

Agenda

Meeting:Licensing Sub-CommitteeDate:23 November 2020Time:10.00 amPlace:Zoom - remote meeting

#### To: To all members of the Licensing Sub Committee Councillors John Collier, Mrs Jenny Hollingsbee and Philip Martin

The sub-committee will consider the matters listed below at the date and time shown above. The meeting will be open to the press and public and streamed live at <u>bit.ly/YouTubeMeetings</u>.

Members of the sub-committee who wish to have information on any matter arising on the Agenda which is not fully covered in these papers are requested to give notice prior to the meeting to the Chairman or appropriate officer.

- 1. Election of Chairman for the meeting
- 2. **Apologies of absence**
- 3. **Declarations of interest (Pages 3 4)**

Members of the Council should declare any interests which fall under the following categories:

- a) disclosable pecuniary interests (DPI)
- b) other significant interests (OSI)
- c) voluntary announcements of other interests

#### 4. **Declarations of lobbying**

Members should complete the enclosed yellow form and return it to the

### Queries about the agenda? Need a different format?

Contact Committee Services – Tel: 01303 853369/853267 Email: <u>committee@folkestone-hythe.gov.uk</u> or download from our website www.folkestone-hythe.gov.uk Committee Administrator at the meeting.

#### 5. An application for a Variation of a Premises Licence in respect of: Rosemont Restaurant & Cocktail Bar, 1 Majestic Parade, Sandgate Road, Folkestone, Kent, CT20 2BZ (Pages 5 - 44)

Report DCL/20/33 outlines the application made by Mr Erdogan to vary the current Premises Licence for this premises. The Licensing Sub-Committee must determine the outcome for the application.

# Agenda Item 3

#### **Declarations of Interest**

#### **Disclosable Pecuniary Interest (DPI)**

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

#### Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

#### Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

#### Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI. This page is intentionally left blank

Agenda Item 5

This report will be made public on 13 November 2020



Report Number: DCL/20/33

To: Date: Status: Head of service: Licensing Sub-Committee 23 November 2020 Non-Executive Decision Ewan Green, Director of Place

#### SUBJECT: An application for a Variation of a Premises Licence in respect of: Rosemont Restaurant & Cocktail Bar, 1 Majestic Parade, Sandgate Road, Folkestone, Kent, CT20 2BZ

**SUMMARY:** This report outlines the application made by Mr Erdogan to vary the current 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 Variation application for 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/20/33.
- 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 Rosemont Restaurant & Cocktail Bar, 1 Majestic Parade, Sandgate Road, Folkestone, Kent, CT20 2BZ has held a premises licence since before 2005 when the Licensing Act 2003 was introduced, it was brought over from the Magistrates. It was formerly known as Hop Kweng. In September 2020 Mr Onder Erdogan applied to transfer the Premises Licence and Designated Premises Supervisor to himself and to change the name of the premises to Rosemont. A copy of the current licence can be found at Appendix 1.
- 1.3 There are no conditions on the licence aside from the Mandatory Conditions. The current licence allows alcohol sales from 10:00 to 00:00, Monday-Saturday and on Sunday, 10:00 to 23:00.
- 1.4 No Temporary Events Notices have been submitted for this premises in the past and no complaints have been received by the Licencing or Environmental Health Departments.

#### 2. APPLICATION

- 2.1 An application to Vary the Premises Licence was received from the premises licence holder on the 23<sup>rd</sup> November 2020. The application can be found at Appendix 2. The Variation is to extend hours and add seasonal timings to cater for private functions and busier periods. Adding off sales to offer street dining. We received confirmation that the premises will be a restaurant and cocktail bar. It will not be a night club/music venue.
- 2.2 The Variation application was for: Opening hours – 10:00 – 01:00 Mon-Thurs, 10:00 – 03:00 Fri & Sat, 10:00 – 00:00 Sun Alcohol Sales – 10:00 – 00:30 Mon-Thurs, 10:00 – 02:30 Fri & Sat, 10:00 – 23:30 Sun Recorded music – 23:00 – 01:00 Mon-Thurs, 23:00 – 03:00 Fri & Sat, 23:00 – 00:00 Sun Late night refreshment – 23:00 – 01:00 Mon-Thurs, 23:00 – 03:00 Fri & Sat, 23:00 – 00:00 Sun
- 2.3. Following representations from Planning, Environmental Health and some residents, the applicant offered to revise his Variation application and submitted some additional information regarding the plans for the

restaurant and his knowledge of other restaurants in the local area to support his application:

Good afternoon,

I am completing this statement to assist the licensing committee in determining my application for a premises licence to be granted for Rosemont Restaurant, Majestic Parade, Folkestone.

