



Agenda

Meeting: **Licensing Sub-Committee**
Date: **14 February 2022**
Time: **11.00 am**
Place: **Council Chamber - Civic Centre Folkestone**

To: **To Councillors Gary Fuller, Mrs Jenny Hollingsbee and David Wimble**

The sub-committee will consider the matters listed below at the date, time and place shown above. The meeting will be open to the press and public.

Members of the sub-committee who wish to have information on any matter arising on the Agenda which is not fully covered in these papers are requested to give notice prior to the meeting to the Chairman or appropriate officer.

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>. Although unlikely, no guarantee can be made that Members of the public in attendance will not appear in the webcast footage. It is therefore recommended that anyone with an objection to being filmed does not enter the council chamber.

Although social distancing rules have been relaxed, for the safety of the public, elected members and staff, we will continue to seat members of the public approximately one metre apart. This means that there will be 13 seats available for members of the public, which will be reserved for those speaking or participating at the meeting. The remaining available seats will be given on a first come, first served basis.

All attendees at meetings are kindly asked to wear face coverings, unless they are addressing the meeting.

1. **Election of Chairman for the meeting**
2. **Apologies of absence**

Queries about the agenda? Need a different format?

Contact Sue Lewis – Tel: 01303 853265
Email: committee@folkestone-hythe.gov.uk or download from our
website
www.folkestone-hythe.gov.uk

3. **Declarations of interest (Pages 3 - 4)**

Members of the Council should declare any interests which fall under the following categories:

- a) disclosable pecuniary interests (DPI)
- b) other significant interests (OSI)
- c) voluntary announcements of other interests

4. **Declarations of lobbying**

Members should complete the enclosed form and return it to the Committee Administrator at the meeting.

5. **11.00am - An application for a Review of a Premises Licence in respect of: Palmarsh Garage (Pages 5 - 40)**

This report outlines the application made by Home Office - Immigration Enforcement, for a Review of the Premises Licence at a Petrol Garage in Palmarsh following enforcement action taken by them. The Licensing Sub-Committee must determine the outcome for the application.

6. **11.45am - An application to Vary the Premises Licence in respect of: Sunshine Restaurant, 35-39 High Street, Hythe, Kent, CT21 5AD (Pages 41 - 74)**

This report outlines the application made by Mr Demir to Vary the existing Premises Licence for this premises. The Licensing Sub-Committee must determine the outcome for the application

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

This page is intentionally left blank

This report will be made public on 4 February 2022



Report Number **DCL/21/49**

To: Licensing Sub-Committee
Date: 14 February 2022
Status: Non-Executive Decision
Head of service: Ewan Green, Head of Place

SUBJECT: An application for a Review of a Premises Licence in respect of:
Palmarsh Garage

SUMMARY: This report outlines the application made by Home Office - Immigration Enforcement, for a Review of the Premises Licence at a Petrol Garage in Palmarsh following enforcement action taken by them. The Licensing Sub-Committee must determine the outcome for the application.

REASONS FOR DETERMINATION:

The Committee is asked to consider the Review application for 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/21/49.**
- 2. Determine the application. The options for determining the application are set out in section 5.**

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 Palmarsh Garage, Dymchurch Road, Palmarsh, Kent CT21 4ND has held a licence since 2008. The previous Premises Licence holder and Designated Premises Supervisor was Mr Arunthavarajah Suntharalingham. He left the premises in September 2020, unfortunately the licence was not correctly transferred to us until recently but the new owner, Mr Hyat Sultan, has been managing the premises since September 2020 and has very recently applied for Mrs Fredia Hayat to be the DPS (yet to be processed). A copy of the current licence can be found at Appendix 1.

2. APPLICATION

- 2.1 An application to Review the Premises Licence has been received from the Home Office – Immigration Enforcement. The application and accompanying witness statements can be found at Appendix 2.
- 2.2. The application sets out the enforcement action taken by the Home Office on the 5th August 2021 having received intelligence that illegal working was taking place at Palmarsh Garage.
- 2.3. Upon entry by Immigration Officers, there was no employee present serving customers. From speaking with a customer filling up their car on the forecourt she stated that the sole employee had run off upon seeing their approach and therefore was believed to have been working illegally at the premise.
- 2.4. Leaving a licensed premises open and unattended where children could enter and obtain alcohol is a serious breach of the licensing objective to protect children from harm.
- 2.5. Due to the identity of the employee being unclear the Home Office were unable to take further action against the employee.

3. IMMIGRATION INFORMATION

- 3.1 The employment of people who do not have the right to work in the UK is a serious crime and can be linked to the exploitation of vulnerable people.
- 3.2 Employing people without making the legally required checks demonstrates that the premises licence holder is not robust and does not take his responsibilities or the licensing objectives seriously.
- 3.3 Working illegally is a criminal offence and on conviction an illegal worker may receive a custodial sentence of up to 6 months and an unlimited fine.
- 3.4 An employer who employs an illegal worker may be liable for a civil penalty of up to £20,000 per illegal worker and an employer who knowingly or has reasonable cause to believe that employment is not permitted, may on conviction after indictment, be subject to a custodial sentence of up to five years, and an unlimited fine.
- 3.5 The Home Office (Immigration Enforcement) have submitted this application to Review the premises licence due to the significant risk that the licensing objective of preventing crime and disorder is being undermined.
- 3.6 The Immigration Act 2016 brought in amendments to the Licensing Act 2003 relating to illegal working. Under Schedule 4, Section 5 it states that a premises licence may be revoked if considered appropriate for the promotion of the crime prevention objective, in order to prevent illegal working.
- 3.7 The Home Office Guidance issued under section 182 of the Licensing Act 2003 states: It is envisaged that licensing authorities, the Police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

4. RELEVANT REPRESENTATIONS

- 4.1. This Hearing has been required by the Licensing Act 2003 because the Review application was made by a Responsible Authority. No other representations were submitted.

| Responsible Authority | Comments |
|----------------------------------|------------------------------|
| Home Office - Immigration | Review application submitted |
| Kent Police | None |
| Environmental Health (Pollution) | None |

| | |
|-----------------------------------|------|
| Environmental Health (Commercial) | None |
| Kent Fire and Rescue | None |
| Planning | None |
| Child Protection Agency | None |

The application can be found in Appendix 2.

5. OPTIONS

5.1. The Licensing Sub-Committee has the following options:

- a) Take no action against the Premises Licence
- b) Issue an informal warning letter
- c) Add conditions to the Licence
- d) Exclude a licensable activity
- e) Remove the DPS
- f) Suspend the Licence for a period up to 3 months
- g) Revoke the Licence

5.2. The Committee is asked to note that it may not add conditions or revoke 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.

6. 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 Immigration Act 2016 can be read here:

http://www.legislation.gov.uk/ukpga/2016/19/pdfs/ukpga_20160019_en.pdf

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.

7. APPENDICES

Appendix 1. Current Premises Licence

Appendix 2. Review Application Form & Witness Statements

This page is intentionally left blank

Premises Licence

Part A



Folkestone & Hythe District Council
Civic Centre, Castle Hill Avenue,
Folkestone, Kent CT20 2QY

Premises Licence Number: SHEP00528/08

Part 1 – Premise Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Palmarsh Garage
Dymchurch Road
Hythe
Kent
CT21 4ND Telephone: 01303 264283

WHERE THE LICENCE IS TIME LIMITED THE DATES

START DATE: 19/12/2008 Transfer: 27/12/2021

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Alcohol Sales Off Premises Only

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

| | Alcohol Sales Off Premises Only |
|-----------|--|
| Monday | 06:00 23:00 |
| Tuesday | 06:00 23:00 |
| Wednesday | 06:00 23:00 |
| Thursday | 06:00 23:00 |
| Friday | 06:00 23:00 |
| Saturday | 06:00 23:00 |
| Sunday | 06:00 23:00 |

THE OPENING HOURS OF THE PREMISES (IF GIVEN)

| | |
|-----------|-------------|
| Monday | 06:00 23:00 |
| Tuesday | 06:00 23:00 |
| Wednesday | 06:00 23:00 |
| Thursday | 06:00 23:00 |
| Friday | 06:00 23:00 |
| Saturday | 06:00 23:00 |
| Sunday | 06:00 23:00 |

WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

OFF

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Sultan Hayat
20 Orchard Way
Aldershot
Hampshire
GU12 4HW Telephone: 07768903537

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

N/A

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR
WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Arunthavarajah Suntharalingam
27 Cottesmore Avenue
Clayhall,
Ilford
IG5 0TG

Telephone: 07831378022

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY
DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR
THE SUPPLY OF ALCOHOL**

ISSUING AUTHORITY:
PERSONAL LICENCE NUMBER:

Redbridge Council
P00249

Annex 1- Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that no supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Hotel/Residential

There are no restrictions on the times when intoxicating drink may be served to residents, including resident staff, in premises holding a residential licence. However non-residents eating a meal in premises holding a residential and restaurant licence are subject to permitted hours, unless they are being entertained as guests of a resident

MANDATORY LICENSING CONDITIONS ORDER 2010

1.

