

This report will be made public on 3 October 2022



Report Number **DCL/22/39**

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**To:** Licensing Sub-Committee  
**Date:** 11 October 2022  
**Status:** Non-Executive Decision  
**Head of service:** Ewan Green

**SUBJECT:** An application to Vary the Premises Licence in respect of: Park Inn Hotel, 2 Radnor Park Road, Folkestone, Kent, CT19 5AU

**SUMMARY:** This report outlines the application made by Park Inn Hotel Ltd to Vary the existing Premises Licence for this premises. The Licensing Sub-Committee must determine the outcome for the application.

**REASONS FOR DETERMINATION:**

The Committee is asked to consider the application to Vary the Premises 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/22/39.**
- 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 Park Inn Hotel has held a licence with Folkestone & Hythe District Council since the Licensing Act 2003 came into effect in 2005.

1.3 The licence granted was for:

- **Supply of Alcohol On & Off Sales** – Monday - Saturday 10:00 – 23:00 and Sunday 12:00 – 22:30
- **Live Music** – Monday – Saturday 11:00 – 23:00 and Sunday 12:00 – 22:30
- **Recorded Music** – Monday – Saturday 11:00 – 23:00 and Sunday 11:00 – 22:30

1.4 The current Premises Licence can be seen at Appendix 1.

## 2. APPLICATION

2.1 On the 15<sup>th</sup> August 2022 an application was received to vary the licence.

2.2 The variation is to extend the licensable activities until midnight on Friday & Saturday nights:

- **Supply of Alcohol On & Off Sales** – Monday - Thursday 11:00 – 23:00, Friday and Saturday 11:00 – 00:00 and Sunday 11:00 – 22:30
- **Live Music** – Monday – Saturday 11:00 – 23:00 and Sunday 11:00 – 22:30
- **Recorded Music** – Monday – Thursday 11:00 – 23:00, Friday and Saturday 11:00 – 00:00 and Sunday 11:00 – 22:30
- **Opening Hours** – Monday – Thursday 11:00 – 23:30, Friday and Saturday - 11:00-00:30 and Sunday 11:00 – 23:00

The application to vary the premises licence can be seen at Appendix 2.

2.2. The Police asked for the Operating Schedule to be updated and the applicant has agreed to the proposal. This can be seen at Appendix 3.

### 3. RELEVANT REPRESENTATIONS

- 3.1. This Hearing has been required by the Licensing Act 2003 because valid representations were received from members of the public.

<b>Responsible Authority</b>	<b>Comments</b>
Home Office - Immigration	None
Kent Police	None
Environmental Health (Pollution)	None
Environmental Health (Commercial)	None
Kent Fire and Rescue	None
Planning	None
Child Protection Agency	None

The representations can be found at Appendix 4.

- 3.2 Following the representations from the public the applicant sent the following supporting information:

Dear Resident,

We appreciate all comments made and hope to address each point made to reassure the local residents about the reason we are extending our Licencing hours.

The variation has been made to help gradually disperse the crowds of pub customers on a Friday and Saturday evening.

The proposed variation is for extension of the sale of alcohol only, this is for an extra hour to allow that customers watching live music performances (which have an 11pm finish) can stay on after the music has finished.

We currently have last orders at the bar at 11pm which means when the music finishes the whole pub then has to leave at the same time causing noise issues which are hard to contain. Extending these hours will allow a slower dispersal of crowds in the local area. Live music will not be continuing past 11pm.

To prevent noise along Broadmead Road we propose to lock the back door and garden of the pub at 10pm and only have those who are smoking at the front of the pub. This will be managed by door staff who will limit the numbers outside.

Therefore after 10pm the only entrance and exit will be through the front door, reducing the noise along the Broadmead Road. This also means that the litter being taken from the pub will be monitored on exit and will be more controlled.

We'd like to reiterate we have a zero tolerance on drugs in the venue and we do have two competent door staff on duty at all times.

Emilie Miller-Hastings  
General Manager

- 3.3 Following this supporting information, the residents still wanted to continue with their representations due to concerns the variation would have on the Licensing Objectives, in particular, Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance.

#### **4. OPTIONS**

- 4.1. The Licensing Sub-Committee has the following options:
- a) Grant the application to vary the licence
  - b) Grant the application with amendments
  - c) Add conditions to the licence that are relevant to the variation
  - d) Reject whole or part of the application
- 4.2. The Committee is asked to note that it may not add conditions or amend the licence merely because it considers it desirable to do so. The Committee must only consider evidence that relates to the 4 Licensing Objectives. Any conditions added 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, Licensing Specialist  
Telephone: 01303 853475  
Email: [briony.williamson@folkestone-hythe.gov.uk](mailto:briony.williamson@folkestone-hythe.gov.uk)

##### **Background documents:**

Current Licensing Policy is available under the Policies section of the website:

<https://www.folkestone-hythe.gov.uk/your-council/policies-plans-and-documents/policy-documents>

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. Current licence

Appendix 2. Application to vary a premises licence

Appendix 3. New operating schedule

Appendix 4. Representations