

This report will be made public on 25 August 2020



Report Number **DC/20/15**

To: Licensing Sub-Committee
Date: 3 September 2020
Status: Non-Executive Decision
Head of service: Amandeep Khroud

SUBJECT: An application for a Variation of a Premises Licence in respect of: Hawkinge Community Football & Sports Club, The Pavilion, Pavilion Road, Hawkinge, Kent, CT18 7UA

SUMMARY: This report outlines the application made by Hawkinge Community Football & Sports Club to vary their current Premises Licence. 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 DC/20/15.
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 Hawkinge Community Football & Sports Club, The Pavilion, Pavilion Road, Hawkinge, Kent, CT18 7UA has held a premises licence since 2011. The premises licence holder is Hawkinge Community Football & Sports Trust and the Designated Premises Supervisor is Mr Gary Necker. A copy of the current licence can be found at Appendix 1.
- 1.3 The premises licence was granted in 2011 following a Hearing after representations were received from local residents who had concerns about issues such as parking in Cricketers Close. The Sub-Committee approved the application with the following amendments and condition added:
1. That the premises closing time on a Sunday be amended to 9.30pm.
 2. That the trust organise and erect signage at the junction of Cricketers Close and The Street, Hawkinge, directing traffic for the premises to the on-site car park on Pavilion Road.
- 1.4 A number of Temporary Events Notices have been submitted over the last three years for football events with the sale of alcohol.
- 1.5 There are no Environmental Health or Licensing registered complaints on the system regarding the premises.

2. APPLICATION

- 2.1 An application to Vary the Premises Licence was received from the premises licence holder on the 7th July 2020. Planning commented that the application was for hours that were later than the planning permission granted so this application was withdrawn and an amended Variation was submitted on 16th July 2020. The application can be found at Appendix 2.
- 2.2 The Variation application is to add alcohol on and off sales and extend opening hours on Friday and Saturday from 23:30 to 00:00 and on Sunday from 21:30 to 23:00. Live Music is being removed as it contravenes the existing planning permission.

3. RELEVANT REPRESENTATIONS

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

Responsible Authority	Comments
Home Office - Immigration	None
Kent Police	None
Environmental Health (Pollution)	None
Environmental Health (Commercial)	None
Kent Fire and Rescue	None
Planning	Comments received but no formal objection.
Child Protection Agency	None

The Planning comments received are as follows:

The proposed opening hours for the licence reflect the hours the premises has planning permission for – we consider this to be acceptable.

During the assessment of application reference Y09/0788/SH neighbouring objections were received requesting for an alcohol ban on the grounds but the decision does not impose any conditions restricting the sale or consumption of alcohol on the premise. However if the premises is proposed to now be used as a bar, exceeding its use as just a meeting/function room, then a planning application for change of use would need to be submitted for the use of the premises as a bar.

21 valid representations were submitted from members of the public, 14 of which were objections, 7 were supporting the application, these can be found in Appendix 3.

4. OPTIONS

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

- a) Grant the Variation
- b) Grant the Variation with amendments
- c) Add conditions to the Licence/Amend hours
- d) Reject whole or part of the Variation

- 4.2. The Committee is asked to note that it may not add conditions or amend the licence merely because it considers it desirable to do so. The Committee must only consider evidence that relates to the 4 Licensing Objectives. Any conditions added must promote the Licensing Objectives.

5. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

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

Briony Williamson, Licensing Specialist

Telephone: 01303 853475

Email: 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