

This report will be made public on 04 August 2023



Report Number: **DCL/23/11**

To: Licensing Sub-Committee
Date: 14th August 2023
Status: Non-Executive Decision
Head of service: Ewan Green, Director of Place

SUBJECT: An application for a Premises Licence in respect of: Tofts Cafe Bar, 37 Grace Hill, Folkestone, CT20 1HQ.

SUMMARY: This report outlines the application made by Ms Marceline Powell 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: DCL/23/11.
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 25th May 2023, Ms Marceline Powell submitted a completed application for a new Premises Licence at Tofts Café Bar.

The application is for:

Supply of alcohol On Sales. Mon-Sun. 12.00-23.30
Recorded Music – Fri-Sat 23.00-00.00
Live Music-Fri-Sat 23.00-00.00
Opening Hours – Mon-Sun. 12.00-00.00

The application is for music to be indoors.

Please note that in response to some of the objections, the original Application has now been amended so that live and recorded music will finish earlier during the week.

Due to the Live Music Act 2012, Live Music and Recorded Music were deregulated and are not considered licensable activities between 8:00 – 23:00 where there is an alcohol licence in place, therefore those activities are not shown above.

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

1. RELEVANT REPRESENTATIONS

- 1.1. 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.

Responsible Authority	Comments
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Home Office - Immigration	None
Kent Police	None
Environmental Health (Pollution)	None
Environmental Health (Commercial)	None
Kent Fire and Rescue	None
Planning	Objection Received
Child Protection Agency	None

We have also received eight representations from members of the public and one from Folkestone Town Council.

The representations can be found at Appendix 2.

2. OPTIONS

2.1. 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

1.1. 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.

1. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

John Bickel, Licensing Specialist
 Telephone: 01303 853384
 Email: john.bickel@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.

2. APPENDICES

Appendix 1. Application for a Premises Licence.

Appendix 2. Representations.

Appendix 3. Plan of Premises.