(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3.

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5.

The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than

alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Annex 2 - Conditions Consistent with the Operating Schedule

Annex 3 - Conditions Attached after a Hearing by the Licensing Authority

N/A

Annex 4 - Plans

As at application date held on file

Licensing Team
Folkestone & Hythe District Council
Civic Centre
Castle Hill Avenue
Folkestone
Kent CT20 2QY
01303 853660
licensing@folkestone-hythe.gov.uk



Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Justin SIMPSON

(Insert name of applicant)

Apply for the review of a premises licence under Section 51 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Palmarsh Garage,
Dymchurch Road,

Post town Hythe

Post code (if known) CT21 4ND

Name of premises licence holder or club holding club premises certificate (if known)

Suntharangam

Number of premises licence or club premises certificate (if known)

LC202101-3628

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

| |
|---------------------------|
| Name and address |
| |
| Telephone number (if any) |
| E-mail address (optional) |

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|---|
| Name and address Justin Simpson Immigration Enforcement Frontier House 7 Shorncliffe Road Folkestone CT20 2SG |
| Telephone number (if any) 03001063199 |
| E-mail address (optional) Justin.simpson@homeoffice.gov.uk |

This application to review relates to the following licensing objective(s)

- | | |
|---|-------------------------------|
| | Please tick one or more boxes |
| | ✓ |
| 1) the prevention of crime and disorder | X |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

Representation in respect of **Palmarsh Garage, Dymchurch Road, Hythe, Kent CT21 4ND**

An Immigration Enforcement visit was conducted on Thursday 5th August 2021 when upon entry there was no employee present serving. From speaking with a customer filling up their car on the forecourt she stated that the sole employee had run off upon seeing our approach and therefore believed to have been working illegally at the premise.

This fact was reinforced speaking to the son of the owner, Farris SULTAN, via telephone, who stated it was only himself and his brother and another two females who worked at the premise. He was unable to satisfactorily explain who the male employee was who made off from the premise upon our approach. Furthermore, the premise was unattended until this call finished and he was able to get one of the females to attend. However, she was unable to work the till and it was not until the owner of Minty's Motors (situated next to the subject premise) Andrew QUINN arrived, that the customer originally spoken to by officers was able to pay for her fuel.

The employment of people who do not have the right to work in the UK is a serious crime and can be linked to exploitation of vulnerable people.

Employing people without making the legally required checks demonstrates that the premises licence holder is not robust and does not take the responsibilities towards the licensing objectives seriously.

The ability to work illegally is a key driver of illegal migration; it encourages people to break the UK's immigration laws and provides the practical means for migrants to remain unlawfully in the UK.

It encourages people to take risks in trying to enter the UK illegally by putting their lives in the hands of unscrupulous people smugglers and leaves them vulnerable to exploitative employers.

Illegal working results in businesses that are not playing by the rules undercutting legitimate businesses that are. It also negatively impacts on the wages of lawful workers and can be linked to other labour market abuse such as tax evasion, breach of the national minimum wage and exploitative working conditions.

Working illegally is a criminal offence and on conviction in England and Wales, an illegal worker may receive a custodial sentence of up to six months and an unlimited fine.

We are committed to tackling the economic motivation behind illegal migration and those people who facilitate it. However, employers also have an important role to play in preventing illegal working by undertaking simple checks on their employees' right to work in the UK.

Employers have had a responsibility since 1997 to ensure they do not employ illegal workers. Since 2008, this requirement has been underpinned by civil and criminal sanctions for non-compliance, set out in the Immigration, Asylum and Nationality Act 2006 - sections 15 and 21. Under these sanctions, an

employer who employs an illegal worker may be liable for a civil penalty of up to £20,000 per illegal worker and an employer who knowingly or has reasonable cause to believe that the employment is not permitted may on conviction after indictment be subject to a custodial sentence of up to five years and an unlimited fine.

Employers may prevent a liability for a civil penalty by undertaking simple right to work checks on all those they intend to employ and repeating the checks if the employee has time-limited permission to live and work in the UK.

In order for CPCT to issue a civil penalty, they must be satisfied that an employer (who has not established a statutory excuse) has employed an individual subject to immigration control who is not permitted to do the work in question. For the purposes of the civil penalty scheme (s15 of the Immigration, Asylum and Nationality Act 2006) 'employment' is defined in s25 of this Act and unless this employment relationship can be demonstrated on a balance of probabilities, the civil penalty will fail following an objection and/or an appeal even if it is clear that illegal work has taken place. In this respect 'employment' is not the same as 'work'. The employment of people who do not have the right to work in the UK is a serious crime and can be linked to exploitation of vulnerable people.

The Home Office (Immigration Enforcement) has presented this evidence to inform the licensing committee's consideration and to draw to its attention the significant risk that the licensing objective of preventing crime and disorder is being undermined.

Please provide as much information as possible to support the application
(please read guidance note 3)

See attachments

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

If you have made representations before relating to the premises please state what they were and when you made them

N/A

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature J.Simpson
.....

Date 23.11.21
.....

Capacity Immigration Officer
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

WITNESS STATEMENT

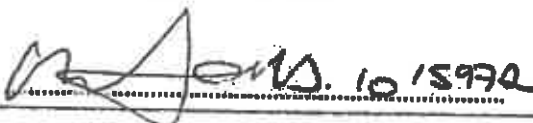
Criminal Procedure Rules, r 27.2: Criminal Justice Act 1967, s 9: Magistrates' Court Act 1980, s 5B

Statement of **Wesley Thomas HALLS** URN:

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Immigration Officer 15972**.....

This statement (consisting of: **THD** . . . pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: **10th August 2021**

Tick if witness evidence is visually recorded (supply witness details on rear)

I am employed as an Immigration Officer (IO) attached to South East Immigration Compliance and Enforcement (ICE), Kent Arrest Team, 7 Shorncliffe Road, Folkestone, Kent, CT20 2SH.

On Thursday 05th August 2021, I was on full uniformed duty and wearing full Home Office supplied PPE. At around 1710hrs, I delivered an Operational Briefing to IO HUGHES, IO TUTTON, IO SANDHAM, IO SIMPSON, IO FISH, IO KINGSBURY and IO HICKS with details of an intelligence led Enforcement Visit on TOTAL GARAGE, PALMARSH SERVICE STATION, DYMCHURCH ROAD, HYTHE, KENT, CT21 4ND where information had been received that persons with no Right to Work in the UK were employed. Entry under Section 179 of the Licensing Act 2003 had been authorised by AD PADIACHIE.