The development of the previous Hop Kweng Chinese restaurant that had remained empty and in disrepair, will bring cosmetic value to a rundown corner of the town and potentially uplift the appeal to visitors and traders to Folkestone. Following considerable investment and planning, the intentions of this premises are to provide a dining experience that immerses the customer in culture and good food. This is a family operated business, not a franchise, and as a family we are very keen to ensure that the premises are operated to a high standard, and we will take into consideration guidance and advice from both the police and council to achieve this.

My application for a restaurant and cocktail bar has inadvertently caused both employees of the council, residents and others to question the validity of the application. I assure that this was not my intention. Rosemont is a restaurant and is certainly not to be compared to the running of 'The Bank Bar', which was operated as a night club. On reflection, the operating times have also caused concern. I am happy to review the opening times and put forward some additional conditions to help relay the fears that are being presented.

To assist my determination in identifying hours acceptable and appropriate to my business, I have taken time to research the Council Online Licensing Register. I have picked a few similar businesses and present them as follows.

Aspendos Restaurant, Aspen House, West Terrace. Opening timings until 0030hrs

The Radnor Arms, Christchurch Road. Opening timings until 0130hrs Conchitas, Bouverie Road West. Opening timings until 0100hrs Kalala, Castle Hill Avenue. Opening timings until 0130hrs The Clifton Hotel, Clifton Gardens. Opening timings until 0130hrs Roccos Cafe, Sandgate Road. Opening timings until 0100hrs Wards Hotel & Bistro, Earls Avenue. Opening timings until 0200hrs

All the above premises operate as a restaurant with a bar where alcoholic drinks are prepared and displayed with no limitations. As the town is a mix of residential and businesses all operators should have considered the licensing objectives and licensing policy, taking steps to promote these and satisfied the local authority and responsible authorities that they have done so.

The register provides opportunity to identify what measures these premises have taken to promote the licensing objectives. It has been interesting to find that the licensing objectives most prominently acknowledged through additional conditions, revolve around Prevention of Public Nuisance.

When looking to promote the Prevention of Public Nuisance, I have considered the following quote, "It is submitted that the appropriate threshold should be neither a probability nor a possibility of occurrence, but a real possibility of public nuisance occurring". It is therefore important that I identify what public nuisance could occur through the opening of a restaurant. Obviously, this might be noise or disturbance emanating from the premises and at times customers are leaving the premises.

I question what is the effect of restaurants on residents in Folkestone? I have not been able to find any information whereby the local authority has held a review hearing for ASB or any other matter surrounding restaurant licensed premises. I can therefore surmise that a problem surrounding dispersal does not exist and any reference to public nuisance matters is merely subjective and presumptive and not a real possibility of occurrence. There are currently no restrictions or conditions to commercial operating hours under planning control for this premises.

The premises are currently classed as A3 (Restaurant and Cafés), allowing sale of food and drink for consumption on the premises. We have no intention of operating outside of these parameters and alcohol sales will be ancillary to the main use of the property. Without contacting other premises to identify current 'class' it is difficult for me to research how similar businesses are classed. I have researched the council Planning and Building Control Register and found that the Sunshine Restaurant, Hythe High Street is identified as Class A3. The premises are tastefully and culturally decorated offering a cosmetic bar where drinks are displayed and prepared.

Another Class A3 premises is The Tavernetta Restaurant in Folkestone. This premises also tastefully and culturally presented, has a bar where drinks are displayed and prepared. I am therefore confident that premises such as the Kalala, Conchitas and Roccos are also classed A3.

To assist me I have considered the Council Licensing Policy. P12 Planning gives guidance that there is no legal basis for a licensing authority to refuse a licence application because it does not have the relevant planning permission. It is my understanding that my premises do have the required planning and that there are currently no conditions attached.

P13 Promoting Cultural Life identifies that Licensing is not solely about control but about promoting a diverse and vibrant cultural life for all. It states that a well-regulated, varied day-time, evening and night-time economy can benefit both residents and businesses and contribute to the promotion of the licensing objectives. The policy bullet points,

- The use of proportionate regulation to give business greater freedom and flexibility to meet their customers' expectations;
- Greater choice for consumers, including tourists, about where, when and how they spend their leisure time;
- The encouragement of more family friendly premises where younger children can be free to go with the family;
- The maintenance of a safe and family friendly environment within the District, particularly within town centres;
- The further development within communities of our rich culture of live music, dancing and theatre, and other forms of entertainment both in rural areas and in our towns;
- The regeneration of areas that need the increased investment and employment opportunities that a thriving and safe night-time economy can bring; and
- The necessary protection of local residents, whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting places of entertainment.

I am confident that my business will meet all these objectives.

P14 identifies that there is currently no Cumulative Impact policy for me to consider and P16 identifies that the council has not set fixed opening times within certain areas but will consider imposing stricter conditions in respect of noise control where premises are situated in areas that have dense residential accommodation and/or are close to sensitive areas, for example hospitals, schools, places of worship, nursing homes. This paragraph continues to identify that licensing authority would only have discretion to consider attaching such conditions where a relevant representation is received in respect of an application, and then only where considered appropriate for the promotion of the four licensing objectives.

