



# Agenda

Meeting: **Licensing Sub-Committee**  
Date: **15 December 2020**  
Time: **10.00 am**  
Place: **Remote meeting**

To: **To all members of the Licensing Sub Committee – Councillors Gary Fuller, Jim Martin 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 [bit.ly/YouTubeMeetings](https://bit.ly/YouTubeMeetings).

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 form or email their return to the Committee Administrator.

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

Contact Committee Services – Tel: 01303 853369/853267  
Email: [committee@folkestone-hythe.gov.uk](mailto:committee@folkestone-hythe.gov.uk) or download from our website  
[www.folkestone-hythe.gov.uk](http://www.folkestone-hythe.gov.uk)

5. **An application for a Variation of a Premises Licence in respect of The Star Inn, St Mary in the Marsh, Kent, TN29 0BX (Pages 5 - 38)**

Report DCL/20/34 outlines the application made by Mr Stone to vary the current Premises Licence for this premises. The Licensing Sub-Committee must determine the outcome for the application.

6. **An application for a new Premises Licence in respect of: Plant Based Chef, 1 Metropole Road East, Folkestone, Kent, CT20 2AN (Pages 39 - 66)**

Report DCL/20/42 outlines the application made by Mr MacFarlane for a new Premises Licence for this premises. The Licensing Sub-Committee must determine the outcome for the application.

## **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.

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This report will be made public on 7 December 2020



Report Number: **DCL/20/34**

**To:** Licensing Sub-Committee  
**Date:** 15 December 2020  
**Status:** Non-Executive Decision  
**Head of service:** Ewan Green – Director of Place

**SUBJECT:** An application for a Variation of a Premises Licence in respect of: The Star Inn, St Mary in the Marsh, Kent, TN29 0BX

**SUMMARY:**

This report outlines the application made by Mr Stone 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/20/34.
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 The Star Inn, St Mary in the Marsh, Kent, TN29 0BX has held a premises licence since before 2005 when the Licensing Act 2003 was introduced, it was brought over from Magistrates. Mr Stone applied to transfer the Premises Licence and DPS to himself of the 3<sup>rd</sup> August 2018. 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 11:00 to 23:00, Monday-Saturday and on Sunday, 12:00 to 22:30 and Recorded Music 11:00 to 23:00, Monday-Saturday and on Sunday, 12:00 to 22:30.
- 1.4 There haven't been any recent Temporary Events Notices submitted for this premises. There have been 4 complaints received by the Environmental Pollution Department over the last 18 months regarding loud music. The threshold of a noise nuisance was not found to be met.

## 2. APPLICATION

- 2.1 An application to Vary the Premises Licence was received from the premises licence holder on the 8<sup>th</sup> October 2020. The application can be found at Appendix 2. The Variation is to extend the Premises Licence area from the inside of the pub, to include the outside beer garden area as it was not clear whether the original licence had included the garden or not due to no plans being available. This is primarily so that they can have amplified live music outside in the summer months.
- 2.2 Live music was deregulated in 2012 so amplified live music can be played in an area licensed for alcohol from 08:00 until 23:00 as it is not a licensable activity. Live music can be played inside the pub until 23:00 without it being specified on the licence. However, if amplified live music is to be played in the garden the Premises Licence area needs to be extended to cover the garden.
- 2.3 The licence holder has submitted the following information to explain how they will prevent any noise nuisance from the outside live music:

This is how we intend to monitor our music and to ensure our music levels are kept to a reasonable level.

We will walk towards residential areas to monitor the sound. If we feel the music is too loud we will make sure that it is brought down to a better level.

We would like to work with our neighbours and with that in mind we are going to put a note around to all of our neighbours with our phone number on so as they can ring us direct if they have a problem. We will then do our best to accommodate them.

We will also erect signage to ask people to respect our neighbours and keep their own noise to a minimum.

### **3. RELEVANT REPRESENTATIONS**

- 3.1. This Hearing has been required by the Licensing Act 2003 because 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

Five valid representations were submitted from the Parish Council and members of the public, these were objections and 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
- 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 four 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 Premises Licence

Appendix 2. Application to Vary Premises Licence

Appendix 3. Representations

# Premises Licence Part A

Appendix 1



Folkestone & Hythe District Council  
Civic Centre, Castle Hill Avenue,  
Folkestone, Kent CT20 2QY

**Premises Licence Number: SHEP00173/05**

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

Star Inn  
St Mary In The Marsh  
Romney Marsh  
Kent  
TN29 0BX Telephone: 01797 362139

## WHERE THE LICENCE IS TIME LIMITED THE DATES

START DATE: 24/11/2005 Transfer & Vary DPS: 03/08/2018

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Alcohol Sales On & Off Sales  
Recorded Music