We made our way to the premises, travelling in Home Office marked vehicles arriving at around 1813hrs. Here, one of the marked vehicles covered the entrance of the forecourt whilst the rest of the team made their way to the front entrance on foot. At this time, I saw male that I would describe as IC4, wearing a green t-shirt and carrying a bottle of milk. The male appeared to be walking casually with no sense of urgency and didn't appear out of place at that time considering he was walking away from a shop and across the forecourt. I entered the Total Garage and immediately, I could see that the shop was empty. All of the lights were still on and the counter flap appeared open. I then saw that the cash register was switched on. I searched the rear rooms for any employees, but this was negative. I then heard an urgent call over Airwaves Radio that the male seen had made off on foot. I left IOs to guard the premises whilst an area search was conducted but proved negative. Upon my return to the premises after this search, I saw a male had arrived. I now know this male to be Andrew QUINN, b. 19/04/1968 of MINTY'S MOTORS, DYMCHURCH ROAD, HYTHE, KENT, CT21 4ND. He explained that he had been contacted by the owner to close the shop. Mr QUINN then telephoned the owner and passed the telephone to me. The owner identified himself

Signature:  Signature witnessed by:

Continuation of Statement of **Wesley Thomas HALLS**

to me as Amar SULTAN (no further details provided). He stated that the only employees should be himself, his two sons (Farris SULTAN b. 28/07/1986 and Fowaz SULTAN b. 01/08/1985) and two 'ENGLISH LADIES' that work part-time. Mar SULTAN was only willing to provide limited details and kept reiterating that to his knowledge, there are no further employees at the garage. A short while later, I received another call from Farris SULTAN. Farris SULTAN was very agitated throughout the call and refused to provide substantive details. He kept repeating that I had 'NO RIGHT TO BE THERE' and 'ONLY LEGAL PEOPLE WORK HERE'. He also accused me of preventing the closure of the shop by Mr QUINN to which I explained that I was concerned about the protection of the shop whilst we waited for substantive closure as the pumps were still operational and customers were still waiting to pay for fuel. I enquired if he could attend the service station and he refused as he 'WASN'T LOCAL'. He then hung up the phone. In relation to compliance checks with the Premises Alcohol License, I then checked the CCTV system with Mr QUINN. I could see that only two cameras were operational and that the system was password protected which prevented checking the system for compliance. I then witnessed Mr. QUINN switching off various electrical items, securing and locking the premises. I ensured that I left Home Office form - Notice to Occupier in clear view on the counter containing the Power exercised in gaining entry to the premises and my details.

Further information was then provided from Home Office systems concerning a linked address to the TOTAL GARAGE. This address was [REDACTED]. Myself along with IO SIMPSON, IO HUGHES and IO FISH attended this address and knocked on the door only. There was no reply.

In terms of the male encountered walking across the forecourt, I had this male in view for around 5 seconds, was around 5-10ft away, the visibility was good due to good lighting conditions, there were no obstructions to my view, I have no previous knowledge of the male, I have reason to remember the male as the shop was unoccupied, I have completed this statement with events still fresh in my mind and after consulting with notes made digitally at the time.

Wesley Halls 1015972

Wesley Halls 1015972

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

46

Statement of: Andrew Tutton

Age if under 18: Over 18 (If over 18 insert 'over 18') Occupation: Immigration Officer

This statement (consisting of pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature: [Signature] Date: 16/10/2021

Tick if witness evidence is visually recorded [] (supply witness details on rear)

I am an Immigration Officer serving with the Southeast Immigration Compliance and Enforcement (ICE) Team based at FRONTIER HOUSE, 7 SHORNCLIFFE ROAD, FOLKESTONE, KENT, CT20 2SH. On Thursday 5th August 2021 I was on duty and in uniform at FRONTIER HOUSE as part of the arrest team for that day's visits together with Kent ICE Team Officers: Immigration Officer (IO) HALLS (Officer-In-Charge - OIC), IO SIMPSON, IO HUGHES, IO FISH, IO HICKS, IO KINGSBURY and IO SANDHAM. At approximately 17:15 hours OIC HALLS gave a briefing to the team at Frontier House detailing that an allegation had been received that an Indian male had been working illegally at PALMARSH GARAGE, DYMCHURCH ROAD, HYTHE, CT21 4ND. OIC HALLS informed that entry to the premises was to be gained under Section 179(1A) of the Licensing Act 2003 (as amended). At approximately 17:58 IO HICKS and I arrived at the garage and parked up in the entrance blocking it to any more vehicles entering. We then took up position maintaining cover while the rest of the team deployed on foot from a car park into the garage shop. Entry was gained at 18:00 hours. As the team were deploying onto the forecourt and into the garage shop, IO HICKS and I observed an IC4 male walking out of the shop and across the forecourt carrying a bottle of milk in his hand. He walked off along Dymchurch Road in the direction of Hythe. Various other customers were refuelling vehicles or leaving the shop as well. IO HICKS and I were then called into the shop by OIC HALLS to conduct a search of the premises. Once in the shop we found that no-one was manning it and there was no-one behind the till. IO HICKS then asked who was the man with the bottle of milk. IO HICKS

Signature: [Signature] Signature witnessed by: [Signature]
Typed by: A. TUTTON

Continuation page 2

URN

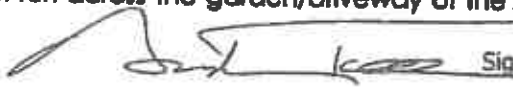
46

Continuation statement of:

and I then exited the shop and proceeded out of the garage site and along Dymchurch Road. I saw the previous IC4 male walking along the road and I commenced running towards him. The IC4 male became aware of my running after him and commenced running himself. He made a left turn into PALMARSH AVENUE and from my view. As I turned into PALMARSH AVENUE I continued running after the IC4 male. The pavement was lined with trees and shrubs and my view of the subject was blocked at times while pursuing him. About 100 metres along the road the pavement bent in from the road in a crescent and my view of the subject and the pavement was completely blocked by front garden shrubberies and trees/shrubs on the roadside. As I got to the crescent a couple appeared coming towards me walking their dog. I asked them if they had observed a male with a bottle of milk running the other way and they confirmed that they had. As I approached the crescent-shaped part of the pavement the subject was not in view and once I exited this section and was able to look down PALMARSH AVENUE without hindrance there was no sight of the subject. While pursuing the subject I radioed for assistance and IO SIMPSON drove around to PALMARSH AVENUE in one of the team vehicles and assisted in searching the area for the subject. Running off PALMARSH AVENUE were a number of alleyways and cul-de-sacs, and there was a wide footpath running along the back of the houses on the avenue nearest to the garage. An extensive search of the area by myself, IOs SIMPSON, KINGSBURY and HICKS failed to locate the subject and we returned to the garage.

I later learned from OIC HALLS, who had made some enquiries and spoken with the garage owner, that the garage owner also owned a residential property in [REDACTED] which runs off PALMARSH AVENUE. The team later went to this premises. Entry was not gained and no-one appeared to be at home. However, while parked on [REDACTED] a resident approached the team informing that a male fitting the description of the IC4 male that had fled the garage lives in the house that was identified as belonging to the garage owner. The resident stated that she had seen the subject run across the garden/driveway of the premises and into the house. She stated that he

Signature



Signature witnessed by

Typed by:

A. SUTTON

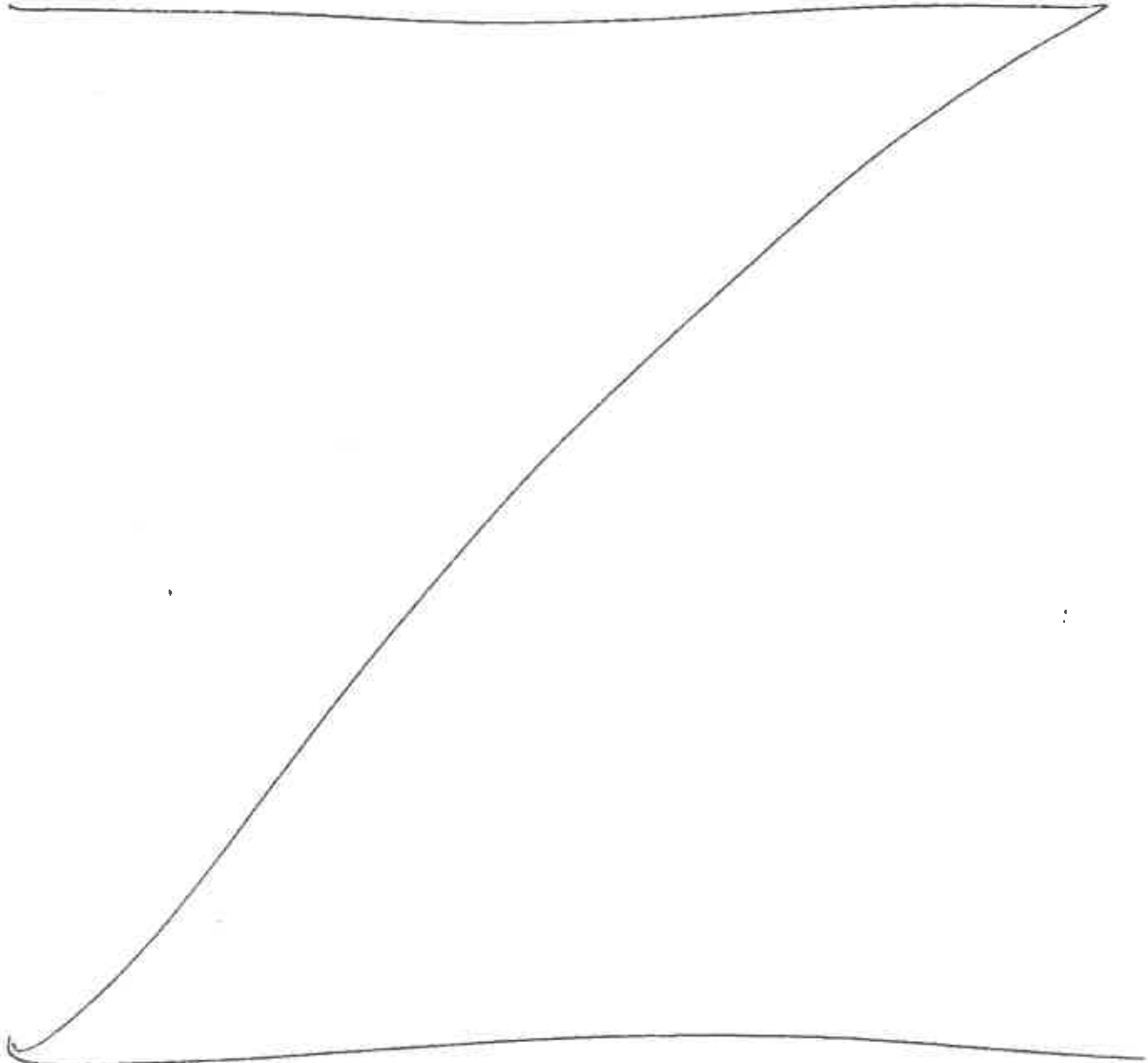
Continuation page 3

URN

46

Continuation statement of:

had later exited the premises wearing a blue waterproof jacket and made his way out of the end of the cul-de-sac on foot via the footpaths that led into [redacted] the ROMNEY, HYTHE and DYMCHURCH RAILWAY line and the countryside beyond. No further search was conducted of the area and the team moved on to conduct the next enforcement visit planned for that day.



Signature

Signature witnessed by

Typed by: A. TUTTON

This page is intentionally left blank

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

| | |
|----|--|
| 46 | |
|----|--|

Statement of: **MARK BARRY HUGHES**

Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: **Immigration Officer**

This statement (consisting of four pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature:

Date:

Tick if witness evidence is visually recorded (supply witness details on rear)

I am currently employed as an Immigration Officer and am based at FRONTIER HOUSE, 7 SHORNECLIFFE ROAD, FOLKESTONE, KENT, CT20 2SH as a member of the SOUTH EAST IMMIGRATION COMPLIANCE and ENFORCEMENT TEAM.

On 5th AUGUST 2021 I was a member of the SOUTH EAST IMMIGRATION COMPLIANCE and ENFORCEMENT TEAM to visit the TOTAL GARAGE, PALMARSH SERVICE STATION, DYMCHURCH, HYTHE, KENT, CT21 4ND. We were there to conduct an Enforcement visit based upon intelligence received of illegal working. Upon arrival we deployed directly to the garage, which was a short walk from the van. As we crossed the forecourt a MALE who I believe to be either INDIAN or PAKISTANI was walking away from the garage carrying some milk. He walked past me and several colleagues unchallenged and made his way along the road. It was quickly established upon finding an empty shop that this male was potentially the target of the visit, at which point colleagues ran after him. Unfortunately, after a sweep of the immediate area they were unable to locate him. IO FISH and I were left on site so we had a more comprehensive sweep of the building and also dealt with customers that were already on site. We found nobody else on site. Whilst there IO HALLS spoke on the phone with the business owner but was unable to locate the missing employee seen leaving the site on the teams arrival. HOME OFFICE checks made by support staff whilst the team was on site identified an address associated to the business owner where the missing employee may have fled to given the address was two minutes along the road from the garage. I travelled with the team to the newly identified address where upon arrival I knocked in an attempt to secure entry by INFORMED CONSENT. There was no answer after knocking several times. A concerned neighbour approached the van upon our return to it and advised us she had seen an INDIAN gentleman acting suspiciously, purposely trying to avoid officers in the area moments before. She also stated the same male had gone into the house where we had just knocked and had come out wearing a green/blue coat, saw the officers and fled along the road, through a neighbour's garden and out onto open land behind the property. The intelligence we were working from detailed suspected illegal working by a PAKISTANI / INDIAN male. Given the evasive behaviour displayed by the male seen leaving the premises upon our arrival, I believe the intelligence to be accurate.

Signature:

Signature witnessed by:

Typed by:

This page is intentionally left blank

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

| | |
|----|--|
| 46 | |
|----|--|

Statement of: **Lindsay Anne Mary Fish**

Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: **Immigration Officer**

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature:

Date: **10/08/2021**

Tick if witness evidence is visually recorded (supply witness details on rear)

I am an Immigration Officer based at the South East Immigration Compliance and Enforcement (ICE) Team, FRONTIER HOUSE, 7 SHORNCLIFFE ROAD, FOLKESTONE, KENT, CT20 2SH. On Thursday the 5th August 2021 I was on duty in Immigration Enforcement marked protective wear, at approximately 17:00 hours I attended a briefing given by Officer HALLS, also present in the briefing were Officers SIMPSON, HUGHES, SANDHAM, KINGSBURY, HICKS and TUTTON. We were advised of our intended visit TOTAL GARAGE, PALMARSH SERVICE STATION, DYMCHURCH ROAD, HYTHE, KENT, CT21 4ND based upon an allegation that there is an Indian male working illegally at the premises and that the owner is complicit in this.

At approx. 18:01 hours we arrived at the premises, it was open to the public but no staff were onsite, I searched the customer area and staff areas and found no one on site, there was evidence that someone was working there as their personal belongings had been left. At this point I was made aware that Officers had witnessed a male of South Asian appearance leaving the property with milk in his hand as the team were walking across the forecourt, I did not see this male from my positioning within the team deployment. The male had been seen to run into the residential area once away from the petrol station. I remained on site with Officer HUGHES whilst Officers HALLS, SIMPSON, KINGSBURY, HICKS, SANDHAM and TUTTON undertook a controlled foot pursuit of the suspected offender. I spoke to a customer who was waiting to pay for petrol, she advised me that the male who was witnessed to have walked offsite with milk was a worker of the petrol station. She confirmed that she recognised him as she regularly used the station for fuel. She further stated

Signature:

Signature witnessed by:

Typed by:

Continuation page 2

URN

| | |
|----|--|
| 46 | |
|----|--|

Continuation statement of:

that there were usually two males working on site, one of whom she had seen walk off, she described them to be approximately in their 40's and of possible Indian nationality but was not sure of their names. I again searched the premises to check there were no hidden spaces as it was possible that a further male was on site but did not find any persons hiding. I looked at the counter area for paperwork that would indicate who the manager was so that we could contact them and advise of the current situation. Team members started to return to the petrol station at this point as they had been unable to locate the suspect who had fled the scene. Before we had found contact details for a manager or owner a female arrived on site and claimed she had been sent by the owner to lock up the station, she did not appear comfortable with the request and seemed flustered. I referred the female to Officers HALLS and SIMSPON. A short while later a male and female arrived on site also claiming they had been sent to lock up the petrol station, the female who had arrived earlier said that she was no longer needed and left. I remained outside of the premises whilst Officers HALLS and SIMPSON liaised with the male designated to secure the locking up of the petrol station. The premises was secured at approximately 18:45 hours.

Signature

Signature witnessed by

Typed by:

WITNESS STATEMENT

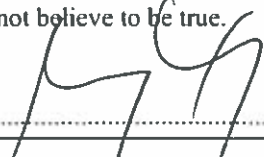
Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9, Magistrates Court Act 1980 S.5B

Statement of **INSERT NAME Gary Kingsbury.....** URN:

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: Immigration Officer.....