As identified, Prevention of Public Nuisance seems to be the main area of concern and noise from customers. I have therefore paid attention to 'Best Practice' as identified on P22-23.

Taking into consideration the concerns that appear to be raised and referring to the licensing policy; in addition to conditions already proposed on application, I am prepared to offer the following,

#### Licensable activities – to reduce the timings to the following

Friday and Saturday all licensable activities to cease at 0100hrs. Premises to close at 0130hrs

Monday to Thursday all licensable activities to cease at 0000hrs. Premises to close at 0030hrs

Sunday all licensable activities to cease at 2330hrs. Premises to close at 0000hrs.

Seasonal Variations to remain as per application.

#### Prevention of Public nuisance

Windows and doors to be kept closed after 2200hrs daily.

No customers permitted to take drinks outside after 2200hrs daily.

Customers will only be permitted to take drinks outside to accompany a meal and to be seated in accordance with a pavement licence.

Customers will be encouraged to leave quietly and not to congregate outside.

Information will be made available to customers advising taxi, bus and train services.

Customers will not be served at the bar; table service only applies.

The revised timings bring operating times in line with restaurants. The additional measures I propose take into consideration best practice as identified in the council licensing policy.

I am very happy to meet with council representatives and other responsible authorities. There is an open invitation for representatives to attend the premises and discuss the proposed operations of this restaurant. I welcome openness and transparency, encouraging good working practices to promote Folkestone.

Onder Erdogan

Co-Owner of Rosemont, Folkestone Kebab and Radiance Clinic

#### 3. RELEVANT REPRESENTATIONS

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

Responsible Authority	Comments
Home Office - Immigration	None
Kent Police	None
Environmental Health (Pollution)	See Representation 2 below
Environmental Health	None
(Commercial)	
Kent Fire and Rescue	None

Planning	See Representation 1 below		
Child Protection Agency	None		

Four valid representations were submitted from members of the public, these were objections, several other representations were received but these were not considered valid by Licensing Officers as they referred to general issues in the wider area and other non-relevant premises, the valid representations can be found in Appendix 3.

#### 4. OPTIONS

- 4.1. The Licensing Sub-Committee has the following options:
  - a) Grant the Variation
  - b) Grant the Variation with amendments
  - c) Add conditions to the Licence/Amend hours
  - d) Reject whole or part of the Variation
- 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: <u>briony.williamson@folkestone-hythe.gov.uk</u>

#### **Background documents:**

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

https://www.folkestone-hythe.gov.uk/your-council/policies-plans-anddocuments/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-memorandumrevised-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 Premises Licence Appendix 2. Application to Vary Premises Licence Appendix 3. Representations

**Premises Licence** 

Part A

#### Premises Licence Number: SHEP00234/05



Folkestone, Kent CT20 2QY

#### Part 1 – Premise Details

# POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**Appendix 1** 

Rosemont Restaurant and Cocktail Bar 1 Majestic Parade Sandgate Road Folkestone Kent CT20 2BZ

#### WHERE THE LICENCE IS TIME LIMITED THE DATES

START DATE: 24/11/2005 Transfer & VDPS: 11/09/2020

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Alcohol Sales On Premises Only

#### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Alcohol Sales On Premises Only Monday 10:00 00:00 Tuesday 10:00 00:00 Wednesday 10:00 00:00 Thursday 10:00 00:00 Friday 10:00 00:00 Saturday 10:00 00:00 Sunday 10:00 23:00

#### THE OPENING HOURS OF THE PREMISES (IF GIVEN)

Monday Tuesday Wednesday Thursday Friday Saturday Sunday

### WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

# NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Mr Onder Erdogan 6 St Johns Way Densole Kent CT18 7DW

Telephone: 07533643021

# REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

#### NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mrs Mujde Erdogan 6 St Johns Way Densole Kent CT18 7DW

Telephone: 07883 031196

#### PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

ISSUING AUTHORITY: PERSONAL LICENCE NUMBER: Folkestone & Hythe District Council SDC0907

#### **Annex 1- Mandatory Conditions**

#### Mandatory conditions where licence authorises supply of alcohol

(1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.

