

This report will be made public on 27 August 2021



Report Number **DCL/21/20**

To: Licensing Sub-Committee
Date: 6 September 2021
Status: Non-Executive Decision
Head of service: Ewan Green

SUBJECT: An application for a new Premises Licence in respect of:
Broadmead Road Stores, Broadmead Road, Folkestone, Kent,

SUMMARY: This report outlines the application made by Mr Nimalan 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/21/20.
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 application is for a convenience store selling alcohol. This premises has previously been a convenience store and held a licence until February 2009 when it is believed the premises closed. The previous licence permitted alcohol sales from 08:00 – 23:00 Monday – Saturday and 10:00 – 22:30 on Sundays.

2. APPLICATION

- 2.1 A completed application for a new Premises Licence was received from Mr Nimalan on the 28th June 2021. The application can be found at Appendix 1. The application is for Off Sales of alcohol between 06:00 and 23:00 Monday - Sunday.

3. RELEVANT REPRESENTATIONS

- 3.1. This Hearing has been required by the Licensing Act 2003 because a valid representation was received from a member of the public. No representations were received from Responsible Authorities.

| Responsible Authority | Comments |
|-----------------------------------|-----------------|
| 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 |

The representation from the member of the public can be found 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

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