This statement (consisting of: 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: 

Date:
25/09/21

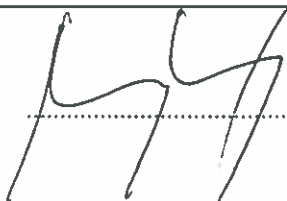
Tick if witness evidence is visually recorded (supply witness details on rear)

I am an arrest trained warranted Immigration Officer (IO) serving with **Kent & Sussex ICE (Folkestone), 7 Shorcliffe Road, Folkestone, Kent, CT20 2SH.**

On 5th August 2021 I was on duty dressed in uniform as a member of Immigration Enforcement Team intelligence led visit to Jet Petrol Station, Dymchurch Road, Hythe, Kent CT21 4ND. The visit team consisted of 7 officers, IO TUTTON, IO HICKS, IO FISH, IO HALLS, IO SIMPSON, IO SANDHAM and myself IO KINGSBURY. We were at the petrol station to conduct an Enforcement visit based upon intelligence we had received of a person working at the garage that had no rights to work in the UK.

I was detailed as rear cover with IO Sandham, in this job we were required to hold back slightly from the team during the visit and intercept anyone that may try to evade Immigration Officers when they enter a building by exiting the rear of the property. It was apparent after deploying that there was no rear access, however we held position for further instructions. While waiting I witnessed a gentleman that appeared to Pakistani or Indian heritage walk passed carrying a large carton of milk, who I now know was the person of interest of this visit. At this point I had no reason to challenge this gentleman. I continued waiting for further instructions. As I was waiting IO TUTTON approached asked if I had seen someone matching the description of the rperson of interest walk pass, I pointed to him who, by this time, was some way down the road, IO TUTTON ran after him, I got in a van and drove it to where they were heading but on my arrival IO TUTTON had lost sight and we were unable to find the gentlemen. I continued driving around the area for some time but had no further sighting of him.

Some time later a person approached a group of Officers and stated that she had seen a man

Signature: 

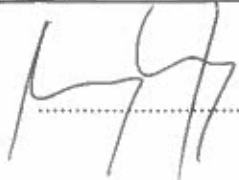
Signature witnessed by:

Continuation of Statement of GARY KINGSBURY

matching the description of the person of interest enter a house, then sometime later exit the house dressed in different attire and leave the area. With the description this person gave it is my belief that it was ther person we were searching for and he changed his appearance to evade Immigration Officers



Signature:



Signature witnessed by:

.....

WITNESS STATEMENT
Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9

URN

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

Statement of: Jade SANDHAM.....
Age if under 18: Over 18..... (if over 18 insert 'over 18')
Occupation: Immigration Officer 17212.....

This statement (consisting of 2... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: *J. Sandham*..... (witness)

Date: 02/10/2021.....

I am Jade Sandham; an arrest trained Immigration Officer (warrant number 17212) of Home Office Immigration Enforcement, from South East ICE (Immigration Compliance & Enforcement). My current office of deployment is FRONTIER HOUSE, 7 SHORNCLIFFE ROAD, FOLKESTONE, KENT, CT20 2SH.

On Thursday 5th August 2021, a business visit was conducted by South East (Folkestone) Immigration Enforcement team, EV12-800,034 to Total Garage, Palmarsh Service Station, Dymchurch Road, Hythe, Kent, CT21 4ND. The purpose of the visit was to locate staff that were working in the UK illegally. Entry to the premises was gained under Section 179 of Licensing Act 2003. My role for the operation was "Cover 3", covering IO KINGSBURY with the responsibility of providing rear cover.

At 18:00 hours the team deployed to the target premises where myself and IO KINGSBURY provided rear cover at the property. 'Runner Runner' was called over the airwaves, OIC (Mentee) HALLS instructed over the airwaves that the property was empty and that no one was present or working at the target premises. Myself and IO KINGSBURY assisted looking for the subject who had absconded from the property, I walked down [REDACTED] and after a good look around the surrounding area, no subjects were apprehended.

1857 The target premises was closed and locked up securely, OIC (Mentee) HALLS stood me down, I left the premises and returned to the vehicles.

Signature: *J. Sandham*..... Signature witnessed by:

Continuation Sheet of:

All timings written in this statement are by my watch and may not correlate exactly with other officer's statements.

I made this statement at 15:45 hrs on 02/10/2021 from my recollection and notes from my personal pronto forms, EV12-800,034.....

J. Sandham :Signature

Signature witnessed by:

WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9

Statement of JUSTIN SIMPSON..... URN: [] [] [] []

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Immigration Officer

This statement (consisting of: two pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: J.Simpson..... Date: 5th August 2021

Tick if witness evidence is visually recorded [] (supply witness details on rear)

I am an Immigration Officer attached to the Home Office, Kent Arrest Team, Frontier House, Folkestone CT20 2SG. On THURSDAY 5th AUGUST 2021 I was on duty with officers HALLS, HUGHES, FISH, TUTTON, KINGSBURY, HICKS and SANDHAM.

At 18:00 hours we visited TOTAL GARAGE, PALMARSH SERVICE STATION, DYMCHURCH ROAD, HYTHE, KENT CT21 4ND under Section 179 of the Licensing Act 2003. As we approached across the forecourt we were passed by a male of Asian appearance carrying a milk carton. Along with FISH, HUGHES and HALLS I entered the garage to discover that there were no employees present. Shortly afterwards a personal radio message was received from TUTTON advising of 'runner.' Area search conducted by KINGSBURY, HALLS, SANDHAM and I in a liveried vehicle whilst HICKS and TUTTON were on foot. No persons matching the description of the male encountered on the forecourt were located. I then returned to the premise and went behind the counter to look for an emergency contact number to phone as there was no one present to serve customers. A female then approached the counter, personal details not made known to me, advising she had been sent by the owner. She could not work the till so provided me with a mobile contact number for a person I now know to be FARRIS SULTAN. I rang FARRIS primarily to advise that he had customers and no employees present to serve them. When asked as to where his employees were he immediately became verbally aggressive questioning why we were present and ultimately putting the phone down on me. A male then entered the premise and advised he had been sent by the owner to close the premise. I now know this male to be ANDREW QUINN who owned the adjoining business, MINTY's MOTORS. He took the money from the customer and then proceeded to close-up the premise. I provided containment whilst this was ongoing and left the premise at 18:40 hours.

Signature: Signature witnessed by:

At 19:06 hours I attended [REDACTED] as authorised by Chief Immigration Officer HILLIER, being a property linked to the commercial address. Present were HUGHES, HALLS and FISH. No reply to knock on the door by HUGHES. Premises left at 19:10 hours. No other incidents to report.

Signature: Signature witnessed by:

Signature: Signature witnessed by:

Witness contact details

URN: / / /

Name of witness:
 Home address: Postcode:.....
 Email address:..... Mobile:.....
 Home telephone number:..... Work telephone number:.....
 Preferred means of contact (*specify details for vulnerable/intimidated witnesses only*):.....
 Gender:..... Date and place of birth:.....
 Former name:..... Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY:

Witness care

- a) Is the witness willing to attend court? Yes No If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case*)
 Yes No If 'Yes', submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? Yes No If 'Yes', what are they? (*Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?*)

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet "Giving a witness statement to the Home Office..." Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA Yes No N/A
- g) **Child witness cases only.** I have had the provision regarding reporting restrictions explained to me. Yes No N/A
- I would like the CPS to apply for reporting restrictions on my behalf. Yes No N/A

I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court.

Signature of witness: PRINT NAME:

Signature of parent/guardian/appropriate adult: PRINT NAME:

Address and telephone number if different from above:.....

