

This report will be made public on 12 April 2019

**Folkestone**

Hythe & Romney Marsh  
Shepway District Council



Report **DCL/18/40**

**To:** Licensing Sub-Committee  
**Date:** 24 April 2019  
**Status:** Non-Executive Decision  
**Head of service:** Amandeep Khroud

**SUBJECT: AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE IN RESPECT OF SPACE GALLERY, 7 OLD HIGH STREET, FOLKESTONE, CT20 1RJ**

**SUMMARY:** This report sets out the facts for the Licensing Committee to consider in determining a Variation for a Premise Licence in accordance with the Licensing Act 2003. The application is to extend the opening hours on Friday & Saturday nights and to extend Recorded Music, Late Night Refreshment and Alcohol Sales (both on and off premise) on Friday & Saturday.

**REASONS FOR DETERMINATION:**

The Committee is obliged to determine the application with a view of promoting the licensing objectives:

The prevention of crime & disorder  
The prevention of public nuisance  
Public safety  
The protection of children from harm

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/18/40.**
- 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 This premise has a current Premise Licence granted in 2016 to the current holder. This is attached at Appendix 1.
- 1.3 The premises is situated in a mixed residential area on a street in the town centre with mainly shops and cafe/bars on the ground floor with residential flats above.

## **2. APPLICATION**

- 2.1 An application has been made for a Variation to the Premises Licence by the licence holder, Mr Andrew Shorten. Mr Shorten is also the Designated Premise Supervisor (DPS).
- 2.2 A copy of the application to vary the Premise Licence is attached as Appendix 2
- 2.3 The application is in relation to Space Gallery, 7 The Old High Street, Folkestone, CT20 1RJ, an art gallery with event space and bar.
- 2.4 The application is to extend the Opening Hours on Friday & Saturday nights from 00:30 to 02:30, and to extend Recorded Music, Late Night Refreshment and Alcohol Sales on & off the premises from 00:00 to 02:00 on Friday & Saturday.
- 2.5 The applicant is mindful of his responsibilities and has received copies of the relevant representation Appendix 3). Within the licence application he has detailed how he will promote 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.

- 3.2 The Folkestone & Hythe DC Licensing Policy is available at:  
[https://www.folkestone-hythe.gov.uk/media/4022/Licensing-Policy-Statement-2016-2021/pdf/Shepway\\_District\\_Council\\_-\\_Licensing\\_Policy\\_Statement\\_2016-2021.pdf](https://www.folkestone-hythe.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 / review has required by the Licensing Act 2003 because representations have been made by:

| Responsible Authority                  | Comments                                                                                                                                                                        |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Kent Police                            | No objections<br>(additional conditions regarding CCTV and SIA Door Staff agreed with applicant and will be included Operating Schedule)                                        |
| Environmental Health (Pollution)       | Objection - Prevention of public nuisance                                                                                                                                       |
| Environmental Health (Health & Safety) | No objections                                                                                                                                                                   |
| Kent Fire and Rescue                   | No objection                                                                                                                                                                    |
| Planning                               | Objections - Prevention of public nuisance in the interests of the amenities of nearby residents in accordance with saved policy SD1 of the Shepway District Local Plan Review. |
| Child Protection Agency                | No objection                                                                                                                                                                    |

- 4.2 1 Representation has been received by the Licensing Authority from other interested parties supporting the application.
- 4.3 The valid representations can be found in Appendix 3.

