

Planning
Folkestone & Hythe District Council

4 May 2018

Good afternoon,

Following recent consultation regarding the above address, the Planning Department wishes to **object** to the proposed premises licence.

Licensing objectives state that the Council must take into account the prevention of public nuisance when considering licensing applications.

There is currently a planning application pending consideration (reference Y18/0474/SH) for the change of use of the premises from retail (Class A1) to drinking establishment (Class A4) with the current determination date being 05.06.2018. This application proposes that opening hours would be until 23.00pm.

It is considered that the proposed opening hours until 01.00am on a Friday and Saturday would not be acceptable. Surrounding drinking establishments open no later than 23.30 and as such it is considered that opening until 01.00am would give rise to public nuisance caused by customer arrival and departure and noise generated from the premises.

As such it is considered that the premises should stay open no later than 23.30 so as to prevent potential public nuisance late opening could cause.

Kind regards

Issy Hills

From: DickPascoe
Sent: 05 May 2018 15:25

I wish to oppose the granting of extended hours to the Bacchus bar in Church Street.

My grounds are that this is likely to cause disturbance to neighbours by noise.

This Bar is within a residential area that continually suffers from late night noise and disturbance.

This disturbance takes many forms including shouting, arguments and loud discussions as patrons

leave this bar to smoke various substances outside.

The churchyard is also used for late night drinking / smoking and this would only extend those numbers / hours.

Kind regards

Cllr Dick Pascoe

*Member; Folkestone & Hythe District Council.
for Folkestone Central Ward.
Cabinet Member for Property Management
and Environmental Health.*

From: Mary Lawes
Sent: 16 April 2018 07:57
Subject: Bar Bacchus WK/201810602

I would like to put an objection in against the above named License application on the grounds of noise.

Residents already have to endure noise from a number of venues in the area. The worst offender is Kipp's Ale House which breaches noise levels all the time. Residents no longer complain as they say the Council refuses to act.

Please do not allow this Bar Bacchus a late license in a residential area.

Kind Regards

Cllr Mary Lawes Independent
Folkestone & Hythe District Council.
Folkestone Town Council

The Licensing Manager, FHDC Licensing Committee
Folkestone and Hythe District Council
Civic Centre
Castle Hill Avenue
Folkestone Kent CT20 2QY

Dear Sir

Representations Re: Application for a Premises Licence, Bar Bacchus Ltd, 2 Church Street, Folkestone CT20 1SE

I write on behalf of the Folkestone Licensing Forum, supported by the Leas Residents Association, The Bayle Residents Association, the residents associations of Aspen House, Westcliff House, Whitecliffs, Albion Villas, and The Old High Street Neighborhood Watch Team.

The Folkestone Licensing Forum and resident associations mentioned above **are opposed** to the granting of a Premises Licence to 2 Church Street Folkestone, currently identified as The German shop, on the following grounds:

1. The over-provision of Licensed premises in the area and the impact of licensed activity on residential properties immediately surrounding the premises and those adjacent to the proposed Licensed premises;
2. The impact of additional Licensed premises facing Rendezvous Street directly opposite an area that has given rise to considerable concern over late night anti-social behaviour and the passage to and from such establishments by loud mostly aggressive groups of intoxicated people.
3. The absence of public transport in the immediate vicinity of 2 Church Street, thereby necessitating walking to and from the proposed establishment, or the increased use of taxis late at night, in an area designed for pedestrians, that has been opened to evening and late night vehicular access without any safety assessment or consultation with Town Centre residents.
4. Smoking outside the proposed Licensed premises bringing associated noise, rowdiness and disturbance, only a matter of a few yards from a purpose built senior citizens residential properties.
5. The inevitable abuse of curtilage that will occur and the historic failure to curb street drinking will see the owners of 2 Church Street extend their premises out onto the pedestrianised paved area bringing all day drinking into the heart of Folkestone, with the resultant example to children and other passing minors. Those establishments where street drinking is currently practised tend to be fenced off or shielded but this would not be possible at 2 Church Street without impinging on other shops and the public thoroughfare.
6. The creeping abandonment of the shopping district and the over-eager conversion to Licensed Premises that has seen a significant increase in bars and micro-breweries on/in the Town Centre without any reference to The Planning Legislation, the Town Centre Plan, the Core Strategy or any other Council-lead Policy.

