

Licensing Sub-Committee

Held at:	Council Chamber - Civic Centre Folkestone
Date	Monday, 14 November 2022
Present	Councillors Gary Fuller, Mrs Jennifer Hollingsbee and David Wimble
Apologies for Absence	
Officers Present:	John Bickel (Licensing Specialist), Tim Hixon (Legal Specialist), Sue Lewis (Case Officer (Committee)) and Briony Williamson (Licensing Specialist) Rhys Hughes (Legal Trainee)
Others Present:	The Pullman application – Mr James Bicker, applicant and Mr Ben Cuthbert, Trend Business Consultants Martello Pub application - Mr Farmer, applicant and Mrs L O'Hare, local resident

39. **Election of Chairman for the meeting**

Proposed by Councillor David Wimble
Seconded by Councillor Gary Fuller and

Resolved: Councillor Mrs Jenny Hollingsbee be appointed as Chairman for the meeting.

40. **Declarations of interest**

There were no declarations of interest.

41. **An application to Vary the Premises Licence in respect of: The Pullman, 7-9 Church Street, Folkestone, Kent, CT20 1SE**

The report outlines the application made by The Pullman to Vary the existing Premises Licence for this premises.

The decision for the Licensing Sub-Committee is whether to grant the application to vary the premises licence for The Pullman, 7-9 Church Street, Folkestone, pursuant to the Licensing Act 2003.

- To remove the condition requiring external areas at the premises to close at 22.00
- To reduce the opening hours at the premises until 00:00 on Fridays and Saturdays.
- To reduce the hours for on and off sales of alcohol to 23:30 on Fridays and Saturdays.
- To reduce the hours for the provision live music, recorded music, facilities for dancing and late refreshment until 00:00 on Fridays and Saturdays.

In determining the application the Sub-Committee has carefully considered and given the appropriate weight to the evidence before it today including:-

- (i) The report presented by Licensing Specialist Briony Williamson;
- (ii) The representations received;
- (iii) The submissions made by the applicant.

The Council's Environmental Health Officer informed that they had objected on the grounds of public noise nuisance following the receipt of a complaint in August this year. The area is mixed residential with amenities nearby but did confirm that the issues of noise increased only on a Friday and Saturday evening. No further complaints had been received.

Mr James Bicker, applicant, together with Mr Ben Cuthbert, Trend Business Consultants informed the sub committee that they would be happy to compromise on the variation to 11 o'clock. The premises is predominantly for food. They had received one complaint in 8 years, which is due to the premises being run correctly. They have a robust noise policy and close sections of the garden as the evening progresses.

Following questions they informed that the smoking area is just outside the backdoor and although inside staff cannot see the garden area they do clear the garden every 10-15 minutes, any issues of drunkenness are dealt with swiftly.

Proposed by Councillor Mrs Jenny Hollingsbee
Seconded by Councillor David Wimble and

Resolved:

Having considered all the evidence the Sub-Committee has taken the decision to grant the application with the following amendments:

The external areas to the premises must close by 23:00 on Mondays to Saturdays and by 22:00 on Sundays.

All other elements of the application to be granted as applied for.

The Sub-Committee gave their reasons for its decision.

Reason: The Sub-Committee is satisfied that by allowing the external areas premises to open later and to vary the opening hours at the premises will not undermine any of the four licensing objectives.

(Voting: For 3; Against 0; Abstentions 0)

42. **An application to Vary the Premises Licence in respect of: Martello Pub, Beach Bank, Dymchurch Road, Hythe, Kent, CT20 1SE**

This report outlines the application made by Beach Bank Caravan Park to Vary the existing Premises Licence for this premises.

The decision for the Licensing Sub-Committee is whether to grant the application to vary the premises licence for the Martello Pub, Dymchurch Road, Hythe, pursuant to the Licensing Act 2003.

The variations applied for are:

- To extend the premises opening hours until 23:30 on Monday to Thursday, until 00:30 on Friday and Saturday and until 23:00 on Sunday.
- to extend the hours for the on-sale supply of alcohol until 00:00 on Friday and Saturday
- to extend the hours for recorded music to be played between 23:00 to 00:00 on Friday and Saturday.

In determining the application the Sub-Committee has carefully considered and given the appropriate weight to the evidence before it today including:-

- (iv) The report presented by Licensing Specialist Briony Williamson;
- (v) The representations received;
- (vi) The submission made by the applicant.

Mrs Lesley O'Hare, local resident spoke on the application informing that she had no objection to the business but did feel the music was far too loud and could be heard at her residence. She did not object to the music, as such, but did not feel an extension to the licence was necessary and therefore should not be extended.

Mr Farmer, applicant informed the sub-committee that he had not had any complaints in the 31 years of trading and although he acknowledged that music might be heard from new properties recently built nearby he felt the road noise was worse. He has used the premises for various charity events and DJ's. He wants the premises to be in line with local pubs.

The Council's Environmental Health officer confirmed that following discussions with Mr Farmer he would be happy to install a noise limiter and allow officers to set the volume limit if the application is granted.

Proposed by Councillor Mrs Jenny Hollingbee
Seconded by Councillor Gary Fuller and

Resolved:

Having considered all the evidence the Sub-Committee has taken the decision to grant the application to vary the premises licence in accordance with the application subject to the following conditions being added to the licence:

Conditions:

To install and maintain at the premises sound limiting technology as approved by the Environmental Health Department of Folkestone and Hythe District Council.

- 1. To ensure external doors and windows are closed while live and recorded music is playing.**
- 2. No live or recorded music to be played outside.**

The Sub-Committee gave their reasons for its decision.

Reason: The Sub-Committee is satisfied that the variations to the permitted opening hours, the on-sale supply of alcohol and to the playing of recorded music do not serve to undermine any of the four licensing objectives. The conditions imposed to the licence promote the licensing objective of preventing public nuisance.

(Voting: For 3; Against 0; Abstentions 0)