(2) The first condition is that no supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Intoxicating liquor shall not be sold or supplied on the premises otherwise to persons taking table meals there and for consumption by such a person as an ancillary to their meal

#### Mandatory Licensing Conditions Order 2010

1.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.—(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

#### Annex 2 - Conditions Consistent with the Operating Schedule

General - to meet all objectives

## Annex 3 - Conditions Attached after a Hearing by the Licensing Authority $_{\mbox{N/A}}$

Annex 4 - Plans

As at application date held on file

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Licensing Team Folkestone & Hythe District Council Civic Centre Castle Hill Avenue Folkestone Kent CT20 2QY Telephone: 01303 853660 Email: licensing@folkestone-hythe.gov.uk



#### Application to vary a premises licence under the Licensing Act 2003

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Onder ERDOGAN

(Insert name(s) of applicant) being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number SHEP00234/05

#### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description					
	Rosemont 1 Majestic Parade Sandgate Road				
Post town Folkestone Postcode CT20 2BZ					

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£18,250.00

#### Part 2 – Applicant details

Daytime contact telephone number		07533643021		1
E-mail address (optional)		onderojda@outlook		
E-mail address (optional) Current postal address if different from premises address		6 St Johns Way Densole		
Post town Folkestone			Postcode	CT18 7DW

Please tick as appropriate	
Do you want the proposed variation to have effect as soon as possible?	⊠Yes

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

No

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

The premises retain its primary function as a restaurant with a separate bar. The nature of this variation is to extend hours and add seasonal timing variation to cater for private functions and extend hours during busy periods. The later hours will include amendments to sale of alcohol, late night refreshment and recorded music. Subject to authorisation of a pavement licence, the premises proposes to offer on street dining and therefore will be applying to add off sales for this purpose.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Pro	vision of regulated entertainment	Please tick all that apply
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	$\boxtimes$
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g (if ticking yes, fill in box H)	)

Provision of late night refreshment (if ticking yes, fill in box I)	$\boxtimes$
Sale by retail of alcohol (if ticking yes, fill in box J)	$\boxtimes$
In all cases complete boxes K, L and M	

А

Plays Standard days and timings (please read			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
	ce note 6)			Outdoors	
Day	Start	Finish		Both	
Mon	-		Please give further details here (please read guida	ince note 3)	_
Tue					
Wed			State any seasonal variations for performing plays guidance note 4)	(please read	
Thur					
Fri			Non standard timings. Where you intend to use th performance of plays at different times to those list on the left, please list (please read guidance note)	ted in the colur	
Sat					
Sun					

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Films Standard days and timings (please read			<u>Will the exhibition of films take place indoors or</u> <u>outdoors or both – please tick</u> (please read guidance note 2)	Indoors	
	ce note 6)			Outdoors	
Day	Start	Finish	in the second	Both	
Mon			Please give further details here (please read guida	ance note 3)	
Tue					
Wed			State any seasonal variations for the exhibition of guidance note 4)	<u>films</u> (please re	ead
Thur			-		
Fri			Non standard timings. Where you intend to use th exhibition of films at different times to those listed the left, please list (please read guidance note 5)		
Sat					
Sun			-		

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Indoor sporting events Standard days and timings (please read guidance note 6)		nd ead	Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			-
Sat			-
Sun			-

D

Boxing or wrestling entertainments Standard days and timings (please read		nd	Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors Outdoors	
	ce note 6)				
Day	Start	Finish		Both	
Mon			Please give further details here (please read guida	ance note 3)	
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		<u>ent</u>
Thur					
Fri			Non standard timings. Where you intend to use the boxing or wrestling entertainment at different times the column on the left, please list (please read gui	s to those listed	
Sat					
Sun					

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Live music Standard days and timings (please read			<u>Will the performance of live music take place</u> <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	
	ce note 6)			Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guida	ance note 3)	
Tue					
Wed			State any seasonal variations for the performance (please read guidance note 4)	of live music	
Thur			-		
Fri			Non standard timings. Where you intend to use the performance of live music at different times to those column on the left, please list (please read guidan	se listed in the	<u>the</u>
Sat			-		
Sun		_	-		

### F

Recorded music Standard days and timings (please read guidance note 6)		nd ead	Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors		
guidan		)		Outdoors		
Day	Start	Finish	2	Both		
Mon		0000	Please give further details here (please read guida	ince note 3)		
	2300					
Tue		0100	-			
	2300					
Wed		0100	State any seasonal variations for the playing of rec	corded music		
	2300		(please read guidance note 4)			
Thur		0100	Christmas Eve to reflect weekend opening times 2 New Years Eve to reflect weekend opening times 2			
	2300					
Fri		0100	Non standard timings. Where you intend to use the		the	
	2300		playing of recorded music at different times to thos column on the left, please list (please read guidant			
Sat		0300	)			
	2300					
Sun		0300				
	2300					

Performances of dance Standard days and			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
timings	ard days a s (please r ice note 6)	read	(please read guidance note 2)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read gu	idance note 3)	
Tue			-		
Wed			State any seasonal variations for the performation (please read guidance note 4)	nce of dance	
Thur			-		
Fri			Non standard timings. Where you intend to us the performance of dance at different times to column on the left, please list (please read guid	those listed in	es for n the
Sat					
Sun					