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

	Alcohol Sales On & Off Sales	Recorded Music
Monday	11:00 23:00	11:00 23:00
Tuesday	11:00 23:00	11:00 23:00
Wednesday	11:00 23:00	11:00 23:00
Thursday	11:00 23:00	11:00 23:00
Friday	11:00 23:00	11:00 23:00
Saturday	11:00 23:00	11:00 23:00
Sunday	12:00 22:30	12:00 22:30
Bank Holidays	11:00 00.30	11:00 00.00
Christmas Eve	11:00 00:00	11:00 00:00
New Year's Eve	11:00 01:30	11:00 01:00

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

Monday	11:00 to 23:00
Tuesday	11:00 to 23:00
Wednesday	11:00 to 23:00
Thursday	11:00 to 23:00
Friday	11:00 to 23:00
Saturday	11:00 to 23:00
Sunday	12:00 to 22:30
Bank Holidays	11:00 to 00.30
Christmas Eve	11:00 to 00:00
New Year's Eve	11:00 to 01:30

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

ON OR OFF

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

Mr David Stone  
The Star Inn  
St Mary In The Marsh  
Kent  
TN29 0BX Telephone: 01797 362139

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

N/A

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

Mr David Stone  
The Star Inn  
St Mary In The Marsh  
Kent  
TN29 0BX Telephone: 07753826430

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

**CROYDON LONDON BOROUGH COUNCIL**  
PERSONAL LICENCE NUMBER: **18/00094/LIPERS**

## **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.

### **Off Sales**

On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.

On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.

On Good Friday, 8 a.m. to 10.30 p.m.

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

General - to meet all objectives

Protection of children from harm Operating Schedule

Preventing under age consumption of alcohol and purchase of tobacco products by requesting ID

Prevention of Crime & Disorder Operating Schedule

Applying to be a member of 'Pub Watch'

Public Safety Operating Schedule

To ensure that Public Safety notices are displayed

Prevention of public nuisance Operating Schedule

Applying to be a member of 'Pub Watch'

## **Annex 3 - Conditions Attached after a Hearing by the Licensing Authority**

N/A

## **Annex 4 - Plans**

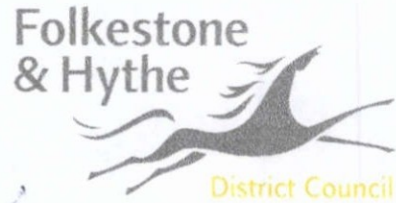
As at application date held on file

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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  
www.folkestone-hythe.gov.uk

10 8 OCT. 2020



### 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 MR DAVID STONE  
(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	<u>SHEP00173/05</u>
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#### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
<u>THE STAR INN</u> <u>ST MARY IN THE MARSH</u> <u>ROMNEY</u> <u>KENT</u>			
Post town	<u>ROMNEY</u>	Postcode	<u>TN29 0BX</u>

Telephone number at premises (if any)	<u>01797 362 139</u>
Non-domestic rateable value of premises	<u>£ 7,500 BAND A</u>

#### Part 2 – Applicant details

Daytime contact telephone number	<u>01797 362 139</u>		
E-mail address (optional)	<u>teresastone09@hotmail.co.uk</u>		
Current postal address if different from premises address	<u>AS ABOVE</u>		
Post town		Postcode	

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

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

DD	MM	YYYY

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

THE STAR INN IS A PUBLIC HOUSE  
WE HAVE AN INDOOR BAR & SMALL RESTAURANT  
WE ALSO HAVE A SMALL OUTDOOR BAR IN OUR  
VAST GARDEN.  
WE CURRENTLY HOLD A PREMISE LICENCE  
FOR THE SALE OF ALCOHOL ON & OFF THE  
PREMISES & RECORDED MUSIC.  
WE WISH TO VARY THE LICENCE TO ADD  
LIVE MUSIC INSIDE & OUT AT WEEKENDS.  
ANY VARIATION TO THIS FOR WEDDINGS ETC  
WE WILL APPLY FOR A TEMPORARY EVENTS  
NOTICE.

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.

##### Provision 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)
- 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)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Tue					
			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

B

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



C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			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)
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Tue					
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3) LIVE MUSIC IN BEER GARDEN IN SUMMER MONTHS / HOT WEATHER & LIVE MUSIC INSIDE THE PREMISES MAINLY DURING WINTER MONTHS		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)  AS ABOVE		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)  XMAS EVE - 20.00 - 12 MIDNIGHT NEW YEARS EVE - 20.00 - 01.00  BANK HOLS - 14.00 - 19.00		
Sat	14.00	19.00			
Sun	14.00	19.00			