Statement taken by (*print name*): Station:

Time and place statement taken:

This report will be made public on 4 February 2022



Report Number **DCL/21/50**

To: Licensing Sub-Committee
Date: 14 February 2022
Status: Non-Executive Decision
Head of service: Ewan Green

SUBJECT: An application to Vary the Premises Licence in respect of: Sunshine Restaurant, 35-39 High Street, Hythe, Kent, CT21 5AD

SUMMARY: This report outlines the application made by Mr Demir 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 DCI/21/50.
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 From March 2016 there was a premises licence in place for 37-39 High Street as 'a family café/restaurant', the owner (Mr Halit Guner) then expanded the business to include 35-39.
- 1.3 The previous licence for 37-39 High Street permitted alcohol sales from 11:00 – 22:30 Monday – Sunday, with opening hours until 23:00. When the premises expanded to 35-39 High Street in August 2018, a new Premises Licence was granted for a 'family run restaurant serving food and drinks', with alcohol sales from 12:00 – 22:30 Monday – Sunday and opening hours until 23:00.
- 1.4 In December 2018 a Variation was submitted to extend the hours of alcohol sales on Friday and Saturday nights until 00:00 with opening hours until 00:30 and Late Night Refreshment until 00:00. The current licence permits Recorded Music until 22:30 on Friday and Saturday.
- 1.5 In June 2021 the Premises Licence was transferred to the current owner, Mr Ersin Demir. The current Premises Licence can be seen at Appendix 1.

2. APPLICATION

- 2.1 In December 2021 Mr Demir submitted an application to Vary the licence to extend the alcohol sales to 00:30 Friday and Saturday and opening hours until 01:00, Late Night Refreshment until 00:30 and Recorded Music until 00:30. The application to Vary the Premises Licence can be seen at Appendix 2.

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 |

Three representations from members of the public can be found at Appendix 3.

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. Current Licence

Appendix 2. Application to Vary a Premises Licence

Appendix 3. Representations

Premise Licence

Part A

Premises Licence Number: SHEP00721/18

Part 1 – Premise Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Sunshine Restaurant
35-39 High Street
Hythe
Kent
CT21 5AD

WHERE THE LICENCE IS TIME LIMITED THE DATES

START DATE: 14/09/2018 Minor Variation: 12/05/2020 Transfer: 29/06/21 VDPS: 01/07/21

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Premise Opening Hours
Alcohol On & Off Sales Only
Recorded Music
Live Music

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

| | Alcohol On & Off Sales Only | Recorded Music | Live Music | Late Night Refreshment |
|-----------|--------------------------------|-------------------|-------------|---------------------------|
| Monday | 12:00 22:30 | 12:00 22:30 | | 12:00 22:30 |
| Tuesday | 12:00 22:30 | 12:00 22:30 | | 12:00 22:30 |
| Wednesday | 12:00 22:30 | 12:00 22:30 | 19:00 22:00 | 12:00 22:30 |
| Thursday | 12:00 22:30 | 12:00 22:30 | | 12:00 22:30 |
| Friday | 12:00 00:00 | 12:00 22:30 | | 12:00 00:00 |
| Saturday | 12:00 00:00 | 12:00 22:30 | | 12:00 00:00 |
| Sunday | 12:00 22:30 | 12:00 22:00 | | 12:00 22:30 |

THE OPENING HOURS OF THE PREMISES (IF GIVEN)

| | |
|-----------|-------------|
| Monday | 12:00 23:00 |
| Tuesday | 12:00 23:00 |
| Wednesday | 12:00 23:00 |
| Thursday | 12:00 23:00 |
| Friday | 12:00 00:30 |
| Saturday | 12:00 00:30 |
| Sunday | 12:00 23:00 |

NON-STANDARD TIMES (IF ANY)

14TH February Valentine's Day - 12:00 00:30
24th December Christmas Eve - 12:00 01:30
31st December New Year's Eve - 12:00 01:30

WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

ON ONLY

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Ersin Demir
15 Laidlaw
Dymchurch Road
Hythe
Kent
CT21 6JZ

Telephone: 07949021230

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

N/A

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Ersin Demir

15 Laidlaw

Dymchurch Road

Hythe

Kent

CT21 6JZ

Telephone: 07949021230

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

PERSONAL LICENCE ISSUED BY: Folkestone & Hythe District Council

PERSONAL LICENCE NUMBER: FHDC1854

Annex 1- Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that no supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Licensing Conditions Order 2010

1.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.—(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Mandatory condition: exhibition of films

- (2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where-

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Mandatory condition: door supervision

- (1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
- (2) But nothing in subsection (1) requires such a condition to be imposed-
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to-
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section-
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 - Conditions Consistent with the Operating Schedule

General

As this is a family restaurant, the aim is to ensure that every person on the premises feels safe and under protection of experienced and skilled staff capable handling any problem which might arise.

Prevention of Crime and Disorder

CCTV will enable staff to see persons outside the premises to identify possible problems. No person will be allowed to enter the premises if they appear to be unruly, badly behaved or intoxicated. No persons will be served alcohol if they appear intoxicated or if the staff feel that they have drunk more than would be reasonable. The police will be notified if any person leaving the premises appears likely to cause an incident. ID will be requested if anyone is thought to be under the age of 25 (Challenge 25).

Public Safety

Staff will ensure that any spillage is cleared immediately and that passageways and exits are kept clear at all times. The main and emergency exits will be clearly marked. Staff are trained to operate fire extinguishers and, in this respect there are ample facilities to handle any fire in the kitchen area. Fire aid facilities are always readily available. There is ample lighting in the toilet areas and these areas are regularly checked to ensure they do not constitute any hazard.

Prevention Public Nuisance

No alcohol will be served where an intended purchaser appears intoxicated. Staff have instructions to contact the police immediately should any individual become aggressive, agitated, abusive or acting in a manner which they perceive as being unlawful or likely to cause an affray.

Protection of Children from Harm

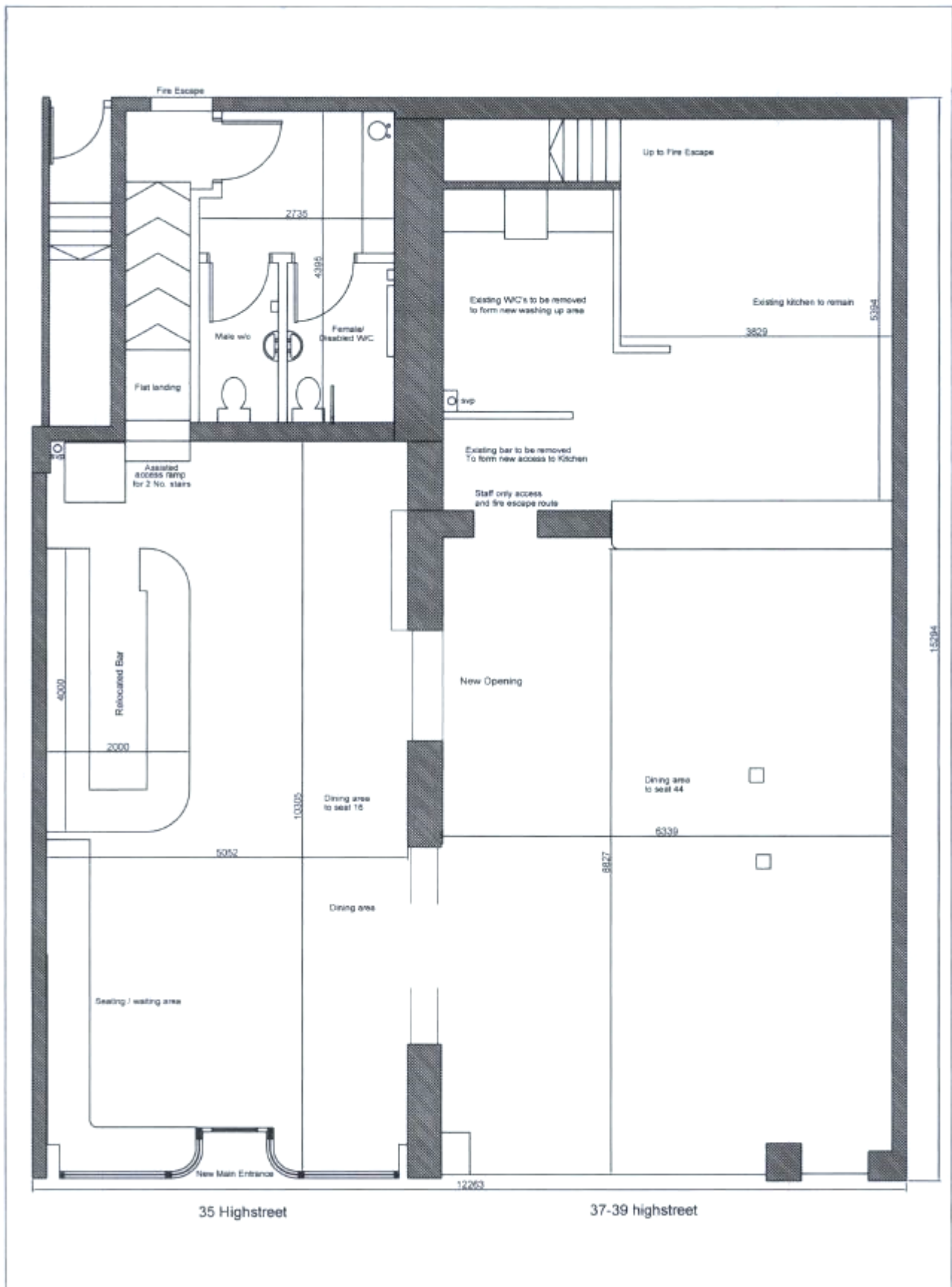
This is very much a family restaurant, the safety of children at all times is of prime concern. For this reason, Children under 12 years of age must be accompanied by an adult, no alcoholic drinks will be served to anybody under 18 years of age. Evidence of age will be required on request of any alcoholic drinks where the person concerned appears to be under 25 years of age. Challenge 25 posters will be on display. Special seating is available for younger children and absolute cleanliness is a strict rule of business.

