

This report will be made public on 15 November 2019



Report Number **DCL/19/20**

To: Licensing Sub-Committee
Date: 25 November 2019
Status: Non-Executive Decision
Head of service: Amandeep Khroud

SUBJECT: HEARING FOR AN APPLICATION FOR A NEW PREMISES LICENCE: FOLKLORE, 69 THE OLD HIGH STREET, FOLKESTONE, KENT, CT20 1RN

SUMMARY: This report outlines the application made by The Peoples Cafe Folkestone Ltd for a new Premises Licence in the Old High Street in Folkestone. 2 Representations were received and therefore the Licensing Sub-Committee must determine the outcome for the application.

REASONS FOR DETERMINATION:

The Committee is asked to consider the application for the new Premise Licence. When considering the application the Committee must ensure they fully promote the licensing objectives. The Committee is obliged to have regard to the revised national section 182 guidance and the council's own licensing policy.

DETERMINATION:

The Licensing Sub-Committee is asked to:

1. Note the contents of Report DCL/19/20.
2. Determine the application. The options for determining the application are set out in section 4.

1. BACKGROUND

- 1.1 The Licensing Act 2003 provides that the sale or supply of alcohol on and off the premises and other licensable activities must be authorised by a premises licence.

A premises licence holder must comply with the four licensing objectives:

- The prevention of crime and disorder
 - Public Safety
 - The prevention of public nuisance
 - The protection of children from harm
- 1.2 The premises at 69, The Old High Street, Folkestone, is a newly constructed building of 5 levels comprising of offices and mixed commercial use on the lower ground and ground floor, first and second floors, with 4 residential flats above. The building as a whole also adjoins and exits onto Tontine Street, although the premises in question only exits onto The Old High Street.

2. APPLICATION

- 2.1 An application has been received from The Peoples Cafe Folkestone Ltd for a Premises Licence to cover the ground floor and lower ground floor of 69 The Old High Street. The bar and seating area will be on the ground floor with storage and the kitchen on the lower ground floor.

- 2.2 The application is for:

Films - Monday and Tuesday 17:00 – 23:00 and Sunday 17:00 – 22:00

Live Music – Thursday 18:00 – 22:00 and Sunday 13:00 – 22:00

Recorded Music - Monday, Tuesday and Wednesday 08:00 – 23:00, Thursday 08:00 – 00:00, Friday and Saturday 08:00 – 01:00 and Sunday 08:00 – 22:00

Supply of Alcohol On and Off Sales - Monday, Tuesday and Wednesday 12:00 – 23:00, Thursday 12:00 – 00:00, Friday and Saturday 12:00 – 01:00 and Sunday 12:00 – 22:00

Opening Hours – Monday, Tuesday and Wednesday 08:00 – 23:30, Thursday 08:00 – 00:30, Friday and Saturday 08:00 – 01:30 and Sunday 09:00 – 22:30

- 2.3 The ground floor will comprise of a café and bar, there will be a small outside terrace area set back from the road. During the day the café will serve hot and cold drinks, light snacks, breakfast and lunch. In the evening the café and bar will serve tapas style bar snacks and cocktails.
- 2.4 The premises will have a weekly schedule of events including movie nights, creative workshops, open mic nights and comedy.
- 2.5 The premises also intends to sell pre-packaged cocktails and cocktail ingredients in closed containers for customers to enjoy at home.

- 2.6 There is a comprehensive Operating Schedule on the application form showing how the applicant intends to promote the 4 Licensing Objectives – this includes robust staff training, joining the local pub watch scheme, CCTV, door supervisors on Friday and Saturday nights, a Manager and first aider onsite at all times of trading, Challenge 25 policy and no music to be played outside in the terrace area.

3. RELEVANT REPRESENTATIONS

- 3.1. This Hearing has been required by the Licensing Act 2003 because representation has been made by an independent representative and a Responsible Authority.

Responsible Authority	Comments
Kent Police	None
Environmental Health (Pollution)	None
Environmental Health (Commercial)	None
Kent Fire and Rescue	None
Planning	Objection due to the potential of late opening hours causing Public Nuisance
Child Protection Agency	None

One representation has been received from an interested party by the Licensing Authority regarding the application.

These can be found in Appendix 2.

4. OPTIONS

- 4.1. The Licensing Sub-Committee has the following options:
- a) Grant the licence in accordance with the application
 - b) Grant the licence with added conditions
 - c) Reject whole or part of the application
- 4.2. The Committee is asked to note that it may not add conditions or reject 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.

5. 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

Background documents:

Current Licensing Policy is available here:

https://www.folkestone-hythe.gov.uk/media/4022/Licensing-Policy-Statement-2016-2021/pdf/Shepway_District_Council_-_Licensing_Policy_Statement_2016-2021.pdf

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>

The Committee members are advised to read the new guidance thoroughly. Your attention is drawn to paragraphs 9.42, 9.43 and 9.44 in respect of the determination of the application. Additionally members are advised to refer to section 10 about imposing conditions. It is also good practice that if they propose to apply conditions they should be discussed with the applicant prior to the determination to ensure that they are proportionate.

6. APPENDICES

- Appendix 1. Application Form & Plan
- Appendix 2. Representations