F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	12	22.30	Please give further details here (please read guidance note 3) VERY SMALL SPEAKERS BY DOOR THAT OCCASSIONLY PLAYS VERY LOW LEVEL JUKE BOX RECORDED MUSIC TO PEOPLE SITTING ON THE COUPLE OF TABLES BY FRONT DOOR		
OUT	14.00	19.00			
Tue	12	22.30	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
OUT	1400	1900			
Wed	12	22.30	AS ABOVE		
OUT	1400	1900			
Thur	12	22.30			
OUT	1400	1900	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	12	22.30			
OUT	1400	1900	XMAS EVE 20.00 - 12 MIDNIGHT NEW YEARS EVE - 20.00 - 00.30 BANK HOLS 14.00 - 19.00		
Sat	12	22.30			
OUT	1400	1900			
Sun	12	2230			
OUT	1400	19.00			

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Tue					
			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					



H

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

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Tue					
			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					



J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
Day	Start	Finish		Both	<input checked="" type="checkbox"/>			
Mon	11.00	<del>23.00</del> 22:30	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)					
Tue	11.00	<del>23.00</del> 22:30						
Wed	11.00	<del>23.00</del> 22:30						
Thur	11.00	<del>23.00</del> 22:30				<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri	11.00	<del>23.00</del> 22:30						
Sat	11.00	<del>23.00</del> 22:30						
Sun	12.00	<del>22.30</del> 22:00						

K

**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).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	11.00	23.00	LIVE MUSIC IN BEER GARDEN
Tue	11.00	23.00	
Wed	11.00	23.00	
Thur	11.00	23.00	
Fri	11.00	23.00	
Sat	11.00	23.00	
Sun	12	22.30	
			<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5) XMAS EVE - <del>2000-12</del> 11.00 - 00.00 NEW YEARS EVE 11.00 - 01.30 BANK HOLS 11.00 - 00.30

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

please 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.



## M

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)

TO COMPLY WITH AND WORK TO UPHOLD  
ALL FOUR LICENSING OBJECTIVES

### b) The prevention of crime and disorder

CHALLENGE 25 POLICY IN PLACE AND ALL  
STAFF TRAINED.  
ID IN THE FORM OF PASSPORT, PHOTO CARD  
DRIVING LICENCE OR PASS ID CARD,  
ALL MUST HAVE PHOTO & HOLOGRAM  
CCTV INSTALLED & MONITORED. ALL RECORDINGS KEPT FOR  
21 DAYS

### c) Public safety

CCTV INSTALLED AND MONITORED. ALL RECORDINGS  
MADE AVAILABLE TO POLICE & LICENCE OFFICERS.  
ALL ENTRANCES & EXITS KEPT CLEAR AT ALL  
TIMES.  
NO ADMISSION BY PUBLIC TO KITCHEN AREA,  
OUTSIDE AREAS ARE KEPT WELL LIT FOR SAFETY

### d) The prevention of public nuisance

WE WILL MONITOR ALL MUSIC AND ENSURE IT IS KEPT  
TO A MINIMUM SO NOT TO AFFECT OUR NEIGHBOURS  
WE WILL WALK BEYOND OUR BOUNDARIES TOWARDS  
RESIDENTIAL AREAS TO MONITOR SOUND. IF TOO LOUD  
WE WILL ENSURE THE LEVEL IS BOUGHT DOWN. WE  
WILL MONITOR EVERY 30-60 MINS WHILST MUSIC IS ON.  
SIGNAGE ERECTED TO RESPECT THAT ALL CUSTOMERS  
KEEP NOISE TO A MINIMUM TO RESPECT NEIGHBOURS.

### e) The protection of children from harm

CHALLENGE 25 POLICY IS IN PLACE & ALL  
STAFFED TRAINED  
ALL CHILDREN UNDER 16 TO BE ACCOMPANIED BY  
AN ADULT.  
NO ACCESS TO KITCHEN AREA & NO CHILDREN  
TO BE AT BAR



Checklist:

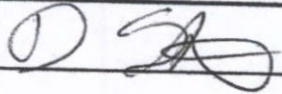
Please tick to indicate agreement

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

**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	
Date	
Capacity	OWNER

**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 previously given) and address for correspondence associated with this application (please read guidance note 13)**

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond 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.**

1. 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).
3. 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.



# Premises Licence

Part A



Folkestone & Hythe District Council  
Civic Centre, Castle Hill Avenue,  
Folkestone, Kent CT20 2QY

**Premises Licence Number: SHEP00173/05**

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

Star Inn  
St Mary In The Marsh  
Romney Marsh  
Kent  
TN29 0BX

Telephone: 01797 362139

## WHERE THE LICENCE IS TIME LIMITED THE DATES

START DATE: 24/11/2005      Transfer & Vary DPS: 03/08/2018

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Alcohol Sales On & Off Sales  
Recorded Music