Annex 3 - Conditions Attached after a Hearing by the Licensing Authority

N/A

Annex 4 - Plans

Date: 18/09/2018 / as at application date held on Licence



This page is intentionally left blank

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Ersin DEMIR

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

| |
|--|
| Premises licence number SHEP00721/18 |
|--|

Part 1 — Premises Details

| | | | |
|--|-------|----------|----------|
| Postal address of premises or, if none, ordnance survey map reference or description Sunshine Restaurant 35-39 High Street | | | |
| Post town | Hythe | Postcode | CT21 5AD |

| | |
|---|-------------|
| Telephone number at premises (if any) | 01303 48960 |
| Non-domestic rateable value of premises | £28250 |

Part 2 — Applicant details

| | | | |
|---|---|----------|----------|
| Daytime contact telephone number | 07949021230 | | |
| E-mail address (optional) | Ersin0502@ hotmail.com | | |
| Current postal address if different from premises address | 15 Laidlaw Dymchurch Road | | |
| Post town | Hythe | Postcode | CT21 6JZ |

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes

No

If not, from what date do you want the variation to take effect? DD MM YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

Through November and December 2021, the premises has explored opening times until 0100hrs on a Friday and Saturday night only. The events have given opportunity to explore regulated entertainment for customers choosing to remain on the premises later. As a result of this trial the application is to vary alcohol sales, recorded music and late-night refreshment timings with a terminal hour of 0030hrs on all activities on a Friday and Saturday only. Seasonal variations are to remain as per current licence. The change of hours to licensable activities consider planning conditions that the premises is closed to the public at 0100hrs.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F) **YES**
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I) **YES**

Sale by retail of alcohol (if ticking yes, fill in box J) **YES**

In all cases complete boxes K, L and M

A

| Plays Standard days and timings (please read guidance note 6) | | | Will the performance of a play take place indoors or outdoors or both — please tick (please guidance note 2) | |
|--|--|--|---|--------------------------|
| | | | Indoors | <input type="checkbox"/> |
| Day | | | Outdoors | <input type="checkbox"/> |
| | | | Both | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 3) | |
| | | | | |
| Tue | | | | |
| | | | | |
| Wed | | | State any seasonal variations for performing plays (please read guidance note 4) | |
| | | | | |
| Thur | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5) | |
| | | | | |
| Sat | | | | |
| Sun | | | | |
| | | | | |

B

| | | | | | | |
|--|--------------|---------------|---|--|-----------------|--------------------------|
| Films Standard days and timings (please read guidance note 6) | | | Will the exhibition of films take place indoors or outdoors or both — please tick (please read guidance note 2) | | Indoors | <input type="checkbox"/> |
| | | | | | Outdoors | <input type="checkbox"/> |
| Day | Start | Finish | | | | |
| Mon | | | Please give further details here (please read guidance note 3) | | | |
| Tue | | | | | | |
| Wed | | | State any seasonal variations for the exhibition of films (please read guidance note 4) | | | |
| Thur | | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5) | | | |
| Sat | | | | | | |
| Sun | | | | | | |

C

| Indoor sporting events Standard days and timings (please read guidance note 6) | | | <u>Please give further details (please read guidance note 3)</u> | |
|--|-------|--------|---|--|
| Day | Start | Finish | | |
| Mon | | | <u>State any seasonal variations for indoor sporting events (please read guidance note 4)</u> | |
| | | | | |
| Tue | | | | |
| | | | | |
| Wed | | | | <u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)</u> |
| | | | | |
| Thur | | | | |
| | | | | |
| Fri | | | | |
| | | | | |
| Sat | | | | |
| | | | | |
| Sun | | | | |
| | | | | |

D

| | | | | |
|--|--------------|---------------|---|--|
| Boxing or wrestling entertainments Standard days and timings (please read guidance note | | | Will the boxing or wrestling entertainment take place indoors or outdoors or both — please tick (please read guidance note 2) | Indoors <input type="checkbox"/> |
| | | | | Outdoors <input type="checkbox"/> |
| Day | Start | Finish | | Both <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 3) | |
| | | | | |
| Tue | | | | |
| | | | | |
| Wed | | | State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4) | |
| | | | | |
| Thur | | | | |
| | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) | |
| | | | | |
| Sat | | | | |
| | | | | |
| Sun | | | | |
| | | | | |

E

| | | | | | | |
|---|--|--|---|--|-----------------|--------------------------|
| Live music Standard days and timings (please read guidance note 6) | | | Will the performance of live music take place indoors or outdoors or both — please tick (please read guidance note 2) | | Indoors | <input type="checkbox"/> |
| | | | | | Outdoors | <input type="checkbox"/> |
| | | | | | Both | <input type="checkbox"/> |
| Day Start Finish | | | Please give further details here (please read guidance note 3) | | | |
| Mon | | | | | | |
| Tue | | | | | | |
| | | | | | | |
| Wed 19:00 22:00 | | | State any seasonal variations for the performance of live music (please read guidance note 4) | | | |
| Thur | | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) | | | |
| | | | | | | |
| Sat | | | | | | |
| | | | | | | |
| Sun | | | | | | |
| | | | | | | |

F

| Recorded music Standard days and timings (please read guidance note 6) | | | Will the playing of recorded music take place indoors or outdoors or both — please tick (please read guidance note 2) | |
|--|-------|-------|--|--------------------------|
| | | | Indoors | <input type="checkbox"/> |
| Day | | | Start | Finish |
| | | | Both | <input type="checkbox"/> |
| Mon | 12:00 | 22:30 | Please give further details here (please read guidance note 3) | |
| | | | | |
| Tue | 12:00 | 22:30 | | |
| | | | | |
| Wed | 12:00 | 22:30 | State any seasonal variations for the playing of recorded music (please read guidance note 4) | |
| | | | | |
| Thur | 12:00 | 22:30 | | |
| | | | | |
| Fri | 1200 | 0030 | Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) | |
| | | | | |
| Sat | 1200 | 0030 | | |
| | | | | |
| Sun | 12:00 | 22:00 | | |
| | | | | |

| Performances of dance Standard days and timings (please read guidance note) | | | Will the performance of dance take place indoors or outdoors or both - please tick | |
|--|-------|--------|---|--------------------------|
| | | | Indoors | <input type="checkbox"/> |
| | | | (please read guidance note 2) | |
| | | | Outdoors | <input type="checkbox"/> |
| Day | Start | Finish | Both | <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 3) | |
| | | | | |
| Tue | | | | |
| | | | | |
| Wed | | | State any seasonal variations for the performance of dance (please read guidance note 4) | |
| | | | | |
| Thur | | | | |
| | | | | |
| Fri | | | Non standard timincts. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5) | |
| | | | | |
| Sat | | | | |
| Sun | | | | |

