



# Agenda

Meeting: **Licensing Sub-Committee**  
Date: **12 July 2021**  
Time: **10.00 am**  
Place: **Council Chamber - Civic Centre Folkestone**

To: **To Councillors Gary Fuller, Mrs Jenny Hollingsbee and David Wimble**

The sub-committee will consider the matters listed below at the date, time and place shown above. The meeting will be open to the press and public.

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.

Due to current social distancing guidelines, only 6 seats are available for members of the public at meetings in the Council Chamber. These seats will be reserved for those speaking or participating at the meeting, and the remaining available seats will be given on a first come, first served basis. Members of the public are encouraged to view the meeting online if they are not to address the meeting.

Meetings will be streamed live to the internet, and can be viewed at: <https://folkestone-hythe.public-i.tv/core/portal/home>.

Further information on attending council meetings can be found at [Advice for public attendance](#)

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:

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

Contact Sue Lewis – Tel: 01303 853265  
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)

- 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 and return it to the Committee Administrator at the meeting.

5. **An application for a new Premises Licence in respect of: Folkestone College Restaurant, Shorncliffe Road, Folkestone, Kent, CT20 2TZ (Pages 5 - 18)**

This report outlines the application made by Mr Lee Osborn 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 2 July 2021



Report Number **DCL/21/08**

**To:** Licensing Sub-Committee  
**Date:** 12 July 2021  
**Status:** Non-Executive Decision  
**Head of service:** Ewan Green, Director-Place

**SUBJECT:** An application for a new Premises Licence in respect of:  
Folkestone College Restaurant, Shorncliffe Road, Folkestone,  
Kent, CT20 2TZ

**SUMMARY:** This report outlines the application made by Mr Lee Osborn 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/21/08.
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 **Folkestone College Restaurant, Shorncliffe Road, Folkestone, Kent, CT20 2TZ** is a commercial property but has not held a premises licence before.

## 2. APPLICATION

- 2.1 An application for a new Premises Licence was received from Mr Lee Osborn on the 12<sup>th</sup> May 2021. The application can be found at Appendix 1.
- 2.2. The application is for On Sales of alcohol between 11:00 and 23:30 Sunday to Friday and between 11:00 and 00:30 on Saturday. (The initial application was for an additional half an hour but we needed to adjust this to include drinking up time). The Opening Times applied for are between 11:00 and 00:00 Sunday to Friday and between 11:00 and 01:00 on Saturday.
- 2.3. Although Recorded Music has been applied for, the applicant has stated it will be background incidental music so it is not required to be on the licence.
- 2.4 The applicant has confirmed that the restaurant will have a bar attached, they will be open to the public rather than being a student bar.

## 3. RELEVANT REPRESENTATIONS

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

<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	Objection – see Appendix 2
Child Protection Agency	None

A Representation was received from Folkestone Town Council. This can be seen at Appendix 2.

## 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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[Application for a premises licence](#)

Response ID: [18563](#)

Submitted Date: 12/05/21 16:39:58 (GMT+1)

Completion Time: 22 min. 11 sec.

**(Page 1 /20)**

Your name

**Lee Osborn**

Email

[lee.osborn@eastkent.ac.uk](mailto:lee.osborn@eastkent.ac.uk)

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**(Page 2 /20)**

Postal address of premises (inc postcode) or, if none, ordnance survey map reference or description

**Folkestone College Restaurant Limited Shorncliffe Road Folkestone CT20 2TZ**

Telephone number at premises (if any)

Premises band

**A**

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**Applicant details (Page 3 /20)**

In what capacity are you applying for the premises licence?

**as a limited company/limited liability partnership**

Please confirm one of the following

**I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities**

Details of applicant

Full name

**Lee Osborn**

Address (inc postcode)

**Yarrow Hotel Broadstairs Kent CT10 1PN**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc.)

**Folkestone College Restaurant a wholly owned subsidiary company of EKC Group**

Contact number

**01843460108**

Email

**lee.osborn@eastkent.ac.uk**

.....

**(Page 4 /20)**

When do you want the premises licence to start?

**02/08/2021**

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

Please give a general description of the premises

**Folkestone College Restaurant**

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

.....

**(Page 5 /20)**

Provision of regulated entertainment (tick all that apply)

**- Recorded music**

**- Supply of alcohol**

.....

**Recorded music (Page 11 /20)**

Monday Start Monday Finish

**11 23**

Tuesday Start Tuesday Finish

**11 23**

Wednesday Start Wednesday Finish

**11 23**

Thursday Start Thursday Finish

**11 23**

Friday Start Friday Finish

**11 23**

Saturday Start Saturday Finish

**11 23**

Sunday Start Sunday Finish

**11**            **23**

Where will the recorded music take place?

