consider evidence that relates to the 4 licensing objectives. Any conditions must 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

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

Appendices:

Appendix 1. Application

Appendix 2 Relevant Representations

Appendix 3 Current licensing hours and conditions.

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