H

| | | | | | |
|--|-------|--------|---|----------|--------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6) | | | Please give a description of the type of entertainment you will be providing | | |
| Day | Start | Finish | Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| Mon | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | | | Please give further details here (please read guidance note 3) | | |
| Wed | | | | | |
| Thur | | | State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4) | | |
| Fri | | | | | |
| Sat | | | Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Sun | | | | | |

| | | | | | | |
|--|-------|--------|--|--|----------|-------------------------------------|
| Late night refreshment Standard days and timings (please read guidance note 6) | | | Will the provision of late night refreshment take place indoors or outdoors or both — | | Indoors | <input checked="" type="checkbox"/> |
| | | | • lease tick (please read guidance note 2) | | Outdoors | <input type="checkbox"/> |
| | | | | | Both | <input checked="" type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | | |
| Mon | 12:00 | 22:30 | | | | |
| | | | | | | |
| Tue | 12:00 | 22:30 | | | | |
| | | | | | | |
| Wed | 12:00 | 22:30 | | | | |
| | | | State any seasonal variations for the provision of -late night refreshment (please read guidance note 4) | | | |
| Thur | 12:00 | 22:30 | | | | |
| | | | | | | |
| Fri | 2300 | 0030 | | | | |
| | | | Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) | | | |
| Sat | 2300 | 0030 | | | | |
| | | | | | | |
| Sun | 12:00 | 22:30 | | | | |
| | | | | | | |

J

| | | | | | |
|---|--------------|---------------|---|-------------------------|------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption – please tick (please read guidance note 7) | On the premises | <input type="checkbox"/> |
| | | | | Off the premises | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> Yes |
| Day | Start | Finish | State any seasonal variations for the supply of alcohol (please read guidance note 4) | | |
| Mon | 12:00 | 22:30 | | | |
| Tue | 12:00 | 22:30 | | | |
| Wed | 12:00 | 22:30 | | | |
| Thur | 12:00 | 22:30 | | | |
| Fri | 1000 | 0030 | | | |
| Sat | 1000 | 0030 | | | |
| Sun | 12:00 | 22:30 | Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) | | |

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

| | | | |
|---|-------|--------|--|
| Hours premises are open to the public Standard days and timings (please read guidance note 6) | | | State any seasonal variations (please read guidance note 4) |
| Day | Start | Finish | |
| Mon | 12:00 | 23:00 | |
| | | | |
| Tue | 12:00 | 23:00 | |
| | | | |
| Wed | 12:00 | 23:00 | |
| | | | |
| Thur | 12:00 | 23:00 | |
| | | | |
| Fri | 1200 | 0100 | |
| | | | |
| Sat | 1200 | 0100 | |
| | | | |
| Sun | 12:00 | 23:00 | |
| | | | |

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking_

lease tick as appropriate

- I have enclosed the premises licence
- 1 have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General — all four licensing objectives (b, c, d and e) (please read guidance note 9)

The conditions attached the current premises licence are suitable for later opening and do not require amendment. With the increased opening times the premises will employ trained door supervision.

b) The prevention of crime and disorder

During the provision of `DJ' recorded music there will be a minimum of 1 SIA accredited door supervisor on a Friday and Saturday between 2200 and close. Premises will display `Ask Angela' posters in the toilets and staff will be trained surrounding safeguarding in relation to this

)Public safety

The prevention of public nuisance

Doors will remain closed at all times recorded music is played on the premises..
The premises will externally monitor levels of noise to ensure levels do not cause a nuisance to neighbours.
Customers are not allowed to consume any drinks (alcohol or soft drinks) immediately outside the premises.
Customers smoking outside will be monitored and encouraged not to congregate or loiter and return inside the premises.

a) The protection of children from harm

| |
|--|
| |
|--|

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE-ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 - Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

| | |
|-----------|---|
| Signature |  |
| Date | 15/12/2021 |
| Capacity | Premises Owner |

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

| | |
|---|------------------|
| Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13) | |
| | |
| Post town | Post code |
| Telephone number (if any) | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) | |

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially-the premises to which it relates.-If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these-off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the-premises-to be used for the -activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may -give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf-provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Representations

Representation 1

Dear Licensing Team

I would like to object to the proposed variation (PR202201-73903) to the premises Licence for the Sunshine Restaurant, 35-39 High Street, Hythe, Kent, CT21 5AD

We live in a cottage just behind the Sunshine Restaurant. We have already experienced the noise of the music from the restaurant after midnight as they were playing loud music after midnight in the few weeks running up to Christmas (we weren't here at Xmas or the New Year).

I imagine when the building was refurbished as a restaurant, little or no consideration was given to mitigating any sound pollution if it were an entertainment venue but the restaurant appears to be changing the nature of its business, for at least some days of the week, from a restaurant to a late night entertainment venue/club.

You can easily hear the music in our main bedroom and it is difficult to sleep when the music is playing. The restaurant has a very loud kitchen extractor fan at the rear of the building and the music can be heard & felt above the noise of the extractor fan. The base notes from the music are easily felt in our living room and bedrooms.

The extension to the opening times and the extension for the playing of music will cause annoyance and disrupt the sleep of near-by neighbours who already have to endure the loud noise & smell from the restaurant's extraction fan. The late night toing & froing of people & cars in the high street and lane by our house plus the sound and bass notes from the music after 10:30pm to after midnight will be happening when people are quite reasonably expecting to be able to sleep. An entertainment venue that is playing loud music needs to be sited further away from neighbouring residents so the noise and disruption doesn't annoy their neighbours. The centre of Hythe is built on a medieval street plan. The buildings are tightly packed and so residents & businesses need to take into account the tightly packed nature of the building on and around the High Street. A restaurant in the High Street is a reasonable business to expect, though it would be kinder if their extraction fan was a little quieter and a little more efficient at clearing the smell from the kitchens, but it isn't right that they morph themselves into an entertainment venue/club in such a location.

Robin Harlow

Representation 2

As residents of Three Posts Lane, Hythe we oppose the above application.

We are often disturbed late at night in our bed by the rowdy behaviour of diners as they leave the Sunshine Restaurant.

Extending their closing time, and consequently such behaviour, into the small hours of the morning would be most unwelcome and should not be allowed.

Yours sincerely,

Neil PORTER

Sally PORTER

Representation 3

I am a neighbour close to the restaurant. I have made numerous complaints regarding the noise from the customers staff and the music. There are frequent physical fights which I have reported to the police, one of which involved two of the staff members punching each other close to my front door. Heavy dance music is already played until late and the types of customers this already attracts is concerning for a lovely town like Hythe. Marijuana is smoked outside, customers who are drunk regularly urinate outside my door and they use the alleyway to smoke. It's out of control already and extending the hours is completely shocking to me. It's a restaurant and it acts as a club and brings intimidating people causing trouble. Fighting and screaming arguments are a regular occurrence which always wakes my family. I have seen and heard violence from the customers who hang around outside on the street or outside my door to smoke. I strongly hope the hours are not extended. It's very tough for us all as it is. All the neighbours are constantly worried and complaining as it is. It's very unfair, it's meant to be a restaurant not a nightclub.

There has also been parents turning up shouting at the staff many times, one of which was hitting the staff saying the staff got their underage child drunk and take them home or they try to be intimate with them in the toilet after getting them drunk giving them free drinks. There is a bouncer at the door due to the trouble that occurs. My neighbours are too intimidated to say anything. The staff at the sunshine restaurant and the cafe opposite are a huge family and are all men working together. I can't tell you how many times music of heavy drum and bass are still playing at 2 in the morning. It attracts a lot of people from out of Hythe who fight as well. They advertise their disco nights on Facebook and it's a lovely restaurant, I can't believe they now basically use it as a club. I have called the police out so many times. The restrictions on music and alcohol currently in place aren't stuck to as it is. It's very distressing as it happens midweek as well as weekends. I don't know how my

neighbours who live directly above the restaurant have coped. Everyone constantly worries about the violence but a lot of people don't like to speak up. I have also complained to the council regarding the noise on the website many times before.

I really don't want to move as I love where I live however I'm worried it's going to get even more out of control come summer time as that's when it's worse.

This page is intentionally left blank

Folkestone and Hythe District Council

**Licensing Sub-Committee
14 February 2022**

Declarations of Lobbying

Members of the Licensing Sub-Committee are asked to indicate if they have been lobbied or not, and if so, how they have been (i.e., letter, telephone call, etc.) in respect of the applications below:

| Application No. | Type of lobbying |
|------------------------|-------------------------|
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

SIGNED:

When completed, please return this form to the Committee Administrator at the meeting.

This page is intentionally left blank