#### 5. OPTIONS

- 5.1 The Licensing Sub-Committee has the following options:
- Grant the application as requested.
  - Modify the application by adding conditions./ amending hours
  - 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. The committee must only consider evidence that relates to the 4 licensing objectives. 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:

Briony Williamson – Senior Licensing Officer

Telephone: 01303 853475

Email: [briony.williamson@folkestone-hythe.gov.uk](mailto:briony.williamson@folkestone-hythe.gov.uk)

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

### **Appendices:**

Appendix 1. Current Premises Licence

Appendix 2. Application for Variation

Appendix 3. Relevant Representations

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# Premise Licence

## Part A

**Premises**                      **Licence**                      **Number:**  
**SHEP00676/16**



Shepway District Council  
Civic Centre, Castle Hill Avenue  
Folkestone, Kent CT20 2QY

### Part 1 – Premise Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE                      OR DESCRIPTION

Space Gallery  
7 The Old High Street  
Folkestone  
Kent  
CT20 1RJ

WHERE THE LICENCE IS TIME LIMITED THE DATES

START DATE: 28th October 2016

### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Late Night Refreshment  
Alcohol Sales On & Off  
Live Music  
Recorded Music  
Plays

### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

|           | Late Night Refreshment | Alcohol Sales On & Off | Live Music  | Recorded Music | Plays       |
|-----------|------------------------|------------------------|-------------|----------------|-------------|
| Monday    | 12:00 23:00            | 12:00 23:00            | 12:00 23:00 | 12:00 23:00    | 12:00 23:00 |
| Tuesday   | 12:00 23:00            | 12:00 23:00            | 12:00 23:00 | 12:00 23:00    | 12:00 23:00 |
| Wednesday | 12:00 23:00            | 12:00 23:00            | 12:00 23:00 | 12:00 23:00    | 12:00 23:00 |
| Thursday  | 12:00 23:00            | 12:00 23:00            | 12:00 23:00 | 12:00 23:00    | 12:00 23:00 |
| Friday    | 12:00 00:00            | 12:00 00:00            | 12:00 00:00 | 12:00 00:00    | 12:00 00:00 |
| Saturday  | 12:00 00:00            | 12:00 00:00            | 12:00 00:00 | 12:00 00:00    | 12:00 00:00 |
| Sunday    | 12:00 22:30            | 12:00 22:30            | 12:00 22:30 | 12:00 22:30    | 12:00 22:30 |

### NON\_STANDARD TIMES (IF ANY)

We plan to run a pop up bar most weeks (Thursday to Sunday) as and when the gallery is not sub hired by a 3rd party. Possibility of later hours on Bank Holiday Mondays, Christmas Bank Holiday Mondays and the Christmas period.

### THE OPENING HOURS OF THE PREMISES (IF GIVEN)

|           |             |
|-----------|-------------|
| Monday    | 12:00 23:30 |
| Tuesday   | 12:00 23:30 |
| Wednesday | 12:00 23:30 |
| Thursday  | 12:00 23:30 |
| Friday    | 12:00 00:30 |
| Saturday  | 12:00 00:30 |
| Sunday    | 12:00 23:00 |

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES**

On & Off

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

Andrew Shorten  
Space Gallery  
7 The Old High Street  
Folkestone  
Kent  
CT20 1RJ

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Andrew Shorten  
Space Gallery  
7 The Old High Street  
Folkestone  
CT20 1RJ

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL**

**PERSONAL LICENCE ISSUED BY / NUMBER:**

SHEPWAY SDC1456

## Annex 1- Mandatory Conditions

### **Mandatory conditions where licence authorises supply of alcohol**

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that no supply of alcohol may be made under the premises licence-
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### Mandatory Licensing Conditions Order 2010

1.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.—(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

**Mandatory condition: exhibition of films**

(2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where-

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

**Mandatory condition: door supervision**

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

(2) But nothing in subsection (1) requires such a condition to be imposed-

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or

(b) in respect of premises in relation to-

- (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section-

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.



## **Annex 2 - Conditions Consistent with the Operating Schedule**

General - to meet all licensing objectives:

Strong management and effective staff training with particular attention to:

No selling of alcohol to under 18's and Challenge 25 in place

No drunk and disorderly behaviour on site and will not serve to any person intoxicated

No use of illegal substances

Visible operating schedule of licensable activities

Always promote the 4 licensing objectives and introduce policies to ensure this is adhered to.