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

	Alcohol Sales On & Off Sales	Recorded Music
Monday	11:00 23:00	11:00 23:00
Tuesday	11:00 23:00	11:00 23:00
Wednesday	11:00 23:00	11:00 23:00
Thursday	11:00 23:00	11:00 23:00
Friday	11:00 23:00	11:00 23:00
Saturday	11:00 23:00	11:00 23:00
Sunday	12:00 22:30	12:00 22:30
Bank Holidays	11:00 00.30	11:00 00.00
Christmas Eve	11:00 00:00	11:00 00:00
New Year's Eve	11:00 01:30	11:00 01:00

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

Monday	11:00 to 23:00
Tuesday	11:00 to 23:00
Wednesday	11:00 to 23:00
Thursday	11:00 to 23:00
Friday	11:00 to 23:00
Saturday	11:00 to 23:00
Sunday	12:00 to 22:30
Bank Holidays	11:00 to 00.30
Christmas Eve	11:00 to 00:00
New Year's Eve	11:00 to 01:30

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

ON OR OFF





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

Mr David Stone  
The Star Inn  
St Mary In The Marsh  
Kent  
TN29 0BX

Telephone: 01797 362139

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

N/A

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

Mr David Stone  
The Star Inn  
St Mary In The Marsh  
Kent  
TN29 0BX

Telephone: 07753826430

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

**CROYDON LONDON BOROUGH COUNCIL**  
PERSONAL LICENCE NUMBER: **18/00094/LIPERS**



## **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.

### **Off Sales**

- On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- On Good Friday, 8 a.m. to 10.30 p.m.

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

General - to meet all objectives

Protection of children from harm Operating Schedule

Preventing under age consumption of alcohol and purchase of tobacco products by requesting ID

Prevention of Crime & Disorder Operating Schedule

Applying to be a member of 'Pub Watch'

Public Safety Operating Schedule

To ensure that Public Safety notices are displayed

Prevention of public nuisance Operating Schedule

Applying to be a member of 'Pub Watch'

## **Annex 3 - Conditions Attached after a Hearing by the Licensing Authority**

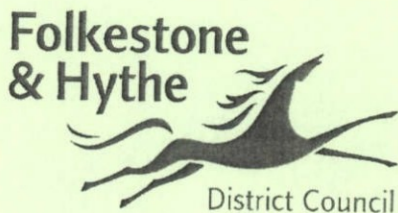
N/A

## **Annex 4 - Plans**

As at application date held on file



**Premises  
Licence  
Summary  
Part B**



**Star Inn  
St Mary In The Marsh  
Romney Marsh  
Kent  
TN29 0BX**

**Telephone: 01797 362139**

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

START DATE: 24/11/2005      Transfer & Vary DPS: 03/08/2018

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

	Alcohol Sales On & Off Sales	Recorded Music
Monday	11:00 23:00	11:00 23:00
Tuesday	11:00 23:00	11:00 23:00
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Sunday	12:00 22:30	12:00 22:30
Bank Holidays	11:00 00.30	11:00 00.00
Christmas Eve	11:00 00:00	11:00 00:00
New Year's Eve	11:00 01:30	11:00 01:00

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

Monday	11:00 to 23:00
Tuesday	11:00 to 23:00
Wednesday	11:00 to 23:00
Thursday	11:00 to 23:00
Friday	11:00 to 23:00
Saturday	11:00 to 23:00
Sunday	12:00 to 22:30
Bank Holidays	11:00 to 00.30
Christmas Eve	11:00 to 00:00
New Year's Eve	11:00 to 01:30

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

ON & OFF

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER OF HOLDER OF PREMISES  
LICENCE**

Mr David Stone  
The Star Inn  
St Mary In The Marsh  
Kent  
TN29 0BX

Telephone: 01797 362139

**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE  
AUTHORISES THE SUPPLY OF ALCOHOL**

David Stone

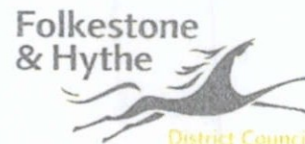
**STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR  
PROHIBITED:**

N/A





Licensing Team  
Folkestone & Hythe District Council  
Civic Centre  
Castle Hill Avenue  
Folkestone  
Kent CT20 2QY  
01303 858660



## NOTICE OF APPLICATION TO VARY A PREMISES LICENCE

Notice is given that an application has been made to Folkestone & Hythe District Council, the Licensing Authority for a

### PREMISES LICENCE - VARIATION

in respect of the premises shown below.

Details of the application may be inspected between the hours of 09:30 and 17:00 at Civic Centre, Castle Hill Avenue, Folkestone, Kent CT20 2QY

Any interested party or responsible authority may make representations in respect of the application, which must be submitted, in writing, to the following address before the date shown below:

Licensing, Civic Centre, Castle Hill Avenue, Folkestone, Kent CT20 2QY

NAME OF APPLICANT

DAVID STONE

NAME AND POSTAL ADDRESS OF THE PREMISES

THE STAR INN  
ST MARY IN THE MARSH  
ROMNEY KENT TN29 0BX

DETAILS OF PROPOSED VARIATION (Must include activities, days and times being changed)

WE CURRENTLY HOLD A PREMISE LICENCE FOR ALCOHOL SALES ON/OFF & RECORDED MUSIC. WE WISH TO VARY THE LICENCE TO ADD LIVE MUSIC TO BE PLAYED INSIDE & OUTSIDE.

