

This report will be made public on 1 March 2022



Report Number **DCL/21/52**

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

**SUBJECT:** An application to Vary the Premises Licence in respect of:  
Folklore, 69 The Old High Street, Folkestone, Kent, CT20 1RN

**SUMMARY:** This report outlines the application made by Mr David Boyd to Vary the existing 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 to Vary 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 DCL/21/52.
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 On the 2<sup>nd</sup> October 2019, Mr Boyd applied for a Premises Licence for the premises at 69 The Old High Street, Folkestone. The application went to a Hearing on the 25<sup>th</sup> November 2019 due to representations from Planning and a member of the public.

- 1.3 The application was for:

- **Films** - Monday and Tuesday 17:00 – 23:00 and Sunday 17:00 – 22:00
- **Live Music** – Thursday 18:00 – 22:00 and Sunday 13:00 – 22:00
- **Recorded Music** - Monday, Tuesday and Wednesday 08:00 – 23:00, Thursday 08:00 – 00:00, Friday and Saturday 08:00 – 01:00 and Sunday 08:00 – 22:00
- **Supply of Alcohol On and Off Sales** - Monday, Tuesday and Wednesday 12:00 – 23:00, Thursday 12:00 – 00:00, Friday and Saturday 12:00 – 01:00 and Sunday 12:00 – 22:00
- **Opening Hours** – Monday, Tuesday and Wednesday 08:00 – 23:30, Thursday 08:00 – 00:30, Friday and Saturday 08:00 – 01:30 and Sunday 09:00 – 22:30

The decision of the Licensing Sub Committee was:

**That the application be granted, but with reduced hours, as shown below:**

- **Films** - Monday and Tuesday 17:00 – 23:00 and Sunday 17:00 – 22:00
  - **Live Music** – Thursday 18:00 – 22:00 and Sunday 13:00 – 22:00
  - **Recorded Music** - Monday, Tuesday and Wednesday 08:00 – 23:00, Thursday 08:00 – 23:30, Friday and Saturday 08:00 – 00:00 and Sunday 08:00 – 22:00
  - **Supply of Alcohol On and Off Sales** - Monday, Tuesday and Wednesday 12:00 – 23:00, Thursday 12:00 – 23:00, Friday and Saturday 12:00 – 23:30 and Sunday 12:00 – 22:00
  - **Opening Hours** – Monday, Tuesday and Wednesday 08:00 – 23:30, Thursday 08:00 – 23:30, Friday and Saturday 08:00 – 00:00 and Sunday 09:00 – 22:30.
- 1.4 The current Premises Licence can be seen at Appendix 1.

## 2. APPLICATION

2.1 In the 8<sup>th</sup> January 2022 Mr Boyd submitted an application to Vary the licence to extend the opening hours, alcohol sales, live music and provision to play films. The application is for:

- **Films** - Monday - Thursday 18:00 – 23:00, Friday - 18:00-00:00 Saturday – 10:00-00:00 and Sunday 10:00 – 23:00
- **Live Music** – Monday – Friday 18:00 – 22:00, Saturday and Sunday 12:00 – 22:00
- **Recorded Music** – Monday – Thursday 08:00 – 23:30, Friday and Saturday 08:00 – 01:30 and Sunday 08:00 – 23:30
- **Supply of Alcohol On and Off Sales** – Monday - Thursday 12:00 – 23:30, Friday and Saturday 12:00 – 01:30 and Sunday 12:00 – 23:30
- **Opening Hours** – Monday - Thursday 08:00 – 00:00, Friday and Saturday 08:00 – 02:00 and Sunday 08:00 – 00:00.

The application to Vary the Premises Licence can be seen at Appendix 2.

In addition to the Operating Schedule measures Mr Boyd has highlighted to support the Licensing Objectives, he has signed up to FAPAC (Folkestone Area Partnership Against Crime), the Team Leaders are studying for the Licensing Course so they can gain a Personal Licence, with the aim that there will always be a personal licence holder at the premises during the evenings. He has also adopted a series of policies which can be seen at Appendix 3.

## 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 and from a Responsible Authority.

<b>Responsible Authority</b>	<b>Comments</b>
Home Office - Immigration	None
Kent Police	None
Environmental Health (Pollution)	Objections
Environmental Health (Commercial)	None
Kent Fire and Rescue	None
Planning	None
Child Protection Agency	None

Nine representations from members of the public.

The representations can be found at Appendix 4.

## 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. Current Licence

Appendix 2. Application to Vary a Premises Licence

Appendix 3. Policies adopted

Appendix 4. Representations