Risk assessment made available

The prevention of crime & disorder:

No selling of alcohol to intoxicated people

Staff trained to ask customers to exit the premises in an orderly manner and be respectful towards local residents.

Display clear notices warning of potential criminal activities

On large events / DJ nights employ S.I.A registered

No drinks outside front of premises and only in plastic cups at the rear / smoking area

Public Safety:

Adequate internal and external lighting

Clearly sign posted exit routes

All parts of premises and fittings kept in good working order

Well trained / experienced staff in Environmental and Health and Safety requirements. Fully stocked first box on site

Training and implementation of ID checks such as Passports, drivers licence or PASS ID cards

The prevention of public nuisance:

Doors closed to keep noise to a minimum

Clear notices asking customers to respect local residents

Avoid movement of bottles and bins after 23.00

Sound management policy made available to all staff

Restricted use / numbers outside after 22.30

Door supervisors / staff regularly to monitor the outdoor area

The protection of children from harm:

Strict no ID, no sale policy and Challenge 25 scheme prominently displayed

Restrict children from viewing age restricted films

Log book kept for refusals and staffed trained on this

The venue and type of events do not appeal to under 25's. Any family events would pay particular attention to this licensing objective

## **Annex 3 - Conditions Attached after a Hearing by the Licensing Authority**

No drinks to be taken outside into the smoking area.

## **Annex 4 - Plans**

Date: 22.09.2016

D.I. MAR 2019

licensing

£190-00  
chq



Licensing Team  
Folkestone & Hythe District Council  
Civic Centre  
Castle Hill Avenue  
Folkestone  
Kent CT20 2QY  
Telephone: 01303 853528/3407  
Email: licensing@ahspway.gov.uk

**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Andrew Shorten  
*(insert name(s) of applicant)*  
being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

|                                         |
|-----------------------------------------|
| Premises licence number<br>SHEP00676/16 |
|-----------------------------------------|

**Part 1 – Premises Details**

|                                                                                                               |            |          |          |
|---------------------------------------------------------------------------------------------------------------|------------|----------|----------|
| Postal address of premises or, if none, Ordnance Survey map reference or description<br>7 THE OLD HIGH STREET |            |          |          |
| Post town                                                                                                     | FOLKESTONE | Postcode | CT20 1RJ |

|                                         |                         |
|-----------------------------------------|-------------------------|
| Telephone number at premises (if any)   | MOBILE: 07977 446 086   |
| Non-domestic rateable value of premises | £ BAND B: £4,301-33,000 |

**Part 2 – Applicant details**

|                                                           |                          |          |  |
|-----------------------------------------------------------|--------------------------|----------|--|
| Daytime contact telephone number                          | 07977446086              |          |  |
| E-mail address (optional)                                 | apaceman@spaceeven.co.uk |          |  |
| Current postal address if different from premises address | same                     |          |  |
| Post town                                                 |                          | Postcode |  |

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes

No

If not, from what date do you want the variation to take effect? 01/04/2019

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

- extend the opening hours on Friday & Saturday nights from 0030 to 0230
- extend licensable activities as shown below from 0000 to 0200

**RECORDED MUSIC.LATE NIGHT REFRESHMENT & ALCOHOL SALES ON & OFF**

Other licensable activities covered by our existing licence to remain unchanged.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

NA

**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

| <b>Provision of regulated entertainment</b>                                                                 | <b>Please tick all that apply</b>   |
|-------------------------------------------------------------------------------------------------------------|-------------------------------------|
| a) plays (if ticking yes, fill in box A)                                                                    | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)                                                                    | <input type="checkbox"/>            |
| c) indoor sporting events (if ticking yes, fill in box C)                                                   | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)                                        | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)                                                               | <input type="checkbox"/>            |
| f) recorded music (if ticking yes, fill in box F)                                                           | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)                                                    | <input type="checkbox"/>            |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>            |