SALE OF ALCOHOL - MON - SAT 11.00 - 23.00, SUN - 12 - 22.30  
ON & OFF & RECORDED MUSIC

LIVE MUSIC - SAT & SUN 14.00 - 19.00  
INSIDE & OUT

RECORDED MUSIC OUTSIDE - 14.00 - 19.00 OPENING HOURS - 12.00 - 23.00

DATE BY WHICH REPRESENTATIONS MUST BE MADE

This notice remains in force from and including the day after the giving of this notice to the licensing authority, namely \_\_\_\_\_ 20\_\_\_\_, for 28 consecutive days.

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine on summary conviction is £5,000.

## *Appendix 3*

### **Representations**

#### **Representation 1 – Parish Council**

St. Mary in the Marsh Parish Council would like to object to the licence application from the Star public house for outside music.

The parish council has received several complaints from neighbours close to the public house due to persistent volume of noise from outside music and parking problems in the lane caused by its patrons.

Therefore, respecting residents' views the parish council will object to the application for an outside music licence. It is appreciated that a licence for occasional outside events may be applied for, but outside music every weekend is unacceptable. The parish council's view is that any activity held at the public house should be contained within its own boundaries.

Kind regards  
Gillian Smith  
Clerk, St. Mary in the Marsh Parish Council

#### **Representation 2 – Resident**

I am writing to inform you that I object to the application by Mr David Stone for a Premises Licence Variation for The Star Inn St Mary in the marsh, Romney marsh, Kent.

As a resident of Wade Close (houses nearest the Public House) I feel that any increase in musical entertainment would be highly disruptive to life here, not just the noise increase, but also the increase in traffic and parking of cars in the road outside the pub.

The Star Inn already has several music events throughout the year and the noise is often at an unacceptable level and frequency in my opinion, often forcing me to go out to avoid it.

I realise that public houses need food sales and entertainment to survive these days and I'm all for that, it is good to see our local pub doing well, however the possibility of loud music both weekend days throughout the year would be too much to live with.

With that in mind I sincerely hope that this application is not approved so that peaceful village life may continue with the quiet country pub that it has always been.

### **Representation 3 – Resident**

I note that this application allows the playing of 'music' outdoors each and every afternoon/evening throughout the year and at unspecified volume.

This is wholly inappropriate for a country pub in a rural setting. Much tourism is attracted to the area because of the tranquillity and peacefulness to be enjoyed here, this could so easily be damaged. The open nature of the Marsh landscape means that there is little natural noise attenuation, with sound travelling long distances at unpleasant volume.

Local residents (and all landowners) have a right to 'peaceful enjoyment' of their properties. This application doesn't just infringe that right, it potentially strips it away altogether. The situation which built up this year, where local residents (some more than 400m away) were unable to sit in their gardens because of the loud music emanating from this site should not be repeated, let alone endorsed or legitimised.

During the current pandemic our gardens and public spaces have become even more of a haven, providing essential respite from the stress of 'cabin fever', acting as the only legal way of meeting friends or relatives, some elderly, some living alone, all at risk. Any action which is detrimental to this safe and distanced contact must be viewed negatively, especially so if we are to avoid further restrictions and thus, damage to the local and national economy.

The outdoor music played at the site this year on Sunday 12th July was a contributory factor in what is best described as an act of mass idiocy, with large numbers of people gathering from who knows where? to drink, dance and embrace. No face coverings, No social distancing and congested lanes meaning key workers had to find alternative routes and work longer hours. Unfortunately Covid-19 does not restrict itself to the ignorant and selfish, therefore it is crucial that future events are limited, quieter, publicised and policed. Surely a Temporary Event Notice would be more appropriate to ensure any future outdoor music is occasional, at an acceptable volume, well organised and notified, properly staffed and policed? With the added benefit for the applicant of being sustainable and neighbourly, neither of which apply currently.

I urge you to refuse this application.

### **Representation 4 – Resident**

They have had complete disregards for residents in close proximity to the pub, With loud music played both weekend days virtually all summer, as residents we also like to enjoy our outside space, and times I have been driven indoors, and can still hear it, even with quality double glazing!



Along with allowing car owners to play very loud music on the days they didn't have performances, with the cars parked in the paddock/beer garden!  
TBH I'm not even sure they should have been having live music with the Covid restrictions, but some evidence can be found on the Star Inn, or Land Ladies Facebook page, which I notice has had some content removed of recent, probably as to damming, to support any credible application.

