

This report will be made public on 1 March 2022



Report Number **DCL/21/51**

**To:** Licensing Sub-Committee  
**Date:** 9 March 2022  
**Status:** Non-Executive Decision  
**Head of service:** Ewan Green

**SUBJECT:** An application for a Premises Licence in respect of: Touchays, 124 High Street, Hythe, Kent, CT21 5LE

**SUMMARY:** This report outlines the application made by Ms Clare Smith for an application for a 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 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/21/51.
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 There is no previous history of a premises licence at this premises, it was previously a hairdressing salon.

## 2. APPLICATION

- 2.1 On the 18<sup>th</sup> November 2021, Ms Clare Smith submitted an application for a café/deli selling food and alcohol in the shop and also to customers in the dining area. The application is for Supply of Alcohol, On and Off Sales, Monday – Thursday 08:00-18.30, Friday & Saturday 08:00-22:30 and Sunday 10:00-18.00. The Opening Hours applied for are Monday – Thursday 07:30-19.00, Friday & Saturday 07.30-23:00 and Sunday 09.00-18.30. The application for the Premises Licence can be seen at Appendix 1.

## 3. RELEVANT REPRESENTATIONS

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

Two representations from members 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](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 Premises Licence
- Appendix 2. Representations