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)		<b>hat</b> .), (f) or .nd read	Please give a description of the type of entertainm providing	ent you will be	
Day	Start	Finish	Will this entertainment take place indoors or	Indoors	
Mon			outdoors or both – please tick (please read guidance note 2)	Outdoors	
				Both	
Tue Wed			Please give further details here (please read gui	idance note 3)	
Thur			State any seasonal variations for entertainmen description to that falling within (e), (f) or (g) guidance note 4)		
Fri			-		
Sat			Non standard timings. Where you intend to us the entertainment of a similar description to th (e), (f) or (g) at different times to those listed in the left, please list (please read guidance note 5)	at falling within the column o	in
Sun					

### I

Late night refreshment Standard days and timings (please read		ind	Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
guidan	ce note 6	)		Outdoors	
Day	Start	Finish		Both	
Mon		0000	Please give further details here (please read gui	dance note 3)	
	2300				
Tue		0100			
	2300				
Wed		0100	State any seasonal variations for the provision	of late night	
	2300		refreshment (please read guidance note 4)		
Thur		0100	Christmas Eve to reflect weekend opening times 23 New Years Eve to reflect weekend opening times 2		
	2300				
Fri		0100	Non standard timings. Where you intend to us		s for
	2300		the provision of late night refreshment at differ those listed in the column on the left, please list		
Sat		0300	guidance note 5)		
	2300				
Sun		0300			
	2300				

J

Supply of alcohol Standard days and timings (please read		and	Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	
	ce note 6			Off the premises	
Day	Start	Finish	n,	Both	
Mon		0000	State any seasonal variations for the supply of	alcohol (pleas	se
	1000	23:30		:00 - 02:30	
Tue		<del>0100</del>	Christmas Eve to reflect weekend opening times		
	1000	00:30		0:00 - 02:30	
Wed		<del>0100</del>			
	1000	00:30			
Thur		<del>0100</del>	Non-standard timings. Where you intend to us		
	1000	00:30	for the supply of alcohol at different times to the column on the left, please list (please read guidated and the supply of alcohol at different times to the column on the left, please list (please read guidated and the supply of alcohol at different times to the column on the left, please list (please read guidated and the supply of alcohol at different times to the column of the supply of alcohol at different times to the column on the left, please list (please read guidated and the supply of alcohol at different times to the column of the supply of alcohol at different times to the column of the supply of alcohol at different times to the column of the supply of alcohol at different times to the column of the supply of alcohol at different times to the column of the supply of alcohol at different times to the column of the supply of alcohol at different times to the column of the supply of alcohol at different times to the column of the supply of alcohol at different times to the column of the supply of alcohol at different times to the column of the supply of alcohol at different times to the column of the supply of alcohol at different times to the column of the supply of alcohol at different times to the column of the supply of alcohol at different times to the column of the supply of alcohol at different times to the column of the supply of alcohol at different times to the column of the supply of alcohol at different times to the column of the supply of alcohol at different times to the column of the column of the supply of alcohol at different times to the column of the column of the supply of alcohol at different times to the column of the colu		uie
Fri		<del>0100</del>			
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Sat		<del>0300</del>			
	1000	02:30	]		
Sun		<del>-0300</del>	]		
	1000	02:30	]		

#### Κ

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

None

Hours premises are open to the public Standard days and timings (please read guidance note 6)		olic Ind read	State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon		0000	
	1000		
Tue		0100	
	1000		1
Wed		0100	
	1000		Non standard timings. Where you intend the premises to be
Thur		0100	open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
	1000		
Fri		0100	1
	1000	-	1
Sat		0300	1
	1000		1
Sun		0300	1
	1000		1

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

N/A

lease tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

The premises have been recently purchased. The previous owner has not provided a copy of the existing premises licence.

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

#### a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

This licence is for a family restaurant. It is the intention of the premises licence holder to ensure that every person on the premises feels safe and under protection of experienced and skilled staff. Measures such as CCTV, preventing unruly or drunken behaviour, having first aid accredited staff, ensuring the restaurant is clear of hazards and operating under the 'challenge 25' scheme are examples of measures that will be taken to promote the four licensing objectives, whilst offering an enjoyable social dining experience.

#### b) The prevention of crime and disorder

CCTV will be installed inside and outside the premises. The CCTV will always be in operation when licensable activities are being carried out. This will be retained for 28 days and made available to support police investigations. No person will be allowed access to the premises if they are unruly, bad behaved or intoxicated.

#### c) Public safety

The main and emergency exits will be clearly marked. Staff will be trained to operate fire extinguishers and the premises will ensure fire regulations are adhered to. First aid facilities will always be readily available, and an on-duty staff member will be accredited in First Aid. Appropriate lighting will be installed throughout the toilet areas. Toilet areas will be regularly checked to ensure they do not constitute a hazard.

