

This report will be made public on 4 January 2023



Report Number **DCL/22/49**

**To:** Licensing Sub-Committee  
**Date:** 12<sup>th</sup> January 2023  
**Status:** Non-Executive Decision  
**Head of service:** Ewan Green

**SUBJECT:** An application for a Premises Licence in respect of: The Nook, 43 Tontine Street, Folkestone.

**SUMMARY:** This report outlines the application made by Mr James Canter for a 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 for a 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
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

## 2. APPLICATION

- 2.1 On the 8<sup>th</sup> November 2022 Mr Canter submitted a completed application for a new Premises Licence at The Nook.

The application is for:

Supply of alcohol On Sales – Monday-Sunday 09.00 – 22.30  
Recorded Music – Monday-Sunday 09.00 – 23.00  
Opening Hours – Monday-Friday 09.00 – 23.00 Sat & Sun 10.00-23.00

The application is for music to be indoors and outside in their courtyard area. The applicant intends to hold DJ music events on either a Friday or Saturday night, once every 2 weeks.

The application for a Premises Licence can be seen at Appendix 1.

- 2.2. When consulted, Planning highlighted the following planning permissions: No live music anywhere on the premises and no speakers on the outside terrace. However, DJ music is usually considered as recorded music so it is not entirely clear whether there would be any planning conditions that would need amending. We would recommend that the applicant consult with Planning if the licence is granted, to ensure they meet the regulations.

## 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 and from a Responsible Authority.

<b>Responsible Authority</b>	<b>Comments</b>
Home Office - Immigration	None
Kent Police	None
Environmental Health (Pollution)	Representation

Environmental Health (Commercial)	None
Kent Fire and Rescue	None
Planning	None
Child Protection Agency	None

We have also received one representation from a member of the public.

Kent Police have not objected but have requested a more detailed Operating Schedule be applied and the applicant has agreed to add these to his application. These can be seen at Appendix 2.

The representations can be found at Appendix 3.

#### **4. OPTIONS**

4.1. The Licensing Sub-Committee has the following options:

- a) Grant the Application
- b) Grant the Application with amendments
- c) Add conditions to the Licence
- 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. Application for a Premises Licence

Appendix 2. Operating Schedule additions recommended by Kent Police

Appendix 3. Representations