The Social distancing etc, was also a joke!

As residents of Wade Close, 5 residents out of 8 houses are shift workers, who moved the country for peace and quiet, enabling sleep during the day for night shift work. I also have primary school age children who have been kept awake way past 21.00. The Pub used to hold a couple of functions a year, which was fine. Not every weekend day as above.

I'd happily accept a day month, but virtually every weekend/Bank holiday day, all summer was, and is too much to endure.

### **Representation 5 – Resident**

We understand the licensee of The Star Inn has applied for a licence to hold outdoor music events both recorded and live, every weekend, and I imagine as in the past this will extend to Bank Holidays in addition to Saturday and Sundays.

We have complained to the Council this year and last regarding the intolerable noise from The Star Inn.

We strongly oppose the granting of this Licence to give them the legal right to destroy the peace of the Village every weekend.

1 The noise is so loud that we are obliged to go indoors, close all windows and doors, (and very uncomfortable this was in the hot weather) and put on our radio or television to drown out their noise and get some respite. The other option is to leave our home every weekend, from before midday to at least 10pm. The prospect of needing to do this, every weekend is beyond distressing!

2 The lanes around the village are hazardous when the Inn has these events. Drivers not familiar with lanes and seeming little regard, drive at speed, not pulling over or seeking a passing place, just plough up the verges. Also there is no parking for the many vehicles, and as previously stated lanes are narrow so many vehicles parked inappropriately further restricts access for other traffic, and more so larger vehicles eg tractors and machinery necessarily about in the area.

3. These "Music" events being held opposite the church would mean that church services, weddings, and visitors who travel some distances to view the church, visit a grave, or just want to enjoy this pretty ,previously peaceful little village will be subject to the unsuitable noise, and find parking impossible.

In conclusion it seems totally wrong and grossly unfair that the current licensees would be legally able to continue to destroy every weekend, making residents outside space both gardens and the surrounding lanes unusable. It will necessitate us to be confined indoors, or go out for the majority of the weekend.

This licence if granted is of advantage only to the licensees and their profit. It should also be mentioned that since the Covid 19 situation, their take away sales and events have taken place with no adherence to social distancing, drinkers and attendees also using the adjacent field, which has no washing or toilet facilities so obviously little regard for public health.

We implore you not to grant this licence on a weekly ongoing basis, and please give consideration to the health and wellbeing of all residents, and uphold our right to enjoy our homes and gardens.

This report will be made public on 7 December 2020



Report Number: **DCL/20/42**

**To:** Licensing Sub-Committee  
**Date:** 15 December 2020  
**Status:** Non-Executive Decision  
**Head of service:** Ewan Green

**SUBJECT:** An application for a new Premises Licence in respect of: Plant Based Chef, 1 Metropole Road East, Folkestone, Kent, CT20 2AN

**SUMMARY:** This report outlines the application made by Mr MacFarlane for a new 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 new 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/20/42.
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 1 Metropole Road East, Folkestone, Kent, CT20 2AN is a residential property and has not held a premises licence before.

## 2. APPLICATION

- 2.1 An application for a new Premises Licence was received from Mr Mark MacFarlane on the 27<sup>th</sup> October 2020. The application can be found at Appendix 1. The application is for Off Sales of alcohol between 10:00 and 02:00.
- 2.2 The applicant has advised that he wishes to run a vegan food delivery business from his home and as part of the offering he would like to sell alcohol. The business will be delivery only, no collections will take place by customers from the premises.

## 3. RELEVANT REPRESENTATIONS

- 3.1. This Hearing has been required by the Licensing Act 2003 because representations were received from a Responsible Authority.

Responsible Authority	Comments
Home Office - Immigration	None
Kent Police	None
Environmental Health (Pollution)	None
Environmental Health (Commercial)	None
Kent Fire and Rescue	None
Planning	Objection – see Appendix 2
Child Protection Agency	None

No representations were received from members of the public.

Following on from the objection received by Planning the applicant has offered to review the hours proposed, however Planning are still concerned with the impact that increased activity associated with the proposed business could have on the amenity of neighbouring occupants in this residential area.

