

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