#### d) The prevention of public nuisance

As a restaurant the premises will predominately provide background music only. The venue will be available for private functions, the premises will not play music to a level likely to cause a nuisance to residents or businesses. Signage will be displayed advising customers to leave quietly. All residents of Majestic Parade will have a contact number to report any issues.

#### e) The protection of children from harm

Children under 12 years of age must be accompanied by an adult. The premises will operate the 'Challenge 25' scheme and Challenge 25 posters will be displayed.

Checklist:

	Please tick to indicate agreer	nent
•	I have made or enclosed payment of the fee.	$\boxtimes$
0	I have sent copies of this application and the plan to responsible authorities and others where applicable.	$\boxtimes$
•	I understand that I must now advertise my application.	$\boxtimes$
•	I have enclosed the premises licence or relevant part of it or explanation.	$\boxtimes$
•	I understand that if I do not comply with the above requirements my application will be rejected.	$\boxtimes$

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	Aus
Date	09-09-2020
Capacity	Applicant / Owner Mr Onder Erdogan

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previo with this application (please read	ously given) and address for correspondence associated d guidance note 13)			
Post town	Post code			
Telephone number (if any)				
If you would prefer us to corres	pond with you by e-mail, your e-mail address (optional)			

#### Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

- Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- 2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- 8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
- 9. Please list here steps you will take to promote all four licensing objectives together.
- 10. The application form must be signed.
- 11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
- 13. This is the address which we shall use to correspond with you about this application.

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### **Representations**

#### **Representation 1 – Planning Department**

Good afternoon,

I am writing to you with regard to the above address following receipt of a licencing consultation request.

The Planning Department wishes to **object** to the proposed licence on the basis that this would fail to meet the licencing aim of preventing public nuisance.

The site is within a residential area, with existing flats located above the premises and a large residential bock of flats adjacent (The Wardorf Apartments). We consider that opening until 03.00am would give rise to an unacceptable level of noise and disturbance which would detrimentally impact upon the amenity of neighbouring residents. The previous licence allowed the premises to open until 00.00 and we would object to any hours proposed beyond this given the residential location of the site.

We have recently granted planning permission under reference 20/1072/FH for *the continued use of premises as restaurant (A3) Hop Kweng restaurant to be replaced by Rosemont restaurant, new glazing and full width fixed canopy to front elevation outside seating and tables to front and side.* This application did not require a change of use and therefore opening hours were not secured via planning condition. I am currently unable to check the original planning history of the building for evidence of any restrictive opening hours via planning condition. This information may be available on the micro phish in the Civic Centre although this was an old planning permission so there is no guarantee.

I would also like to note that the proposed ground floor plan for the licence differs from that approved under the planning application. The licencing plan shows a bar area in the centre of the room. If the applicants wish to also use the premises as a bar, a new planning application would need to be submitted as they currently have planning permission to use the premises as a restaurant.

Please let me know if you require any further information.

Kind regards,

lssy

Issy Hills Planning Officer

#### **Representation 2 – Environmental Health Department**

Hi.

Environmental Health **objects** to the proposed variation of the licence, on the grounds of failing the licensing objective of preventing public nuisance.

The premises is classified as a restaurant under planning terms and the increase hours, is more reflected of a late night pub/bar/club venue.

This area is considered a mix residential use and therefore the increase hours will cause unnecessary and unacceptable level of noise and disturbance to nearby residential properties. Such noise would include: general noise generated by the coming and going of patrons, which can be made worse, if alcohol has been consumed, the general noise associated with taxi services and the general noise associated with people smoking outside the premises.

Kind regards

Mr. Wai Tse Environmental Protection Specialist

#### **Representation 3 – Whitecliff's Residents' Association**

Dear Briony,

It has now been brought to our attention that a late night licensing application has been received for, The Rosemont Restaurant & Cocktail Bar, 1 Majestic Parade, Sandgate Road, Folkestone.

Haven't the local residents in the vicinity of these premise, (we also include the Scuba bar!) already suffered enough over the years, and still your licensing dept consider in inflicting yet more misery upon the majority of of the local population.

Isn't the fact that we are all are all having to endure COVID -19, and the associated worries, hardships that come with this added threat, more than enough for any sane person to deal with.

It seems that if this application is allowed in a predominantly residential area it will be classed as a monumental step back in the regeneration of Folkestone.

All of the efforts that were made to rid ourselves of the infamous Bank Bar, and the subsequent financial costs incurred in doing so will account for nothing, if this application is granted.

Many residents have already signed a petition asking for a late night licensing review, (petition numbers curtailed due to the Corona virus).

When here we go again it's like a red flag to a bull, since the lockdown all local residents have enjoyed a level of peace and tranquility with the earlier closing times, at least we can now enjoy a nights sleep.

We have been informed that ASB figures for Jan, Feb, March were around 120, figures, however since July August and Sept numbers have rocketed to nearly 900 Can I suggest a large percentage of these incidents are undoubtedly alcohol related.