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

| Plays<br>Standard days and<br>timings (please read<br>guidance note 6) |       |        | Will the performance of a play take place indoors<br>or outdoors or both – please tick (please read<br>guidance note 2)                                                                               | Indoors  | <input type="checkbox"/> |
|------------------------------------------------------------------------|-------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|--------------------------|
| Day                                                                    | Start | Finish |                                                                                                                                                                                                       | Outdoors | <input type="checkbox"/> |
| Mon                                                                    |       |        | Please give further details here (please read guidance note 3)                                                                                                                                        | Both     | <input type="checkbox"/> |
| Tue                                                                    |       |        |                                                                                                                                                                                                       |          |                          |
| Wed                                                                    |       |        | State any seasonal variations for performing plays (please read<br>guidance note 4)                                                                                                                   |          |                          |
| Thur                                                                   |       |        |                                                                                                                                                                                                       |          |                          |
| Fri                                                                    |       |        | Non standard timings. Where you intend to use the premises for the<br>performance of plays at different times to those listed in the column<br>on the left, please list (please read guidance note 5) |          |                          |
| Sat                                                                    |       |        |                                                                                                                                                                                                       |          |                          |
| Sun                                                                    |       |        |                                                                                                                                                                                                       |          |                          |

**B**

|                                                                        |              |               |                                                                                                                                                                                                                                 |                          |
|------------------------------------------------------------------------|--------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Films<br>Standard days and<br>timings (please read<br>guidance note 6) |              |               | <u>Will the exhibition of films take place indoors or<br/>         outdoors or both – please tick</u> (please read<br>guidance note 2)                                                                                          |                          |
|                                                                        |              |               | Indoors                                                                                                                                                                                                                         | <input type="checkbox"/> |
|                                                                        |              |               | Outdoors                                                                                                                                                                                                                        | <input type="checkbox"/> |
|                                                                        |              |               | Both                                                                                                                                                                                                                            | <input type="checkbox"/> |
| <b>Day</b>                                                             | <b>Start</b> | <b>Finish</b> |                                                                                                                                                                                                                                 |                          |
| Mon                                                                    |              |               | <u>Please give further details here</u> (please read guidance note 3)                                                                                                                                                           |                          |
| Tue                                                                    |              |               |                                                                                                                                                                                                                                 |                          |
| Wed                                                                    |              |               | <u>State any seasonal variations for the exhibition of films</u> (please read<br>guidance note 4)                                                                                                                               |                          |
| Thur                                                                   |              |               |                                                                                                                                                                                                                                 |                          |
| Fri                                                                    |              |               | <u>Non standard timings. Where you intend to use the premises for the<br/>         exhibition of films at different times to those listed in the column on<br/>         the left, please list</u> (please read guidance note 5) |                          |
| Sat                                                                    |              |               |                                                                                                                                                                                                                                 |                          |
| Sun                                                                    |              |               |                                                                                                                                                                                                                                 |                          |
|                                                                        |              |               |                                                                                                                                                                                                                                 |                          |

C

| Indoor sporting events<br>Standard days and<br>timings (please read<br>guidance note 6) |       |        | Please give further details (please read guidance note 3)                                                                                                                                     |
|-----------------------------------------------------------------------------------------|-------|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Day                                                                                     | Start | Finish |                                                                                                                                                                                               |
| Mon                                                                                     |       |        |                                                                                                                                                                                               |
|                                                                                         |       |        |                                                                                                                                                                                               |
| Tue                                                                                     |       |        | State any seasonal variations for indoor sporting events (please read guidance note 4)                                                                                                        |
|                                                                                         |       |        |                                                                                                                                                                                               |
| Wed                                                                                     |       |        | Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5) |
|                                                                                         |       |        |                                                                                                                                                                                               |
| Thur                                                                                    |       |        |                                                                                                                                                                                               |
|                                                                                         |       |        |                                                                                                                                                                                               |
| Fri                                                                                     |       |        |                                                                                                                                                                                               |
|                                                                                         |       |        |                                                                                                                                                                                               |
| Sat                                                                                     |       |        |                                                                                                                                                                                               |
| Sun                                                                                     |       |        |                                                                                                                                                                                               |
|                                                                                         |       |        |                                                                                                                                                                                               |