## 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 new Premises Licence

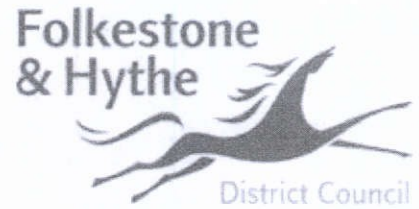
Appendix 2. Representations

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

Approved Post Point

123 OCT 2020



**Application for a premises licence to be granted 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 PLANT BASED CHEF LTD  
 (Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description <u>1 METROPOLE RD EAST</u> <u>FOLKESTONE</u>			
Post town	<u>FOLKESTONE</u>	Postcode	<u>CT20 2AN</u>

Telephone number at premises (if any)	<u>01303 842303</u>
Non-domestic rateable value of premises	<u>£ RESIDENTIAL</u>

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as appropriate Please tick as appropriate

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i as a limited company/limited liability partnership  please complete section (B)



- ii as a partnership (other than limited liability)  please complete section (B)
- iii as an unincorporated association or  please complete section (B)
- iv other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <b>MACFARLANG</b>		First names <b>MARK ADAM</b>			
Date of birth or over <b>31/05/78</b>		I am 18 years old <input checked="" type="checkbox"/>		Please tick yes	
Nationality <b>BRITISH</b>					
Current residential address if different from premises address		1 Metropole Road East, Folkestone, Kent,			
Post town			Postcode		<b>CT20 2AN</b>
Daytime contact telephone number		<b>07494 011046</b>			
E-mail address (optional)		<b>macfarlane-mark@yahoo.co.uk</b>			



**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b> or over		I am 18 years old		<input type="checkbox"/>	Please tick yes
<b>Nationality</b>					
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

<b>Name</b>	Plant Based Chef Ltd
<b>Address</b>	1 Metropole Road East Folkestone Kent CT20 2AN
<b>Registered number (where applicable)</b>	12964000
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b>	Private Limited Company
<b>Telephone number (if any)</b>	07494011046
<b>E-mail address (optional)</b>	macfarlane_mark@yahoo.co.uk

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
20	11	2020

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Vegan Food delivery business based from my home to also include the delivery of alcohol. No collections will occur, delivery only.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

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)
- 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)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M



**A**

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon				<b><u>Please give further details here</u></b> (please read guidance note 4)	
Tue			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Wed			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish		
Mon			<b>Please give further details here</b> (please read guidance note 4)	
Tue				
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)	
Thur				
Fri			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)	
Sat				
Sun				

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>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</u> (please read guidance note 6)
Fri			
Sat			
Sun			



**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Tue					
			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Tue					
			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					



**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Wed					
Thur					
			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**G**

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon				<b>Please give further details here</b> (please read guidance note 4)	
Tue			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Wed			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 4)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)		
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sun					



I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Wed			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)					
Mon	10:00	02:00						
Tue	10:00	02:00						
Wed	10:00	02:00						
Thur	10:00	02:00				<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri	10:00	02:00						
Sat	10:00	02:00						
Sun	10:00	02:00						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	MARK MACFARLANE
Date of birth	31/05/78
Address	1 METROPPOLE ROAD EAST FOLKESTONE
Postcode	CT20 2AN



Personal licence number (if known)	SDC 1619
Issuing licensing authority (if known)	SHEPWAY DC

□□□□

K

**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 9).**

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	
Mon	10:00	02:00	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)
Tue	10:00	02:00	
Wed	10:00	02:00	
Thur	10:00	02:00	
Fri	10:00	02:00	



Sat	10:00	02:00	
Sun	10:00	02:00	

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e)** (please read guidance note 10)

ENSURE THAT ALL DRIVERS STRICTLY CHECK CUSTOMER ID

Premises is not open to the public and is just for food preparation only, all orders will be made for delivery

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

CCTV

Will only be supplying a sensible amount of alcohol to customers (ie a bottle of wine or 4 pack of beer per person) and will avoid any circumstances where alcohol seems to be the primary purpose of the order.

**c) Public safety**

CCTV  
EXTERNAL LIGHTING

**d) The prevention of public nuisance**

DELIVERY ONLY NO COLLECTION

Deliveries will be done by 'Just Eat', they will not hand over alcohol unless ID is provided. If the person is too young or has no appropriate ID the delivery will be returned.

e) The protection of children from harm

<p>CHALLENGE 25</p> <p>Will be using Just Eat's policy - <a href="https://www.just-eat.co.uk/info/terms-and-conditions">https://www.just-eat.co.uk/info/terms-and-conditions</a></p>
--

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"><li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I</li></ul>
-------------	---



	<p>understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
Signature	<i>mmell</i>
Date	22/10/20
Capacity	DIRECTOR / SUPERVISOR

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

### Notes for Guidance

- 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.
- In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that



