

Minutes

Licensing Sub-Committee

Held at:	Council Chamber - Civic Centre Folkestone
Date	Thursday, 12 January 2023
Present	Councillors Gary Fuller, Mrs Jennifer Hollingsbee and Jim Martin
Apologies for Absence	Councillors Philip Martin and David Wimble
Officers Present:	John Bickel (Licensing Specialist), James Clapson (Case Officer (Committee)), Rhys Hughes (Legal Trainee), Mr Alastair De Lacey (Legal Specialist) and Briony Williamson (Licensing Specialist)

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

Proposed by Councillor Jim Martin
Seconded by Councillor Gary Fuller and

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

44. **Declarations of interest**

There were no declarations of interest.

45. **Declarations of lobbying**

There were no declarations of lobbying.

46. **An application for a Premises Licence in respect of: The Nook, 43 Tontine Street, Folkestone**

The report outlines the application made by Mr James Canter for a Premises Licence for this premises.

The decision for the Licensing Sub-Committee was whether to grant the application for a premises licence for The Nook, 43 Tontine Street, Folkestone, CT20 1JT, pursuant to the Licensing Act 2003.

The application, updated following the receipt a supporting statement from the applicant that removed live music and DJ events from the application (statement attached to the minutes), comprised of the following elements:

- Opening Hours – Monday-Friday 09.00 – 23.00 Saturday and Sunday 10.00-23.00 (23:30 on bank holidays)
- Supply of alcohol On Sales – Monday-Sunday 09.00 – 22.30 (23:00 on bank holidays)

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

- (i) The report presented by Licensing Specialist Briony Williamson;
- (ii) The representation received from the member of the public
- (iii) The submissions made by the applicant.

The Sub-Committee focussed on:

- (i) The provisions of the Licensing Act 2003 and promotion of the four licensing objectives;
- (ii) The guidance issued by the Secretary of State under s.182 of the Licensing Act 2003;
- (iii) The Council's Statement of Licensing Policy.

During consideration of the application it was noted that the Environmental Health representation had been withdrawn.

Proposed by Councillor Mrs Jenny Hollingsbee
Seconded by Councillor David Jim Martin and

Resolved:

The Sub-Committee has taken the decision to grant the application.

The Sub-Committee gave their reasons for its decision.

Reason: The Sub-Committee is satisfied that granting the licence does not undermine any of the four licensing objectives.

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

47. Exclusion of the public

Proposed by Councillor Jenny Hollingsbee
Seconded by Councillor Jim Martin and

Resolved:

To exclude the public for the following item of business on the grounds that it is likely to disclose exempt information, as defined in paragraph 2 of Part 1 of Schedule 12A to the Local Government Act 1972 –

‘Information which is likely to reveal the identity of an individual.’

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

48. Review of whether a licence should be granted to a new Private Hire driver

The report considers whether a licence should be granted to a new Private Hire driver considering that he has relevant convictions on his DBS.

The decision for the Licensing Sub-Committee is whether to grant the applicant a private hire drivers’ licence in accordance with the power conferred on it under Part 2 of the Local Government (Miscellaneous Provisions) Act 1976.

The safeguarding of the public is paramount in determining this application. The committee must be satisfied on the balance of probabilities that the applicant is a fit and proper person to be granted a private hire driver’s licence.

In determining the application the Sub-Committee has given due regard to the Council’s Hackney Carriage and Private Hire Licensing policy, the guidance produced by both the Institute of Licensing and the Local Government Association and the statutory guidance issued by the Department of Transport.

The Sub-Committee has considered:

- (i) The report presented by Licensing Specialist Briony Williamson;
- (ii) The submissions made by the applicant and Miss Kuljit Lally.

The applicant’s criminal record has been considered and the time passed since his convictions taken into account. The Sub-Committee has heard from the applicant as to the circumstances leading to his recent convictions in 2022.

Proposed by Councillor Jenny Hollingbee
Seconded by Councillor Gary Fuller and

Resolved:

Having considered all the evidence presented at the hearing, and having considered this application on its own merits, the Sub-Committee has determined that the applicant is a ‘fit and proper person’ within the scope of the statutory provisions and the application is therefore granted.

No conditions have been imposed.

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

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Supporting Statement from applicant, James Canter.

Please see below and thank you once again for popping in today, very kind!

I would like to go ahead with my license application. However, I am willing to amend my original proposal to simply sell alcohol during the licensable hours in my application. This means I am willing to remove the component of live music/DJ events as this seems to be the only objection to my application. The primary purpose of the application was to sell alcohol (mainly in our regular opening hours). The addition of live music/DJs was to try to adapt around these very challenging times e.g. recession and cost of living crisis. Thank you for considering my application.

Kind regards,
James Canter

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