

This report will be made public on 4 November 2022



Report Number **DCL/22/44**

To: Licensing Sub-Committee
Date: 14 November 2022
Status: Non-Executive Decision
Head of service: Ewan Green

SUBJECT: An application to Vary the Premises Licence in respect of:
Martello Pub, Beach Bank, Dymchurch Road, Hythe, Kent, CT20 1SE

SUMMARY: This report outlines the application made by Beach Bank Caravan Park 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/22/44.
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 Beach Bank Caravan Park 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 sales** – Monday-Saturday 10:00 – 23:00
Sunday 12:00 – 22:30
- **Opening hours** – Monday-Saturday 10:00 – 23:00 Sunday 12:00 – 22:30

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

2. APPLICATION

2.1 On the 7th September 2022 an application was received to vary the licence.

2.2 The variation is to extend the sale of alcohol, recorded music and opening hours:

- **Supply of Alcohol on sales** – Monday-Thursday 10:00 – 23:00
Friday-Saturday – 10.00 – 00:00, Sunday 12:00 – 22:30
- **Opening hours** – Monday-Thursday 10:00 – 23:30 Friday-Saturday – 10.00 – 00:30, Sunday 12:00 – 23:00
- **Recorded music** - Monday-Thursday 12:00 – 23:00 Friday-Saturday – 12.00 – 00:00, Sunday 12:00 – 22:30

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 is included within the application form.

3. RELEVANT REPRESENTATIONS

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

Responsible Authority	Comments
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

Following receiving a copy of the representations Mr Farmer sent the residents the following statement:

I would like to respond to the complaints raised against my caravan site.

I was unaware of any issues regarding noise from my site. When I was made aware of problems, I immediately made changes as I certainly do not want to cause public nuisance to my neighbours.

I have installed an awning which has dramatically cut down on the noise and I am installing a noise monitor in the bar so that noise limits are adhered too. I have also enforced strict timings on when the music must stop.

There is signage on the front of the site, stating that we are open to non-residents. we are on Facebook, have our own website promoting the pub, but most of all I have my personal reputation locally as a landlord for the past 31 years and might I add have never had to call on the police at any time. As to the pub offering no amenities to the local community, I think there is a misconception about my caravan site. This is a small family run business which I have been operating since 1991. I have families who live on the Martello estate who regularly use the pub. Indeed, it was one of the residents who showed me a what's app group which had been set up regarding complaints about my site and he thought I should be made aware of what was happening.

As to the site offering no amenities to the local community, I would strongly disagree. We had both a ladies and men's darts team in the local Hythe and district league, for over 20 years. The members have all been a mixture of onsite residents and people from the local community. This was of course all suspended during covid and this year we have had 2 local darts teams who play either on Tuesday or Thursday in the New Romney darts league, at present the team members all live locally off site. Pre covid the ladies Hythe and district darts league held a yearly charity event for the air ambulance, this was always held at my pub and raised over £14.000 for that charity. We also were members of the Hythe and district

pool league, and we actually won the 2nd division, 1st division and premier division titles. This was pre covid, but the team members were all local residents, not people from my site. We also held a yearly charity event with the darts league to raise funds for the lifeboat fund. We have also held individual charity events to raise money, one in particular was for a young local girl suffering from leukaemia. We held an event to raise money for the Palmarsh youth boxing club. I think this clearly shows that we are actually at the heart of this community and have been for many years.

We also have held, weddings, birthday parties, anniversaries and wakes too numerous to mention. The teachers from the Palmarsh primary school held their end of year celebration here. All of these are local community events which we have been participating in for over 30 years.

As for the Martell pub being out of character for the area. There has been a caravan park on this site since 1975, I became part owner in 1987 and took full ownership in 1991, when I then moved on site with my family. The site has always had a bar open to non-residents from when I became a partner. We have been here for over 30 years; we have not changed anything other than a recent, change of name from Beach bank to Martello pub. We thought this was appropriate in updating our image. Nothing else has changed, we are a small family run business, the average age of our onsite owners is 60. We attract older people, we have previously never had any issues with the council, neighbours, police or anyone else. It has come as a shock to me that this has happened.

The comment about the Prince of Wales pub, I don't really understand. It is a great pub but a good 10/15-minute walk from us but it does not appeal to my local regulars. People are entitled to a choice, as has been the case for the last 30 plus years.

The comment about someone not being able to sell their house, I would think is due to the economic climate at the moment. It may also be due to the noise from the military firing range which has been here for many years. As to the new owner comment, as previously stated, I have owned the site since 1991.

I think that due to covid, we were closed down for such a long period of time, it was very quiet everywhere. This is our first year of getting back to normal and we are doing nothing different now than we have for the past 30 years. We have 2 air bnb bungalows on site, they are adjacent to the bar and we have asked our guest if the noise is affecting them, the answer is no. The comment about someone shouting and swearing, we do not have young people on site, its predominantly older people. I would have been aware of this happening and would have put a stop to it, I have 3 young grandchildren living on the site, and I would not allow them or my daughter to be subjected to this kind of behaviour. Also, my own residents would not tolerate this kind of behaviour.

I am only applying for a 1-hour extension on Friday and Saturday night to bring me into line with other pubs in the area [the Prince of Wales] and to

accommodate my local regulars. I am willing to apply measure to counter the noise and adhere to strict opening times.

As I have previously stated I do not want to have issues with my neighbours and I am willing to make any improvements necessary.

I hope the above answers all of the issues raised,

*kindest regards
Tony*

2 representations were withdrawn.

The remaining representation can be found at Appendix 3.

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

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. Representations