Storage Room

Kitchen

Desk

Shelves

Double Door

oven

Stove

Sideboard

Sink

Back Door

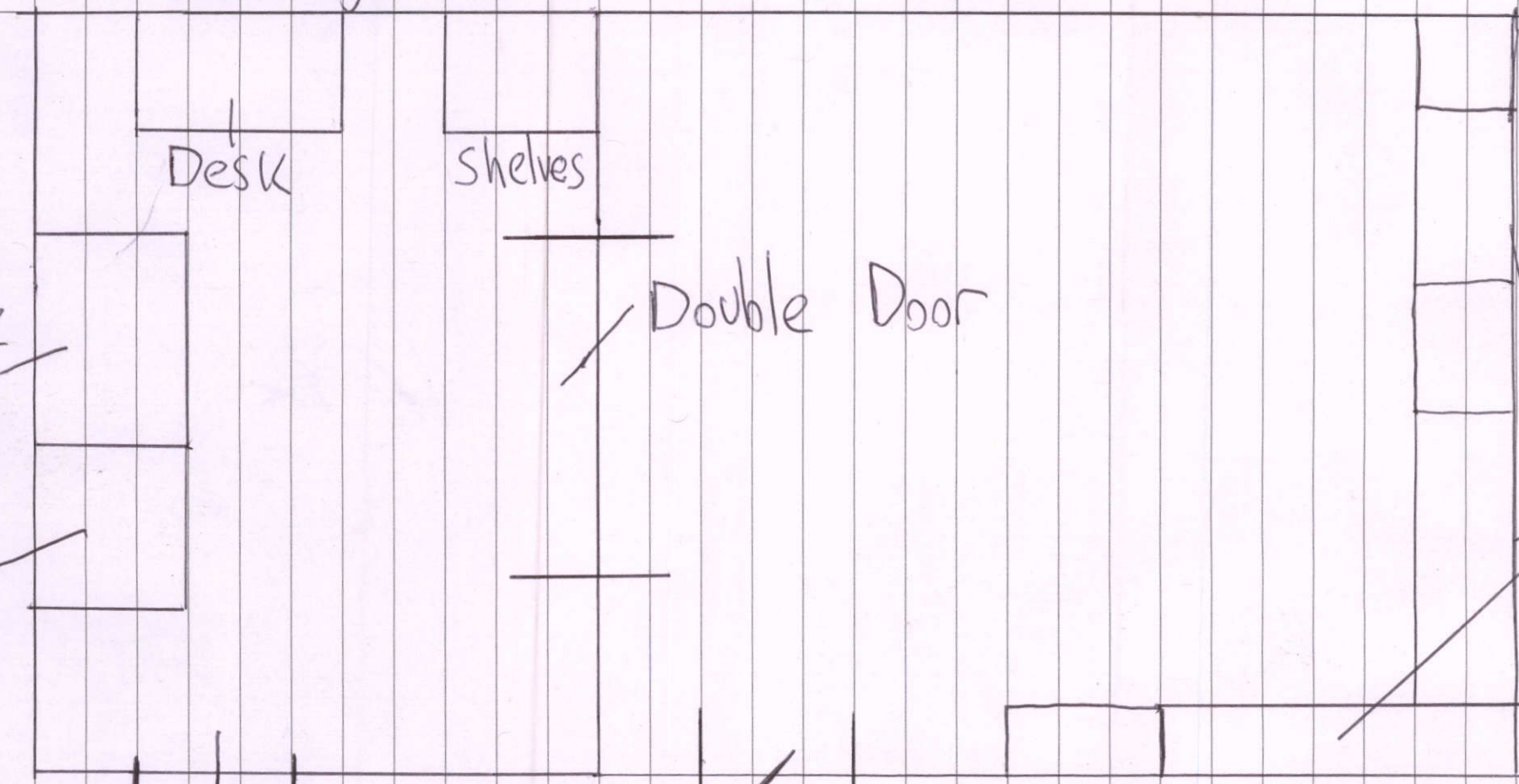
Door to rest of flat

23 OCT 2020

PLANT BASED CHEF LTD.  
1, METROPOL RD EAST.  
F1STONE CT20 2AN

Alcohol Storage  
Shelving  
Food Storage

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## **Representations**

### **Representation 1 – Planning**

Following on from recent consultation to the Planning Department with regard to the above licence, please find below our comments.

The Planning Department wishes to object to this application on the grounds of public nuisance, one of the four licencing objectives. The site is within a residential area and we are concerned that operating a business until 2 in the morning where delivery vehicles could come and go until 2 in the morning could adversely impact upon the amenity of neighbouring residents. In addition to this there are no details relating to the type of food proposed and whether this would result in the need for any flues or other means of ventilation to be installed within the property.

The applicant should also be advised that running such business from a residential property may result in the need for planning permission to be obtained. Without more details we would be unable to confirm and therefore I would recommend applying for pre-application advice. Details of this service can be found on our website on the following link - <https://www.folkestone-hythe.gov.uk/planning/pre-application-advice-service>.

Kind regards,

Issy

Issy Hills  
Planning Officer  
Folkestone and Hythe District Council

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**Folkestone and Hythe District Council**

**Licensing Sub-Committee  
15 December 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:

<b>Application No.</b>	<b>Type of lobbying</b>
	.....
	.....
	.....
	.....
	.....
	.....
	.....
	.....
	.....

SIGNED: .....

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

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