D

|                                                                                               |       |        |                                                                                                                                                                                                         |                                   |  |
|-----------------------------------------------------------------------------------------------|-------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|--|
| Boxing or wrestling entertainments<br>Standard days and timings (please read guidance note 6) |       |        | Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)                                                                           | indoors <input type="checkbox"/>  |  |
|                                                                                               |       |        |                                                                                                                                                                                                         | Outdoors <input type="checkbox"/> |  |
|                                                                                               |       |        |                                                                                                                                                                                                         | Both <input type="checkbox"/>     |  |
| Day                                                                                           | Start | Finish |                                                                                                                                                                                                         |                                   |  |
| Mon                                                                                           |       |        | Please give further details here (please read guidance note 3)                                                                                                                                          |                                   |  |
| Tue                                                                                           |       |        |                                                                                                                                                                                                         |                                   |  |
| Wed                                                                                           |       |        | State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)                                                                                                       |                                   |  |
| Thur                                                                                          |       |        |                                                                                                                                                                                                         |                                   |  |
| Fri                                                                                           |       |        | Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left please list (please read guidance note 5) |                                   |  |
| Sat                                                                                           |       |        |                                                                                                                                                                                                         |                                   |  |
| Sun                                                                                           |       |        |                                                                                                                                                                                                         |                                   |  |



E

|                                                                             |       |        |                                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------|-------|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Live music<br>Standard days and<br>timings (please read<br>guidance note 6) |       |        | <p><u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)</u></p> <p>Indoors <input type="checkbox"/></p> <p>Outdoors <input type="checkbox"/></p> <p>Both <input type="checkbox"/></p> |
| Day                                                                         | Start | Finish |                                                                                                                                                                                                                                                           |
| Mon                                                                         |       |        |                                                                                                                                                                                                                                                           |
| Tue                                                                         |       |        |                                                                                                                                                                                                                                                           |
| Wed                                                                         |       |        | <p><u>Please give further details here (please read guidance note 3)</u></p>                                                                                                                                                                              |
| Thur                                                                        |       |        |                                                                                                                                                                                                                                                           |
| Wed                                                                         |       |        | <p><u>State any seasonal variations for the performance of live music (please read guidance note 4)</u></p>                                                                                                                                               |
| Thur                                                                        |       |        |                                                                                                                                                                                                                                                           |
| Fri                                                                         |       |        | <p><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)</u></p>                                        |
| Sat                                                                         |       |        |                                                                                                                                                                                                                                                           |
| Sun                                                                         |       |        |                                                                                                                                                                                                                                                           |
|                                                                             |       |        |                                                                                                                                                                                                                                                           |

