

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 27th 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

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