**Indoors**

Further details

Seasonal variations for the performance of recorded music

Details of where you intend to use the premises for recorded music at different times to those listed

.....

**Supply of alcohol (Page 15 /20)**

Monday Start   Monday Finish

**11**            **24**

Tuesday Start   Tuesday Finish

**11**            **24**

Wednesday Start   Wednesday Finish

**11**            **24**

Thursday Start   Thursday Finish

**11**            **24**

Friday Start   Friday Finish

**11**            **24**

Saturday Start   Saturday Finish

**11**            **25**

Sunday Start   Sunday Finish

**11**            **24**

Where will the supply of alcohol take place?

**Both**

Will the supply of alcohol be for consumption?

**On the premises**

Seasonal variations for the supply of alcohol

Details of where you intend to use the premises for the supply of alcohol at different times to those listed

.....

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor. (Page 16 /20)**

Full name

**Lee Osborn**

Date of birth  
**10/01/1983**

Address (inc postcode)  
**2 Millstream Cottages Grimshill Road Whitstabe Kent CT5 4RX**

Personal licence number (if known)  
**KE-PE-18-00525**

Issuing licensing authority (if known)  
**Canterbury**

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

.....

**Hours premises are open to the public (Page 17 /20)**

Monday Start Monday Finish  
**11 24**

Tuesday Start Tuesday Finish  
**11 24**

Wednesday Start Wednesday Finish  
**11 24**

Thursday Start Thursday Finish  
**11 24**

Friday Start Friday Finish  
**11 24**

Saturday Start Saturday Finish  
**11 25**

Sunday Start Sunday Finish  
**11 24**

Any seasonal variations

Details of where you intend the premises to be open to the public at different times to those listed

.....

**Describe the steps you intend to take to promote the four licensing objectives (Page 18 /20)**

General - all four licensing objectives

**Promote a safe, secure, sensible space for customers to dine and drink socially. Staff will be trained in respect to the licensing laws and will promote responsible drinking at all times to maintain safety of customers and others whilst preventing nuisance or harm.**

The prevention of crime and disorder

**The restaurant will have CCTV in use within the premises, safe and responsible drinking will be promoted by staff at all times.**

Public safety

**CCTV will be in use at all times, well lit car parking available for customers leaving the premises.**

The prevention of public nuisance

**No loud music will be played within the restaurant, music will be played only within the restaurant and supplied as the ambiance for "background" purposes only.**

The protection of children from harm

**No under age drinking will be permitted - challenge rules will be in place for verification of ID as well as refusal logs as applicable. Children will always be accompanied by an adult when on the premises.**

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### **Additional information (Page 19 /20)**

Upload a plan of the premises

**2171- D AMES BUILDING (EAST KENT COLLEGE) A1 PLOT (1).pdf**

Upload the consent of individual to being specified as premises supervisor (if applicable)

**Cform.docx**

Upload proof of entitlement to work in the UK (see guidance notes on website)

**Passport.jpg**

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### **Declaration (Page 20 /20)**

- (Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership) I 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).
- 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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15) .
- FHDC will send copies of this application and plan to responsible authorities and others where applicable, on my behalf.
- I understand that I must advertise my application.
- I understand that if I do not comply with the above requirements my application will be

rejected.

- I am authorised to act on behalf of all applicants where there is more than one applicant.

Full name    Date  
**Lee Osborn 12/05/21**

Capacity  
**General Manager**

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#### File List (Protected)

2171- D AMES BUILDING (EAST KENT COLLEGE) A1 PLOT (1).pdf (371Kb.):

<https://fhdcformassembly.tfaforms.net/uploads/get/ddffe4c83dd3db5d896e179129f9cb3e-2171-DAMESBUILDINGEASTKENTCOLLEGEA1PLOT1.pdf>

Cform.docx (12Kb.):

<https://fhdcformassembly.tfaforms.net/uploads/get/9464a4bd0d223d631f4e2525c11b6b88-Cform.docx>

Passport.jpg (2402Kb.):

<https://fhdcformassembly.tfaforms.net/uploads/get/1582f4ced9400d26cf26bb75f6c893f5-Passport.jpg>

## **Representations**

### **Folkestone Town Council**

Cllr M Lawes - Object to times of closing of 00.30. This should be no later than 00.00 as this is a highly populated residential area. With close proximity of the college.

### **Folkestone & Hythe District Council - Planning**

We object to the application on the grounds that the proposal to serve alcohol until 1am is excessive and could result in public nuisance to the occupiers of the nearby residential dwellings, contrary to one of the four licensing objectives.

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**Folkestone and Hythe District Council**

**Licensing Sub-Committee  
12 July 2021**

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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