F

|                                                                                 |       |        |                                                                                                                                                                                                            |          |                                     |
|---------------------------------------------------------------------------------|-------|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------------|
| Recorded music<br>Standard days and<br>timings (please read<br>guidance note 6) |       |        | <u>Will the playing of recorded music take place<br/>indoors or outdoors or both – please tick (please<br/>read guidance note 2)</u>                                                                       | Indoors  | <input checked="" type="checkbox"/> |
|                                                                                 |       |        |                                                                                                                                                                                                            | Outdoors | <input type="checkbox"/>            |
|                                                                                 |       |        |                                                                                                                                                                                                            | Both     | <input type="checkbox"/>            |
| Day                                                                             | Start | Finish | Please give further details here (please read guidance note 3)                                                                                                                                             |          |                                     |
| Mon                                                                             | 12.00 | 23.00  |                                                                                                                                                                                                            |          |                                     |
| Tue                                                                             | 12.00 | 23.00  | all existing timings for licence SHEP00678/16 to remain the same.<br>Only variation details shown here                                                                                                     |          |                                     |
| Wed                                                                             | 12.00 | 23.00  | State any seasonal variations for the playing of recorded music<br>(please read guidance note 4)<br>Christmas Eve / New Years Eve - 02.00<br>October 31 <sup>st</sup> - 02.00                              |          |                                     |
| Thur                                                                            | 12.00 | 23.00  |                                                                                                                                                                                                            |          |                                     |
| Fri                                                                             | 1200  | 0200   | Non standard timings. Where you intend to use the premises for the<br>playing of recorded music at different times to those listed in the<br>column on the left, please list (please read guidance note 5) |          |                                     |
| Sat                                                                             | 1200  | 0200   |                                                                                                                                                                                                            |          |                                     |
| Sun                                                                             | 12.00 | 22.30  |                                                                                                                                                                                                            |          |                                     |

**G**

| Performances of dance<br>Standard days and timings (please read guidance note 6) |       |        | Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)                                                                                | Indoors  | <input type="checkbox"/> |
|----------------------------------------------------------------------------------|-------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|--------------------------|
| Day                                                                              | Start | Finish |                                                                                                                                                                                                 | Outdoors | <input type="checkbox"/> |
| Mon                                                                              |       |        | Please give further details here (please read guidance note 3)                                                                                                                                  |          |                          |
| Tue                                                                              |       |        |                                                                                                                                                                                                 |          |                          |
| Wed                                                                              |       |        | State any seasonal variations for the performance of dance (please read guidance note 4)                                                                                                        |          |                          |
| Thur                                                                             |       |        |                                                                                                                                                                                                 |          |                          |
| Fri                                                                              |       |        | Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5) |          |                          |
| Sat                                                                              |       |        |                                                                                                                                                                                                 |          |                          |
| Sun                                                                              |       |        |                                                                                                                                                                                                 |          |                          |

H

|                                                                                                                                             |       |        |                                                                                                                                                                                                                                                                        |          |                          |
|---------------------------------------------------------------------------------------------------------------------------------------------|-------|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|--------------------------|
| <p>Anything of a similar description to that falling within (e), (f) or (g)<br/>Standard days and timings (please read guidance note 6)</p> |       |        | <p>Please give a description of the type of entertainment you will be providing</p>                                                                                                                                                                                    |          |                          |
| Day                                                                                                                                         | Start | Finish | <p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>                                                                                                                                               | Indoors  | <input type="checkbox"/> |
| Mon                                                                                                                                         |       |        |                                                                                                                                                                                                                                                                        | Outdoors | <input type="checkbox"/> |
|                                                                                                                                             |       |        |                                                                                                                                                                                                                                                                        | Both     | <input type="checkbox"/> |
| Tue                                                                                                                                         |       |        | <p><u>Please give further details here</u> (please read guidance note 3)</p>                                                                                                                                                                                           |          |                          |
| Wed                                                                                                                                         |       |        |                                                                                                                                                                                                                                                                        |          |                          |
| Thur                                                                                                                                        |       |        | <p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>                                                                                                            |          |                          |
| Fri                                                                                                                                         |       |        |                                                                                                                                                                                                                                                                        |          |                          |
| Sat                                                                                                                                         |       |        | <p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p> |          |                          |
| Sun                                                                                                                                         |       |        |                                                                                                                                                                                                                                                                        |          |                          |