These figures will without doubt increase, once restrictions are lifted, even more unless measures are taken to control late night licensing hours.

Even one of our prominent local ward councillors has stated that the Majestic Parade already has high incidence of ASB, largely due to a certain Kebab Bar being allowed to stay open to around 3am selling alcohol, the owners as you will be aware are the people preparing to open the Rosemont Restaurant.

So eventually once the Virus is over does this mean that as local residents we will all have to endure not only drunken groups congregating mainly on the pavement area at this end of the town from 1-3 am as we did from the Scuba bar every weekend summer and winter but also from the Rosemont not only at weekends but weekdays into the early hours.

On behalf of Whitecliffs Residents we strongly object on the grounds of ASB, crime and disorder making a public nuisance.

One also mustn't forget vandalism that will no doubt accompany the drunken groups that we already attract.

It's quite the norm now to see upturned flower planters in Sandgate Road ! Dennis Podd Whitecliffs

#### **Representation 4 – Leas Cliff Residents' Association**

Dear Ms Williamson

Thank you for forwarding Mr Erdogan's statement in furtherance of his application for a Variation of the Rosemont Restaurant Premises Licence.

We welcome the fact that Mr Erdogan has **recognised the sensitivity of his earlier application** and wish to reassure the Applicant that there is support for opening The Rosemont Restaurant but there remains concern amongst many members of The Leas Residents Association at the request for the **Premises Licence be extended to 01:30am on Friday and Saturday nights.**  Despite, the variation in Licensed operating hours, from 03:00hrs to 01:30hrs <u>none of</u> <u>the Restaurants in Folkestone operate beyond 11:00pm on Friday or Saturday evenings</u> with clearance by 11:30pm. There are no late night Licensed Restaurants in Folkestone only Bars and Night Clubs and the inference musty be drawn that there has to be a reason why the Rosemont Restaurant would be the only such Licensed Restaurant in Folkestone, intent on remaining open for full restaurant services until 01:30am. This, in itself, begs the question about the likely clientele and the disturbance such people would cause both entering and exiting the restaurant at these late hours.

The area immediately surrounding the Rosemont Restaurant is **largely residential or comprised of hotels** and disturbance is already caused to both Hotel guest and residents by the presence of the Folkestone Kebab shop with a 03:00hrs licence, which is in the same ownership as the Rosemont Restaurant. The area is also part of the main coastal route into Folkestone and occupies a prominent position to the East of the Castle Hill roundabout with wide pavements and access to The Leas, the Town Centre and harbour and Castle Hill Avenue, **most of which are residential**, **making it difficult to or impossible, to control noise beyond the confines of the restaurant itself**.

People eating out and going home at a reasonable hour, may at times be noisy but are mostly coming to the end of the evening entertainment. People who wish to continue eating and drinking, albeit via table service, until 01:30 in the morning are more likely to be seeking night-time entertainment and this would mean them decanting to other late-night venues in the Town centre, or more likely, the Harbour area. This inevitably brings with it noise and rowdy behaviour throughout the town centre disturbing the sleep of very many residents.

Whilst the Applicant has been considerate of the fear expressed by many residents and adjacent businesses, The Leas Residents Association remains opposed to The Variation proposed by Mr Erdogan for **extended opening hours on Friday and Saturday nights till 01;30hrs on the ground of the protection and safety of local residents** and that the promotion of family friendly evening economy activity is in no way served by this proposal. We strongly suggest that the Council agrees a late night opening time of 11:30pm for this particular Premises, recognising that the Applicant has the right to seek an extension to these hours when the establishment has demonstrated the safe operation that is so clearly intended.

# The Leas Residents Association recognises that the Council will be reviewing its Licensing Policy before the end of the year and therefore anticipating any outcome would be contrary to good practice.

Again, there is considerable support for opening the Rosemont Restaurant as a healthy part of the Evening Economy, but not as **a late night drinking establishment**.

Yours sincerely, Philip Carter Coordinator Leas residents Association.

#### **Representation 5 – Whitecliffs Resident**

Good evening,

I am writing further to my initial letter opposing this application which was posted to the Licencing Dept (copy attached just in case it was never received).

I now understand that the owner of the premises has submitted a variation to the original application reducing the closing time from 3am to 1.30am.

Whilst I fully support any new business to open in our town, I am extremely concerned that this restaurant, which the owner describes as a family eating venue, has felt the need to seek to be open until the early hours of the morning.

Mr Erdogan cites a number of local restaurants with current licencing hours until midnight/1am, however I am sure that in fact these venues actually close at the more reasonable hour of 11.30pm.

I reiterate my previous comments that the premises is situated in a primarily residential part of the town surrounded by the homes of many people including young families whose quality of life would be severely affected by customers leaving the venue in the early hours of the morning.