7. The use of the Licensing Act 2003 to achieve the conversion to Licensed Premises of domestic and other business-use premises, is an unintended consequence of the Act and this and other applications should be suspended while the Folkestone and Hythe District Council Alcohol Policy 2018 is under review and out for public consultation.

The Folkestone Licensing Forum Is aware of the existing Shepway Statement of Licensing Policy as amended in January 2011 and the Licensing Objectives contained in the Licensing Act 2003 namely;

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

It is also noted from the Revised Guidance, dated 26 March 2015, that all four Licensing Objective carry equal weighting and amongst other things, should facilitate;

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area;
- Encourage greater community involvement in licensing decisions, giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

It is also understood that the Licensing Authority has powers to place conditions on a Premises Licence, setting the parameters within which premises can lawfully operate. However, faced with what is now a string of Licensed Premises that lead from the upper part of town to the harbour area, the Licensing Authority will have difficulty in using these powers.

It is therefore considered that all four Licensing objectives are hazarded by this particular application. In particular the concentration of drinking establishments and the proven disturbance that late night drinking has caused all over Folkestone is a recipe for further crime and disorder.

There is a genuine concern amongst local residents that the centre of Folkestone is increasingly a no-go area after dark and whether or not born out by crime statistics, it is a perception that is not going away. People are concerned that their public safety is being compromised by the attraction of late night drinkers into the town centre.

There is no dispute that late night drinking and even daytime drinking has lead to increases in public nuisance. The well documented incidents of anti-social behaviour, public urination, loud use of foul language, fighting and late night arguments abound and this will be added to by the current proposal.

With regards to the fourth Objective, there can be no more prominent position in Folkestone than that presented by 2, Church Street and while the protection of children from harm is a

broad term, there is no doubt that this premises should not be granted a Premises Licence occupying the position it does.

in addition, it is noted that the Council has **not carried out an cumulative impact assessment**, however, it should be noted that;

1. The application by Bar Bacchus Ltd for a Premises Licence for 2 Church Street, currently known as The German Shop, (the Premises) is considered inappropriate on the grounds of over-provision of Licensed premises in the immediate vicinity.
2. In addition to three fully Licensed Premises within the immediate vicinity; The Kent Arms, The Guildhall, The British Lion, Premises Licenses are held by The Pullman, The Folkestone Wine Company, the former hamburger restaurant, Googies, the pizza restaurant in the old Burton Building, Weatherspoons, and the Italian restaurant opposite. Together with the Public House and other bars in Guildhall St. Rendezvous Street and the Old High Street, make the greatest concentration of drinking establishments in Folkestone - leading on down to the Harbour and the multitude of pubs and clubs around the Harbour.

It is the Licensing Forum and Residents Associations' contention that the addition of a further Licensed Premises in a Church Street will augment the areas reputation as a drinking and eating destination for young adult parties, particularly special occasions (celebratory parties and drinking events). It is also the Residents contention that the granting of a Premises Licence to 2 Church Street will give rise to increased noise and anti-social behaviour by customers leaving the establishment, and effectively creates a no-go area at night for both towns people and local residents (many of whom are elderly).

It is not clear from the Town Centre Plan, what part additional Licensed premises play in the development of Folkestone but the Residents believe that any additional Premises Licenses in the area under discussion will only diminish the retail opportunity and add to the chaotic late-night drinking economy, which leading councilors have stated is damaging to the towns health and reputation, and is to be discouraged by way of limiting opening hours to 23:30 in core residential areas.

In considering this application we ask that notice be taken of emerging policy/conditions contained in Folkestone & Hythe DC NEW Licensing Policy, which is currently out for consultation.

For the above reasons, The Folkestone Licensing Forum and the Residents Associations mentioned above, are opposed to the granting of a Premises Licence to Bar Bacchus, 2 Church Street, Folkestone, currently known as The German Shop, and are prepared to attend any hearing in order to express their concerns and make plain their opposition to this proposal.

P Carter
Chairman Folkestone Licensing Forum.