| Late night refreshment<br>Standard days and<br>timings (please read<br>guidance note 6) |       |        | Will the provision of late night refreshment<br>take place indoors or outdoors or both –<br>please tick (please read guidance note 2)                                                                                             | Indoors  | <input checked="" type="checkbox"/> |
|-----------------------------------------------------------------------------------------|-------|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------------|
|                                                                                         |       |        |                                                                                                                                                                                                                                   | Outdoors | <input type="checkbox"/>            |
|                                                                                         |       |        |                                                                                                                                                                                                                                   | Both     | <input type="checkbox"/>            |
| Day                                                                                     | Start | Finish |                                                                                                                                                                                                                                   |          |                                     |
| Mon                                                                                     | 12.00 | 23.00  | <b>Please give further details here</b> (please read guidance note 3)                                                                                                                                                             |          |                                     |
| Tue                                                                                     | 12.00 | 23.00  | all existing timings for licence SHEP00576/16 to remain the same.<br>Only variation details shown here                                                                                                                            |          |                                     |
| Wed                                                                                     | 12.00 | 23.00  | <b>State any seasonal variations for the provision of late night<br/>refreshment</b> (please read guidance note 4)                                                                                                                |          |                                     |
| Thur                                                                                    | 12.00 | 23.00  |                                                                                                                                                                                                                                   |          |                                     |
| Fri                                                                                     | 1200  | 0200   | <b>Non standard timings. Where you intend to use the premises for<br/>the provision of late night refreshment at different times, to<br/>those listed in the column on the left, please list</b> (please read<br>guidance note 5) |          |                                     |
| Sat                                                                                     | 1200  | 0200   |                                                                                                                                                                                                                                   |          |                                     |
| Sun                                                                                     | 12.00 | 22.30  |                                                                                                                                                                                                                                   |          |                                     |

J

| Supply of alcohol<br>Standard days and<br>timings (please read<br>guidance note 6) |       |        | Will the supply of alcohol be for consumption<br>- please tick (please read guidance note 7)                                                                                                                                                                             | On the<br>premises  | <input type="checkbox"/>            |
|------------------------------------------------------------------------------------|-------|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-------------------------------------|
| Day                                                                                | Start | Finish |                                                                                                                                                                                                                                                                          | Off the<br>premises | <input type="checkbox"/>            |
| Mon                                                                                | 12.00 | 23.00  | <b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)<br><br>all existing timings for licence SHEP00676/16 to remain the same. Only variation details shown here<br>Christmas Eve / New Years Eve - 02.00<br>October 31st - 02.00 | Both                | <input checked="" type="checkbox"/> |
| Tue                                                                                | 12.00 | 23.00  |                                                                                                                                                                                                                                                                          |                     |                                     |
| Wed                                                                                | 12.00 | 23.00  |                                                                                                                                                                                                                                                                          |                     |                                     |
| Thur                                                                               | 12.00 | 23.00  |                                                                                                                                                                                                                                                                          |                     |                                     |
| Fri                                                                                | 1200  | 0200   |                                                                                                                                                                                                                                                                          |                     |                                     |
| Sat                                                                                | 1200  | 0200   |                                                                                                                                                                                                                                                                          |                     |                                     |
| Sun                                                                                | 12.00 | 23.00  |                                                                                                                                                                                                                                                                          |                     |                                     |
|                                                                                    |       |        | <b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)                                                                      |                     |                                     |

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

NONE/ NOT APPLICABLE

L

| Hours premises are open to the public Standard days and timings (please read guidance note 6) |       |        | State any seasonal variations (please read guidance note 4)                                                                                                                                                                                                                                                                                                               |
|-----------------------------------------------------------------------------------------------|-------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Day                                                                                           | Start | Finish |                                                                                                                                                                                                                                                                                                                                                                           |
| Mon                                                                                           | 12.00 | 23.30  | all existing timings for licence SHEP00576/16 to remain the same. Only variation details shown here<br><br>October 31st<br>Christmas Eve / New Years Eve closing time 02:30<br><br>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) |
| Tue                                                                                           | 12.00 | 23.30  |                                                                                                                                                                                                                                                                                                                                                                           |
| Wed                                                                                           | 12.00 | 23.30  |                                                                                                                                                                                                                                                                                                                                                                           |
| Thur                                                                                          | 12.00 | 23.30  |                                                                                                                                                                                                                                                                                                                                                                           |
| Fri                                                                                           | 1200  | 0230   |                                                                                                                                                                                                                                                                                                                                                                           |
| Sat                                                                                           | 1200  | 0230   |                                                                                                                                                                                                                                                                                                                                                                           |
| Sun                                                                                           | 12.00 | 23.00  |                                                                                                                                                                                                                                                                                                                                                                           |