My block, Whitecliffs, regularly suffers from public nuisance incidences of people exiting from the existing late night drinking premises and traversing along Castle Hill Avenue, The Leas and the Road of Remembrance area. The police are regularly involved in late night issues. Another late night bar in the area can only add to the disturbances and anti-social behaviour with a detrimental effect on the lives of many residents who surely have a right to expect an undisturbed night's sleep in their own homes.

I therefore strongly object to the granting of this licence in its current form on the grounds of public nuisance, anti-social behaviour and preventing crime and disorder and remain hopeful that the licensing dept will restrict the hours to the more reasonable time for a family venue of 11.30pm.

Kind Regards

Mrs Anne Warriner Whitecliffs

#### **Representation 6 – Local Resident**

To the Licensing Officer

# Reference: WK/202035110 Rosemont Restaurant & Cocktail Bar, 1 Majestic Parade, Sandgate Road, Folkestone, Kent, CT20 2BZ.

I am writing to object to the variation of the license for the above property. The variation details state that the hours will be extended until 1am during the week and 3am during

the weekend. Under the Licensing Objectives I believe there are serious issues with the extension of these hours from those given to the original license and it should be refused.

My main concern is the clause regarding Protection of Public Harm. This venue is in a highly residential area. It is surrounded by flats on a tree lined avenue. Folkestone and Hythe District Council has already set a precedent by taking action over a very similar property which bookends Majestic Parade, at 2 Castle Hill Ave. After years of complaints and investigations in 2018 the council revoked the license of this venue on various grounds including Protection from Public Harm. A venue that wishes to play music and serve alcohol until 3am is not suitable for a residential area it will affect the local residents in their homes. For example due to the law on smoking inside patrons will being drinks outside while smoking this increases noise levels which as road noise decreases later in the evening will disturb the rest of local residents. This was proven in the case of the Bank Bar by various visits from the duty officer from the environmental health team. The need to keep external doors and windows closed to prevent noise spreading becomes null and void when people are constantly leaving the building to smoke and returning. This again increases the noise pollution. By fact that the venue will be the only late night venue in the vicinity it is likely that it's patrons will arrive it what is often describe as a "pre-loaded state" meaning they have already consumed alcohol elsewhere they journey between establishments is often loud and can involve behaviour that damages local property, leads to public disorder. This again was shown to be the case with the Bank Bar. Despite any signs asking patrons to leave the buildings quietly and respect the surrounding this is a very unlikely outcome as most who leave pay no heed to the signs. In addition to the end of the opening hours there is also peak times to consider. If the venue becomes popular and limits on numbers are applied especially given the current implications on overcrowding and public safety this is likely to result in queueing or crowding around the front of the building. Again this will lead to raised noise levels and the possible of anti-social behaviour in a highly residential area. All the above points have been evidenced from the activities at the venue at 2 Castle Hill Avenue. While of course this is a different licensee the position of the venue it virtually identical and it is the unsuitable placement of a late license in a highly residential area which leads to most of these issues despite any efforts of the owners and license holders.

In addition to these points it is also important to raise the thorny issue of TEN being made available to the venue. A temporary Event Notice allows this venue to open for later than 3am for events again in a residential area. This should be considered when looking at this application closely as these events can increase ASB hugely.

It is also important to consider the impact later opening hours and the likely increase in public nuisance and public disorder will have on our local police. We know that services are being deployed in a range of important ways not just boots on the ground so to speak, therefore late-night issues will put extra stress on a limited number of officers available to deal with crime in our area. I understand that the proposed licensee for this venue already has a late license for a venue on Majestic Parade where anti-social behaviour has been witnessed and reported. I am certain that the police calls or 101

records would be available to support this. This also leaves me wondering as I was under the impression that the licensee needs to be present when the venue is open how it is possible to be in two venues at once?

I trust that issues raised above related to the Licensing Objective Preventing Public Nuisance and the face that the precedent has been set on a highly similar case leaves the Licensing Officer in agreement that this extension is unsuitable. However, should this go forward to a hearing please do keep me informed as I would be willing to speak.

I would also like to remind the officer that under the Human Rights Act 1998 Article 1 Protocol 1:

"people have a right to peaceful enjoyment of their property, "

Granting this license would lead to an infringement of this right for a large amount of Folkestone and Hythe District Council Residents.

Yours Faithfully

Zoe Bowden & Gavin Baker

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#### Folkestone and Hythe District Council

## Licensing Sub-Committee 23 November 2020

#### **Declarations of Lobbying**

Members of the Licensing Sub-Committee are asked to indicate if they have been lobbied or not, and if so, how they have been (i.e., letter, telephone call, etc.) in respect of the applications below:

#### **Application No.**

Type of lobbying

SIGNED: .....

When completed, please return this form to the Committee Administrator at the meeting.

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