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

We would like to remove the condition in Annex 3 – Conditions attached after a hearing by the Licensing Authority "No drinks to be taken outside into the smoking area" and revert to the condition shown in Annex 2 "No drinks outside front of premises and only in plastic cups at the rear/smoking area".

We would like the following to be taken in to consideration. We have 2 years+ track record of operating responsibly and we have a good working relationship with the licensing officers we have had cause to deal with. In order to continue to operate successfully, we would like to be included as one of the venues helping to grow the night time economy in the area, one which we have helped to create.

please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

**M**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

As per existing licence

**b) The prevention of crime and disorder**

As per existing licence

**c) Public safety**

As per existing licence

**d) The prevention of public nuisance**

As per existing licence

+ smoking area lighting turned off by 2300 Fridays & Saturdays and by 2200 all other days

**e) The protection of children from harm**

As per existing licence



Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ✓
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ✓
- I understand that I must now advertise my application. ✓
- I have enclosed the premises licence or relevant part of it or explanation. ✓
- I understand that if I do not comply with the above requirements my application will be rejected. ✓

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 168 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

|           |                                                                                   |
|-----------|-----------------------------------------------------------------------------------|
| Signature |  |
| Date      | 27/02/2019                                                                        |
| Capacity  | Current Premises Licence holder                                                   |

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

|           |  |
|-----------|--|
| Signature |  |
| Date      |  |
| Capacity  |  |

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

|                                                                                         |  |           |  |
|-----------------------------------------------------------------------------------------|--|-----------|--|
| Post town                                                                               |  | Post code |  |
| Telephone number (if any)                                                               |  |           |  |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) |  |           |  |

**MEMORANDUM**

To: Licensing

Date: 13/03/19

RE: 201907036 - Space Gallery, 7 The Old High Street, Folkestone, Kent, CT20 1RJ. -

.....  
Environmental Health objects to the granting of this application on the grounds of the prevention of a public nuisance.

Reason: If the premises were to be granted opening hours on Friday & Saturday up to 02:30hrs every week, it is highly likely to cause unreasonable disturbance to nearby residential premises.

Existing condition of opening hours Friday & Saturday 00:30 should remain the same.

Wai Tse  
Environmental Protection Officer

**From:** Hills, Isabelle  
**Sent:** 22 March 2019 16:38  
**To:** Licencing <Licencing@folkestone-hythe.gov.uk>  
**Subject:** Planning consultation 7 The Old High Street

Good afternoon,

I write to you following on from the recent licencing consultation for 7 The Old High Street.

The planning department would raise an objection to opening hours any later than those permitted under condition 3 of planning application reference Y17/0403/SH. This condition has been copied below for ease -

The use hereby permitted shall not be open to customers outside the following times 08:00-23:30 Monday-Thursday, 08:00-00:00 Friday-Saturday and 08:00-23:30 Sundays/Bank Holidays, with the exception of the following dates and times:

24 December - hours extended to 01:00  
31 December - hours extended to 02:00  
14 February - hours extended to 01:00  
1 April - hours extended to 02:00  
Easter bank holidays - hours extended to 01:00  
May bank holidays - hours extended to 02:00  
August bank holiday - hours extended to 02:00  
31 October - hours extended to 02:00  
5 November - hours extended to 02:00

Reason:

In the interests of the amenities of nearby residents in accordance with saved policy SD1 of the Shepway District Local Plan Review.

Kind regards

Isabelle Hills  
Planning Officer  
Folkestone & Hythe District Council